Panel Meeting on Smuggling of Human Beings

10-11 June 2014
Vilnius, Lithuania

EXECUTIVE SUMMARY

The Eastern Partnership (EaP) Panel on Migration and Asylum Panel meeting on smuggling of human beings was held in Vilnius on 10-11 June 2014. The meeting was organized jointly by Lithuania and Belarus, and gathered experts from all the EaP countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) as well as from Bulgaria, the Czech Republic, Denmark, Hungary, Latvia, Lithuania, Malta, and Portugal.

Representatives of the European Asylum Support Office (EASO), the United Nations Office on Drugs and Crime (UNODC), FRONTEX, EUROPOL, the EU Border Assistance Mission to Moldova and Ukraine (EUBAM), the Platform for International Cooperation on Undocumented Migrants (PICUM), La Strada Belarus, International Center for Migration Policy Development (ICMPD), European Commission (EC), the Swedish Migration Board (SMB) and the International Organization for Migration (IOM) were also a part of the discussion.

The Panel meeting was opened by the co-hosts, Lithuania and Belarus, as well as the EC. The first session was dedicated to an overview of the international legal framework featuring smuggling, introduced by the EC and UNODC, as well as the aspects and trends of smuggling in practice, presented by the IOM, FRONTEX and Lithuania.

The second session spotlighted operational responses to human smuggling with presentations by EUROPOL on the support provided to the EU MS in combatting criminal networks and by EUBAM on preventive activities to smuggling of human beings along the Moldova-Ukraine border. ICMPD elaborated on the knowledge-base of human smuggling and strategies adopted by states. The session was followed by a study visit to a Lithuania-Belarus border check point.

The third session covered the humanitarian aspects of human smuggling and opened with an EASO presentation on the identification of vulnerable groups and mixed migration flows. PICUM continued with a presentation on ensuring access to human rights for smuggled persons, while La Strada added on the linkages between smuggling and trafficking. The fourth session touched upon innovative measures in national responses to smuggling based on the examples of Poland and Belarus.

During the final session, the Panel discussed further plans and events as well as the work programme for 2015 and the panel website. The meeting was summarized and closed by Lithuania, Belarus and the EC.
Welcome and Opening

Chair: European Commission

Mr. Tomas Žilinskas, Public Security Policy Department, Ministry of Interior of Lithuania, opened the Panel meeting welcoming the participants and speakers and expressing his gratitude to Belarus for co-hosting the meeting. He emphasized that smuggling of human beings is a high-priority issue for Lithuania considering its geographical location on the external EU borders.

Mr. Dmitriy Tsayun, Division on Drug Control and Fight against Trafficking of Human Beings of the Criminal Police, Ministry of Internal Affairs of Belarus, thanked for the invitation to co-host the Panel meeting and confirmed that smuggling is one of the common challenges for Belarus and Lithuania, since persons are often smuggled to Lithuania through Belarus.

Mr. Rob Rozenburg, European Commission, welcomed everyone at the 6th Panel Meeting and stressed the important developments in the relations between EU and its Eastern Partners after the Vilnius summit, namely the establishment of a visa-free regime with Moldova, the transition to the second phase of the visa liberalization plan with Ukraine, the progress of the visa dialogue with Georgia and consultations with Armenia, Azerbaijan and Belarus. He also noted that although easy travel can be beneficial, it might imply certain risks, and smuggling is one of them.

Session I. Global Overview

Facilitator: Mr. Rob Rozenburg, European Commission

Ms. Simona Ar dovino, European Commission, presented an overview of the EU framework for combating human smuggling. The issue concerns all EU borders and is a multidimensional phenomenon incorporating aspects of migration, border management, security and humanitarian; it is not only a matter of diplomatic relations, but also of improvement of poor socio-economic conditions in the countries of origin. Although specific EU legislation on smuggling is in place since 2002, it addresses the problem only from the point of view of combating irregular migration. After the series of tragedies in Lampedusa the Task Force Mediterranean was created in 2013 in order to fight human trafficking, smuggling and organized crime. Currently the EC is tasked with the development of a comprehensive response to human smuggling, which will incorporate a proper legal framework (EU plan, revision of the EU acquis) and practical cooperation (strengthening EUROPOL, FRONTEX, EASO activities). Please see the presentation “Migrant Smuggling: the EU Framework”

Ms. Silke Albert, United Nations Office on Drugs and Crime (UNODC), described the UNODC approach towards prevention of migrant smuggling according to the UN Convention against Transnational Organized Crime and the Protocol against Smuggling of Migrants by Land, Sea and Air. Currently 138 countries around the globe are parties to said Protocol, which makes it a global instrument addressing smuggling. Prevention of human smuggling is not possible without cooperation and strong response at national, regional and international levels. However, responses to smuggling should not be limited to border strengthening activities but also consider the root causes of smuggling (such as socio-economic conditions in the countries of origin, and poverty and underdevelopment). Cooperation in the field of prevention should include comprehensive information exchange, capacity building activities and awareness raising campaigns. Please see the presentation “Preventing Smuggling of Migrants”

