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Effective measures to prevent and counter the smuggling of migrants, while protecting the rights of smuggled migrants, particularly women and children, and those of unaccompanied migrant children

Chair,

I have the honour to speak on behalf of the European Union and its Member States. The following countries align themselves with this statement: [Turkey[§], the Republic of North Macedonia*, Montenegro*, Serbia*, Albania*, Bosnia and Herzegovina*, Iceland⁺, Liechtenstein⁺, Norway⁺, Ukraine, the Republic of Moldova, Armenia, Azerbaijan, Georgia, Andorra and San Marino].

The European Union and its Member States remain committed to preventing and combatting the smuggling of migrants, while protecting the rights of smuggled migrants, particularly women and children, and those of unaccompanied migrant children. This cross-border criminal activity poses a common challenge that requires international cooperation and coordination as well as effective border management.

Since the start of the COVID-19 pandemic, the smuggling of migrants towards and within the EU has continued. As in the field of trafficking in human being, criminal networks have shown a high degree of adaptability and use different routes, modi operandi and strategies, including a wide variety of facilitation services covering the unauthorised entry, transit and residence in the EU. This exacerbates the vulnerable situation of migrants and it may also undermine the effectiveness of migration management systems.

The enjoyment of human rights of migrants is often gravely violated through abuse and exploitation by criminals, including sexual and gender-based violence, theft,

[§] Candidate Country

* Candidate Countries the Republic of North Macedonia, Montenegro, Serbia and Albania as well as potential Candidate Country Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

⁺ Iceland, Liechtenstein and Norway are members of the EFTA and of the European Economic Area.

kidnapping for ransom, robbery, extortion and trafficking in human beings. Unaccompanied children are particularly exposed to exploitation, violence and abuse, while women and girls are likely to suffer sexual and gender-based violence *en route*. We need to provide migrants with humane treatment and full protection of their human rights along the migratory routes. We need to provide smuggled migrants who are victims of crimes with effective access to justice.

The New Pact on Migration and Asylum proposed by the European Commission and the EU Security Union Strategy of 2020 both underline the importance of preventing and addressing migrant smuggling, as a key element of humanitarian and migration management.

Working with partner countries includes support to reduce the incentives to embark on dangerous journeys, by providing protection to those in need, addressing the root causes of irregular migration, creating job opportunities and promoting decent work, legal migration and safe legal pathways to Europe in accordance with national competences and communicating these measures through targeted information campaigns. This will contribute to avoiding the loss of life of people during perilous journeys, whether on land or at sea.

The European Commission presented on 29 September 2021 a renewed EU action plan against migrant smuggling for the period 2021-2025. The main pillars of the EU action plan are: (1) reinforced cooperation with partner countries and international organisations; (2) sanctioning migrant smugglers and preventing the exploitation of migrants; (3) reinforcing cooperation and supporting the work of law enforcement and of the judiciary; and (4) increased knowledge base.

The EU action plan underlines the need to prevent the exploitation of migrants, in line with EU strategies on victim's rights, combatting trafficking in human beings, and the rights of the child. It stresses that the protection of fundamental rights in police and judicial proceedings needs to be ensured, with specific attention for cases where migrants become victims of trafficking.

We consider essential to prevent the separation of families during migratory journeys and develop search mechanisms for missing family members. Upon arrival on EU territory, people with special needs and vulnerability should be identified as a priority and referred to adequate support by appropriate entities. To prevent migrant smuggling and trafficking of human beings within the EU, asylum authorities and other relevant EU Member State authorities are encouraged to increase their monitoring activities within and around reception centres. Information regarding the risks of smuggling are provided to asylum seekers and other migrants.

The EU action plan stresses also that similar to much of the serious and organised crime in the EU, the widespread use of social media and digital tools generates an

increased volume of online criminal content and enables all stages of migrant smuggling, sometimes offering greater profitability sometimes offering greater profitability at lower risk to the perpetrators. To face this challenge, the European Union needs a coordinated action with the support of Europol and Frontex.

In order to strengthen cooperation with partner countries, and in addition to the political dialogues such as Khartoum and Niamey processes, the renewed EU action plan proposes to develop dedicated and tailor-made anti-smuggling operational partnerships with countries or regions along migratory routes towards the EU. These will be part of the EU's broader migration partnerships. Actions will aim at strengthening legal, policy, operational and strategic frameworks in partner countries and aim to increase the impact, ownership and sustainability of efforts to address migrant smuggling. Such partnerships will be based on the United Nations (UN) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, and be implemented in close cooperation with EU Member States, EU agencies and international organisations. The civilian and military missions in partner countries under the EU Common Security and Defence Policy contribute to this cooperation.

With regard to the enhanced prevention of migrant smuggling and assistance to vulnerable migrants, the European Commission as well as Member States launched information and awareness raising campaigns in key partner countries, to inform potential migrants about the risks of smuggling and irregular migration and to counter the narrative of smugglers. Campaigns were launched in the Western Balkans, Africa, and Asia. Based on the information gained during past campaigns, the European Commission is developing a toolkit with good practices and recommendations on the research and design of campaigns, their delivery and working methods. For example, an information and awareness raising campaign was conducted in Niger in 2019-2020 to promote informed decision making on migration. It consisted of direct community engagement through one-to-one migration counselling and larger scale community events, as well as online and media outreach.

Finally, we remain deeply concerned by the instrumentalisation of migrants for political purposes. The recently observed phenomenon of facilitation of irregular migration by State actors, using migratory flows as a political tool, is highly worrying. The EU is using all the operational, legal, diplomatic and financial tools at its disposal to respond to this phenomenon while also developing new tools as necessary.

Thank you, Chair.