A SILK ROUTES PARTNERSHIP FOR MIGRATION

BUDAPEST PROCESS

Budapest Process

Thematic Meeting on dismantling of smuggling networks: international cooperation and investigations | Hosted by Bulgaria

Dates: 1-2 June 2021, 10:00 – 12:30

Location: held virtually

Report

1. Expert-level representatives were invited to attend the sessions and this included law enforcement officials, as well as practitioners and investigators, including frontline responders. The Thematic Meeting gathered up to **95 participants from 31 countries** – Afghanistan, Albania, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Georgia, Hungary, Iraq, Italy, Lithuania, Netherlands, Norway, Pakistan, Poland, Portugal, Romania, Serbia, Spain, Sweden, Switzerland, Turkey, and Ukraine, as well as the European External Action Service (EEAS), European Commission, European Union Agency for Law Enforcement Cooperation (Europol), European Border and Coast Guard Agency (Frontex), International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), Regional Support Office of the Bali Process, United Nations Office on Drugs and Crime (UNODC).

2. Meeting background and objectives:

States requested a meeting on the topic of smuggling networks as part of the Implementation Plan of the Call for Action related to Priority Goal 1. Indeed, understanding smugglers' modus operandi across regions, and identifying up-to-date information on trends are a priority for an intergovernmental dialogue like the Budapest Process.

The objective of the two-day thematic meeting was to:

- Understand the opportunities to detect and investigate and prosecute smuggling networks within BP countries and;
- Understand and implement good practices in national investigations as well as cross-border investigation. This includes understanding the challenges and gaps in cooperation.

3. The meeting was opened by the Ministry of Interior of Bulgaria, which is also the Chair of the Black Sea Region Working group. Subsequently, **opening statements** were given by the Chair of the Budapest Process, Turkey; Co-Chair of the Budapest Process, Hungary; the European Commission; and the Secretariat of the Budapest Process, International Centre for Migration Policy Development (ICMPD). The meeting was held under Chatham House Rule.

4. This thematic meeting comprised of two interrelated sessions – Session 1 offered the chance for presenters to discuss the gaps and opportunities for cooperation present in current regional cooperation approaches. Whereas Session 2 delved into national perspectives on how to strengthen cross-border cooperation on investigations and prosecution.

As a result of the interventions and discussions over the two days, the following **recommendations** emerged:

- **Cooperation**
  - **Implementing a Whole-of-the-Route approach in combating migrant smuggling is essential.** Coordination and collaboration at all levels between the competent authorities, as well as **well functioning and fast communication channels (especially an online messaging system)** for the effective dismantling of smuggling networks is important.
  - **Prioritise interventions and cooperation** as there are limited resources, whether budget, expertise or time. Efforts therefore need to be geared towards dismantling networks with a long-term perspective in mind and aiming at dismantling all formations of the groups in different countries. Transnational organised crime groups require **transnational approaches with simultaneous efforts initiated across jurisdictions. These can enable faster reaction to local elements of transnational networks.**
  - Well established **migration partnership frameworks** and forums should be sustained and made full use of.

- **Prevention**
  - **Reach migrants at the onset as well as throughout their journey** to inform them on the risks related to smuggling through awareness raising campaigns. The migrants should also be made aware of the increasing violent nature of certain smuggling groups.
  - **Capacity building and training of law enforcement are crucial**. Focus should be placed on **gender specific training and leadership of female law enforcement** especially when it comes to reaching out to women and to vulnerable groups on the move.
  - It is important to **understand cultural diversity** in approaching investigation of smugglers as there may be different perceptions of smugglers among the public and law enforcement in different countries.
  - **Non-traditional methods of smuggling should be examined,** such as by private jets, yachts and other methods used by wealthier clients of smugglers. Privately chartered aircraft and boats do not have to use international airports and ports to enter or leave countries, thus avoiding or potentially avoiding sophisticated or properly equipped border management infrastructure.
  - **Smugglers are not deterred by environmental conditions, such as Covid-19**, and will exploit the consequences of a national response to these situations, (for example reduction in border management control/response leading to porous borders or capitalising on health provisions offered by another country).