Ms. Marina Schramm, International Organization for Migration (IOM) Mission in Ukraine, delivered a presentation of the discussion paper, prepared prior to the meeting based on the questionnaires disseminated among the participating countries. A total of 20 countries provided their input. The presentation and discussion touched upon international and national policies and practices in terms of responses to smuggling that are in place in the EU MS and EaP countries, focusing on common
challenges and opportunities. **Azerbaijan** mentioned the introduction of a new article to the Criminal Code which targets the facilitation of irregular border crossing. The **Czech Republic** described their protection oriented approach towards smuggled persons when investigating a smuggling case. Smuggled migrants are not prosecuted and in case they cooperate with law-enforcement authorities, they are protected from expulsion and may apply for a residence permit. **Portugal** added that such a possibility is foreseen in Portugal as well. **Georgia** highlighted that they have several efficient cooperation mechanisms in place that facilitate the investigation of cross-border and international crimes.

*More information is available in the discussion paper.*

**Mr. Jussi Wacklin**, FRONTEX, elaborated on the external border operations in Europe and cooperation with third countries, focusing mainly on the risk analysis activities and joint cooperation. Covering 28 EU MS and 3 Schengen Associated Countries in their risk analysis, FRONTEX reports on over 150 different nationalities moving across Europe. The strategic analysis incorporates a network-based approach, uses common system of indicators and definitions and produces relevant reports based on regular data collection. The joint operational activities that are carried out, with FRONTEX support, usually involve several countries, may cover air, land and sea borders depending on the migration needs to be addressed. Recently, such activities were mainly focused on the Mediterranean area. One of the main advantages of joint operational activities is their flexibility in terms of timely response to changing conditions. *Please see the presentation “FRONTEX Operational Activities and Cooperation with Third Countries”*

**Discussion**

**Azerbaijan** inquired about the possibility of extending the FRONTEX activities to the South Caucasus and the agency confirmed that increased cooperation within the risk analysis networks would be an important development. **The Czech Republic** noted the effectiveness of joint patrolling operations in Greece, Bulgaria and Turkey.

**Mr. Vaidas Čypas**, State Border Guard Service of Lithuania, continued with a presentation of the routes and modus operandi of criminal networks that have been observed over the last years. Lithuania is one of the EU MS where the border guard unit plays a very important role, as it has 1000 km of EU external borders. The most challenging are the green borders, although the border guards noticed a recent decrease in irregular border crossings. The top nationalities in terms of irregular border crossings in 2014 are Belarus, the Russia Federation, Kirgizstan, Georgia, Vietnam and Kazakhstan. Over the last year 17 facilitators of irregular border crossing originating from Vietnam and Pakistan were apprehended. Migrants pay up to 10.000 USD to be smuggled through Lithuania to Poland. *Please see the presentation “Situation at the Border. Routes and Modus Operandi of (Criminal) Networks of Human Smugglers”*

**Discussion**

**Azerbaijan** inquired about the measures applied to the smuggled migrants during investigation of a detected smuggling case and **Lithuania** replied that in their practice some of the smuggled persons apply for asylum, while others apply for residence permit. **Lithuania** also added that the communication with the Belarusian side is mainly built on personal contacts and trust, although formal agreements exist as well. **Belarus** underlined good contacts and intense cooperation at the operational and ministerial levels, and expressed willingness for signing formal cooperation agreements with other EU MS. The **EC** mentioned potential challenges of the operational level communication (operational arrangements, sensitivity of the information, etc.) and **Belarus** replied that engagement of liaison officers into the process is a very efficient tool.

**Session II. Responses to Human Smuggling**

Facilitator: Mr. Maksim Afanasjev, Lithuania
Mr. Theo den Haan, EUROPOL, Project illegal Immigration, Serious and Organized Crime Department, elaborated on the EUROPOL support to the EU MS in the field of combatting criminal networks of human smugglers. The main current challenge for the EU MS is the Mediterranean boat route as well as mixed migration flows. Various routes are used for human smuggling and in many cases smuggled persons are exposed to kidnapping, violence, torture and exploitation. On average 600-1000 EUR are paid by migrants for a sea journey from Africa to Europe with no guarantees of safety. Often criminal networks are engaged in smuggling and the money involved in smuggling “business” is estimated to be around 2 million EUR annually. EUROPOL implements a number of joint support operations, which include cooperation with different EU MS in their fight against smuggling. Please see the presentation “Combatting Criminal Networks of Human Smugglers”

