



European Union

Fifth informal thematic session on

Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims

for the UN Global Compact for Safe, Orderly and Regular Migration

(4-5 September 2017, Vienna)

Statement by

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- CHECK AGAINST DELIVERY -

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EU Statement

Panel 1: Smuggling of migrants

Chair, I have the honor to speak on behalf of the EU and its MS.

Chair, this thematic session focuses on the smuggling of migrants: a criminal act under international law, as enshrined in the so-called "Palermo Protocols supplementing the 2000 United Nations Convention against Transnational Organized Crime (UNTOC Convention). In this respect, first of all, we must reaffirm the standards and principles set out in the UNTOC Convention and its supplementing Protocols and encourage all non-signatory countries to become parties to these instruments, to develop, implement and enforce legislation in compliance with them. At the same time, the importance of international monitoring to ensure adherence to international standards and compliance with international human rights law should be acknowledged.

Preventing and combatting the smuggling of migrants remains one of the priorities of the EU comprehensive approach to migration. The smuggling of migrants is a multi-faceted phenomenon, influenced by a combination of socio-economic, security and political factors in countries of origin, transit and destination, and the continued activities of criminal networks fuel irregular migration flows. The only way to tackle this complex form of crime is by addressing it in all its forms, through a comprehensive and multidisciplinary approach, that brings together all actors concerned.

To this end, we must promote strategies which address the many facets of migrant smuggling, including tackling corruption, disrupting organised criminal networks, tracking and seizing illicit financial transactions and assets, detecting fraudulent identity and travel documents and dismantling supply chains which facilitate it. We call on States to develop a holistic approach to implement and enforce these strategies. In this respect, we are already building on the underlying measures of the EU Council Conclusions on migrant smuggling of 10 March 2016 and the first EU Action Plan against migrant smuggling 2015-2020 of 27 May 2015.

Disrupting the business model of smuggling networks requires involvement all relevant national and local authorities, coordinated law enforcement, migration, judicial and security structures as well as private and civil society actors. Cooperation with international and regional partners in this area is essential. In this context, we reaffirm the priority of enhancing information and intelligence sharing to ensure more effective risk analysis, as well as cross-border investigations and prosecutions of smugglers. In order to effectively manage illegal border crossings, we should highlight the importance of improved border management, sustainable and effective return, readmission and reintegration policies, consistent with the international human rights law, the principle of non-refoulement as established by the 1951 Refugee Convention and the prohibition of collective expulsion and conducted with due process.

In this regard, we also acknowledge the contribution of civilian and/or military missions, such as those undertaken by the EU, through their activities, notably those focused on information sharing with judicial authorities, law enforcement agencies and/or military actors across the board, as well as those comprising advising and training.

In this respect, we reaffirm our commitment to continue supporting enhanced investigation and prosecution of migrant smuggling within the EU and in cooperation with third countries, while securing the safety of smuggled migrants, particularly the shared responsibility to render assistance to those in distress at sea, which is an obligation under international law.

The EU has already taken steps to strengthen cooperation with third countries, as set out in the EU Action Plan Against Migrant Smuggling and re-affirmed by the EU Migration Partnership Framework; the EU is actively committed in particular to building capacities of the countries mostly concerned, including through providing training and equipment to third countries' relevant authorities and law enforcement in order to support integrated sea and land border management, and enhance joint judicial investigations and prosecutions, also through improving data collection, analysis and exchange; this allows complementing and reflecting externally the efforts we have already undertaken within the EU to increase and improve data exchange among its Member States, by setting up, in particular, an evidence-based data collection system in Eurostat as well as a network of single national contact points on migrant smuggling, that ultimately aim to enhance EU cooperation and response to migrant smuggling.

In conclusion, countering the smuggling of migrants can only be sustainable and effective if complemented by measures to "facilitate orderly, safe, regular and responsible migration and mobility of people", as set out in the 2030 Agenda, and by addressing comprehensively the root causes of irregular migration in countries of origin and transit – causes of humanitarian, developmental and socio-economic character – in order to create the conditions for preventing and reducing the demand for smugglers' services.