- **Investigation**
  - **Recover and examine digital evidence from the onset of investigations** and for this, **specially trained officers (especially language and digital experts) and preventive strategies are essential**. Where agencies do not have the resources or capacity to undertake this themselves, private companies specialised in this type of investigation can be an option. It is important to take stock of what worked well so that this can be repeated. **Parallel financial investigations are good practice** to complement the investigation.

- It is important to **make good use of cutting-edge technological tools** such as UFED – 'Universal Forensic Extraction Device' to extract both physical and logical data from mobile devices. Recovery of digital evidence needs to be a priority for investigators and prosecutors in order to quickly acquire strategic data such as routes, journeys made and times to better understand smuggling methodology.
- **Given that less than 5% of criminal profit is recovered[1], more focus should be given to Financial Investigations** which can identify illicit money flows and provide a platform for profit confiscation and asset seizure. Legislation and trained personnel need to be in place to ensure parallel financial investigations. **Cooperation with the private sector will enhance investigations into money flows.**
- **Crypto currency should be recognised as an emerging threat and there should be deeper investigations of Hawala networks and similar underground banking systems.** To this end, law enforcement officers will need to be trained in how to crack down on digital forums and financial flows.
- **Migrant interviews** are important for gathering updated intelligence at the onset of an investigation. Enhanced efforts by trained personnel are needed in that regard to ensure **timely debriefing of migrants.**
- **Properly resourced and dedicated, multi-disciplinary counter smuggling units, including inter-cultural interpreters**, are fundamental to an effective national response in combating Smuggling of Migrants.

➢ **Prosecution**

- **Need to focus more on intercepting the higher level organisers of smuggling**. It is important to identify the whole structure of the network and to establish an understanding of organisational identity in order to determine where to find the prosecutable evidence regarding the top-level leadership.
- **It is useful to use PNR information as a means for prevention as well as prosecution** of smugglers. When using PNR data, critical details emerge like payment, contact and other information. A good PNR database can also be used for intelligence-based targeting by keeping a track of potential smugglers by studying their behaviour and using the data for judicial proceedings.
- **Cooperation between the prosecutor and the investigator is fundamental**. **Transnational legal frameworks will also need to be streamlined in order to prosecute smuggling networks** – currently, some investigations are terminated due to jurisdictional constraints.

5. Action points and way forward:

The Budapest Process participants agreed to setting up a **Community of Practice of Law Enforcement Practitioners (CoP-LEP)** to have a forum to exchange good practices and lessons learned by specific stakeholders. The CoP-LEP would tangibly contribute to achieving progress towards Action Points 1, 2, and 4 in our Priority Goal 1, as the forum would help to strengthen intra- and inter-national coordination by increasing law enforcement cooperation. Law enforcement agencies and practitioners from the BP regions recognise the important role of informal yet structured exchanges and interactions among themselves on irregular

[1] www.transcrime.it/wp-content/uploads/2015/03/OCP-Full-Report.pdf

migration issues, and can have the shared vision regarding potentials and possible formats for the evolving cooperation

The CoP-LEP would also aid in establishing flexible and swift channels to exchange information, experience and know-how between countries of destination, transit and origin, something that is still lacking at the moment.

The Secretariat will lead in facilitating the establishment of this forum in the near future.

As another step, the Budapest Process will use the recently set-up Reference Group structure to continue following up on the listed recommendations and suggesting further activities, whether ad-hoc training or meetings to cooperate further. The Reference Group provides a red thread between meetings and opportunities for deepened engagement for the dialogue, whereby capacity-building initiatives, development of guidelines or standards in a specific area, new activities and projects, further research and subsequent publications as well as webinars can be set-up.