Mr. Piotr Bartoszek, EU Border Assistance Mission to Moldova and Ukraine (EUBAM), presented the preventive activities of EUBAM in combating irregular migration. The Mission provides support on the operational level and in terms of capacity building but does not have executive powers as such. The current challenges include mixed migration flows from CIS, Turkey, Asia and Africa to the EU through Ukraine and Moldova, as well as Moldovan citizens travelling legally to Ukraine and then irregularly to the EU. EUBAM promotes cooperation at the international, the inter-agency and the intra-agency level, involving national agencies and supporting parties (international agencies, liaison officers, customs and border agencies from the 18 EU MS represented in EUBAM) in the field of operational information exchange, approximation with EU standards, joint border control operations and other operational support. Please see the presentation “EUBAM Support to UA/MD Partner Services in Preventing and Combatting Illegal Migration and THB”

Discussion

Ukraine expressed its deep satisfaction with the EUBAM activities, especially considering the political situation in the country. Moldova highlighted the importance of cooperation with EUBAM in terms of information exchange, investigation and joint operation activities.

Ms. Jana Zacios, International Center for Migration Policy Development (ICMPD), reported on the knowledge-base of human smuggling and strategies adopted by states. Although human smuggling and trafficking can be interlinked, they should be addressed differently. National responses to smuggling should consider whether the state is a country of origin or country of destination. For the source countries, information campaigns on risks of irregular migration should be implemented and legal ways of migration should be facilitated. At the same time, for the countries of origin and transit border protection measures, anticorruption measures and inland detection of irregular migrants should be used. International cooperation proved to be very effective in counteracting to smuggling of migrants by criminal groups, though smuggling is not always organized by the criminal groups. Please see the presentation “Knowledge-Base on Human Smuggling and Strategies Adopted by States”

Study Visit to Lithuania-Belarus Border Check Point

The first day of the meeting ended with a study visit to a border check point “Kena” at the Lithuania-Belarus border. The participants had an opportunity to follow step by step the inspection of trains that pass the border. The trains transiting Lithuania to reach the Russian Kaliningrad Oblast proceed through border and customs control, including radiation measurement and x-ray to identify cases of smuggling.

The trains are observed through a video surveillance system placed along the transit area and tracked with a GPS system whilst transiting Lithuania, in order to control their speed and be able to promptly react to unjustified stops. In case of suspicious activity at the border area a special patrol is sent to that precise part of the train route.
Following this, the participants were taken to the border check point operating mainly for local border traffic to see a part of the external EU land border. The border security measures along the Lithuania-Belarus border were demonstrated by the border guards.

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Session III. Humanitarian Aspects of Human Smuggling
Facilitator: Mr. Gintaras Valiulis, Lithuania

Mr. François Bienfait, European Asylum Support Office (EASO), focused on the identification of vulnerable groups within mixed migration flows and especially the necessity to safeguard the right to asylum. In the context of mixed migration, specific attention should be paid to persons in need of international protection with particular vulnerabilities or special procedural and/or reception needs. Proper profiling and timely identification of such vulnerable persons among those being smuggled can be challenging, but it is essential to ensure that adequate support and protection can be given. The EASO provides permanent, special, emergency, information and analysis support of the EU MS in the field of asylum, including profiling in the context of mixed migration through specific programmes and joint trainings, developing practical tools on identification of vulnerable persons. Please see the presentation “Identification of Vulnerable Groups/Mixed Migration Flows: Safeguarding the Right to Asylum”

Mr. Franck Duvell, Platform for International Cooperation on Undocumented Migrants (PICUM), delivered a presentation on the human-rights aspects in the context of human smuggling. The main determinant of human smuggling is the lack of legal migration channels for certain migrants and refugees (few visas for low-skilled, strict visas for family members and few resettlement programmes) which force migrants to accept the often abusive terms of contract-like relationships offered by smugglers. The less financial means a migrant can afford, the higher the risks the smugglers will expose them to. Such risks do not only include losing money, but also family members, freedom, well-being, physical integrity and life, and thus a protection gap is emerging. Prevention and protection should consider suppressing smuggling, diminishing the root causes, opening more legal migration channels, launching information campaigns, decriminalization of humanitarian assistance, offering opportunities for reporting crimes. Please see the presentation “Humanitarian Aspects of Human Smuggling: Ensuring Protection of Human Rights”

Discussion
Hungary asked whether there is any proofs showing that opening of more legal migration channels can decrease irregular migration. PICUM replied comparing the EU and US immigration systems. Whilst the US has stricter immigration regulations than the EU, irregular migration is ten times higher in the US than in the EU. The EC mentioned the current review of the EU legislation on smuggling that will increasingly take the financial dimension and implications of migration into account.