Panel 2: Trafficking in persons and contemporary forms of slavery

EU and its MS welcome that the current session is looking into trafficking in human beings, which is as a violation of human rights and a serious form of transnational organised crime, as well as a threat to human security, the rule of law, socioeconomic development and to fair economic competition, including in the context of migration.

In this respect, first of all, we reaffirm the standards and principles set out in the UNTOC Convention and its supplementing Protocols, as well as in the Rome Statute of the International Criminal Court, as the primary international legal instruments to combat trafficking in human beings, and encourage all non-signatory countries to become parties to these instruments, to develop, implement and enforce legislation in compliance with them. In this regard, we should take into consideration and implement the United Nations Global Plan of Action to Combat Trafficking in Persons. We actively contribute to the work towards the Appraisal of the UN Global Plan of Action against Trafficking in Human Beings and look forward to the High Level Meeting in New York at the end of September.

We also note the role of UNODC as guardian of the UNTOC Convention and its Protocols, as well as its work in cooperation with other relevant international organisations or agencies to assist the UN Member States in the full and effective implementation of the Convention.

When fighting against trafficking in human beings, we should also take into account and implement the Convention on the Elimination of all Forms of Discrimination Against Women; the Beijing Declaration and Platform for Action and its follow-up documents; the targets of the 2030 Agenda for Sustainable Development relevant to preventing and combating trafficking in human beings; the International Labour Organization Conventions on Forced Labour and the additional Protocol thereto and other international instruments, thus contributing to ensuring strong foundations for the rule of law.

Moreover, we need to promote cooperation with relevant partners, in particular between countries of origin, transit and destination as well as to ensure that policies, programmes, monitoring and other measures established to prevent trafficking in human beings include the appropriate cooperation with relevant civil society organizations active in this field.

Effective implementation of the relevant legislation at national level is key in the fight against trafficking in human beings. Therefore, we need to promote the adoption and implementation of national legislation to criminalize trafficking in human beings as a specific offence. We have to pursue effective law enforcement, both against criminal networks and against breaches of the regulations which protect workers against exploitative employment practices, in order to disrupt the business model of trafficking, by promoting a comprehensive approach and cooperation of law enforcement, judiciary authorities, civil society and all other relevant stakeholders in this context.

In this regard, we also must encourage prosecution against and counter the culture of impunity for perpetrators of violations and abuse against victims of trafficking through enhanced use of all available investigative tools and techniques to identify, indict and bring them to justice in line with international law. The EU supports national authorities in their efforts to enhance prosecutions and investigations of trafficking cases through relevant EU Agencies, including in providing expertise and operational support in the implementation of the hotspots approach.

We reaffirm our commitment to continue working in this direction, ensuring we reinvigorate efforts to prevent trafficking, but also prosecute and bring to justice the perpetrators. In this respect, action is needed towards curtailing demand for all forms of exploitation, including sexual exploitation, in both the legal and illegal economies, resulting in a complex interplay between supply and demand that must be addressed if the crime is to be eradicated.

The EU has set forth a comprehensive framework to address trafficking in human beings anchored in the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and the EU Strategy towards the eradication of trafficking in human beings. This framework is focused on victims and is human rights based, gender specific and child sensitive. The EU engages with global partners in promoting international standards. The EU remains the world's largest donor of aid and finances many projects promoting anti-trafficking action across the world.

Panel 3: Appropriate identification, protection, and assistance to migrants and trafficking victims

EU and its MS welcome that the current session is specifically devoted to the identification, protection and assistance to smuggled migrants and victims of trafficking in human beings. The EU will actively work to ensure that human rights are mainstreamed through the Global Compact on Migration as a whole.

In the context of migration, people's vulnerabilities are exacerbated and exploited by criminal networks involved in trafficking in human beings and smuggling of migrants. It is imperative, thus, that we approach the issue not only by ensuring that the rights of victims of trafficking and smuggled migrants are upheld, in line with obligations under international law, but also that we enhance prevention, including by countering the culture of impunity, bringing perpetrators to justice. To this end, it is of outmost importance to promote enhanced bilateral and regional cooperation.