Ms. Galina Tjurina, La Strada Belarus, underlined the linkages between smuggling of human beings and trafficking. Human trafficking and smuggling are sometimes confused in media and social perception, while the two can still be interlinked in practice. The two phenomena are addressed differently in international and national legislations, calling for different approaches in prosecution and punishment. However, clear differentiation of smuggling and trafficking is in practice not always easy and the main indicators for distinction lie in the elements of trans-nationality, exploitation, and consent. Protection of human rights, effective cooperation, common standards and information campaigns are key elements of a successful combating of human smuggling. Please see the presentation “Differences and Linkages between Smuggling and Trafficking of Human Beings” (in Russian)
Session IV. Innovative Measures in National Practices
Facilitator: Mr. Vladimir Emelyanov, Belarus

Mr. Jarosław Sordyl, Headquarters of the Polish Border Guard, shared the Polish experience in counteracting smuggling of human beings. Poland used to be a transit country in terms of smuggling, but currently it is more and more used as destination country and as "door" to the EU. One of the recent modus operandi used by smugglers is to use pretense transit flight through the EU to a third country and try to enter the EU whilst in transit. At the same time, the extreme flexibility makes the identification of clear modus operandi difficult. Since the response to smuggling cannot be effective if it is fought only locally or regionally, the Polish Border Guard intensifies its international cooperation within different initiatives and frameworks (FRONTEX, EROPOL, Joint Investigation Teams). Please see the presentation “Polish Border Guard”

Mr. Vladimir Emelyanov, Division on Drug Control and Fight against Trafficking of Human Beings of the Criminal Police, Ministry of Internal Affairs of Belarus, continued with presenting a selection of detected cases of smuggling. Belarus is a transit country in terms of smuggling and country of origin and transit in terms of trafficking. There is a state programme on counteracting human trafficking and irregular migration. Smuggling schemes are usually built around misuse of visas obtained for studying in Belarus (India, Pakistan, Sri-Lanka, Nigeria), establishment of fake employment agencies (Turkey, Syria, Lebanon) and use of Ice Hockey Championship for transiting through Belarus to the EU. During 2010-2013, 71 persons were arrested for smuggling of human beings, majority of whom are Belarusian nationals. Please see the presentation “Combatting Human Smuggling in Belarus” (in Russian)

Ms. Borbala Szigeti, European Commission, summarized the meeting, highlighting the complexity of the phenomenon of smuggling, being both a crime and a migration issue, and thus requiring a multi-policy approach. Considering this, the aim of the Panel meeting was to provide a forum for exchange of different perspectives, information and practices used to address smuggling of human beings.

General Panel Business and Closure
Chair: European Commission

Ms. Olga Kulebyakina, International Organization for Migration (IOM) Mission in Ukraine, presented updated version of the Panel website (www.eapmigrationpanel.org) and stressed that all Panel and expert meetings’ materials will be uploaded on the website from now on.

Mr. Erik Reho, Swedish Migration Board, thanked hosts and co-hosts for organization of the Panel meeting and mentioned that participants can contribute their suggestions and comments as per meeting organization directly to him.

Mr. Rob Rozenburg, European Commission, spotlighted that the forthcoming Panel events in 2014: the Panel meeting on labour migration, co-hosted by Ukraine and Poland, and expert workshop on asylum procedures, co-hosted by the Netherlands and Georgia. He also indicated that the Panel work programme for 2014 will be discussed and adopted at the next Panel meeting and encouraged all stakeholders to provide their suggestions regarding the topics for the following year.

Ukraine underlined its readiness to host the meeting on labour migration in Kyiv in late October – November and announced soon dissemination of the concept paper. Georgia declared that the State Commission on Migration will be in charge of organization of the workshop on asylum procedures. Azerbaijan expressed their interest in the topic of irregular migrant detection as one of the issues to be included in the work programme for 2015.
Closure of the Panel Meeting

Mr. Gintaras Valiulis, Public Security Policy Department, Ministry of Interior of Lithuania, thanked organizers and participants for the fruitful Panel meeting, highlighting importance of personal, institutional and international cooperation for effective combatting smuggling of human beings.

Mr. Dmitriy Tsayun, Division on Drug Control and Fight against Trafficking of Human Beings of the Criminal Police, Ministry of Internal Affairs of Belarus, underscored productivity of the meeting and value of the Panel activities for Belarus.

Mr. Rob Rozenburg, European Commission, expressed gratitude to the hosts, participants and stakeholders of the meeting and marked Belarus success as a first time co-host of the Panel meeting.

All presentations mentioned in this report, as well as the materials related to the meeting, can be found at the Panel website www.eapmigrationpanel.org