Trafficking is a violation of human rights, and conceptual clarity is crucial to ensure we cater for the needs of the victims. Traffickers are exploiting the migration routes to traffic their victims targeting the most vulnerable, in particular women and children, and identification remains challenging in mixed migration flows. In this regard, we must promote non-discriminatory access to child protection, to prevent child trafficking, and adopt a targeted approach in all actions against trafficking, integrating a gender perspective into migration policies, and calling for strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in human beings and discrimination against women and girls.

We need to continue promoting efforts of all relevant actors for early identification of victims of trafficking, to ensure the realization of their rights to appropriate assistance, protection and support, taking into account the particular vulnerabilities of women and children, especially unaccompanied children and those separated from their families. The EU has developed key instruments and tools, such as Guidelines for the identification of victims of trafficking in human beings, the Overview of EU rights of victims of trafficking in human beings, the Handbook on Guardianship systems for children deprived of parental care, with a specific focus on child victims of trafficking, the comparative research on Identification of victims of trafficking in human beings in international protection and forced return procedures.

At the same time, we need to address the widespread phenomenon of missing migrant children, especially unaccompanied children, and encourage efforts to increase the understanding of the factors making individual migrants vulnerable to trafficking and aim to address those vulnerabilities before they are exploited, including by promoting labour rights for all workers, including migrant workers. Moreover, further efforts are needed to curtail demand for all forms of exploitation, including sexual exploitation, in both the legal and illegal economies, resulting in a complex interplay between supply and demand that must be addressed if the crime is to be eradicated.

Among others, we must promote capacity building at regional and national level and encourage the development of national and regional strategies on integrated border management, including through operational co-operation, joint training, information campaigns and the exchange of best practices. We also must recognise the importance of addressing the challenge of the availability of relevant evidence-based, disaggregated data on trafficking in human beings and smuggling of migrants and data-sharing in this regard.

Further efforts should be made to prevent prospective migrants from engaging with migrant smuggling networks and from embarking on the hazardous journeys. In this regard, it is of outmost importance to encourage and support all relevant stakeholders, including national and local governments, international and regional organizations, civil society and the private sector, to increase migrants' and potential migrants' awareness of these dangers, including through the involvement of diaspora communities in transit and destination countries.

We reaffirm the duty to save lives and the shared responsibility to render assistance to persons, including smuggled migrants in distress at sea, which is an obligation under international law. We must ensure that adequate attention is paid to smuggled migrants, in transit as well as on reception, especially to those that

may be particularly vulnerable such as children, women at risk and persons with disabilities, in line with international law to shield them from the smugglers services and provide assistance, if necessary.

At the same time, work should be carried out to support enhanced reception and reintegration assistance for those who return voluntarily, including individualised risk assessment for victims of trafficking, in view of providing for durable solutions, in line with obligations under international human rights law, in compliance with the principle of non-refoulement as established by the 1951 Refugee Convention and the best interests of the child, and with due process.

Panel 4: Summary panel

The current migration flows, exacerbated by the criminal activities of migrant smugglers are a major global challenge. Further, criminal networks involved in trafficking in human beings are exploiting the migration routes to traffic their victims, targeting the most vulnerable, in particular women and children. The EU and its MS welcome that this fifth preparatory thematic session was devoted to examine actions taken and gaps in responses to smuggling of migrants and to address trafficking in human beings.

The outcome and conclusions of today's consultation will inform our further discussions towards the elaboration of the Global Compact for Safe, Orderly and Regular Migration. We recognize the need to promote enhanced bilateral and regional cooperation with relevant partners, including both public authorities and civil society actors, in particular between countries of origin, transit and destination, on preventing smuggling of migrants and addressing trafficking in human beings, as well as on prosecuting smugglers and traffickers. We need to work towards improved data collection and enhanced international cooperation to this end.

We also need to recognize that smuggling of migrants, often facilitated by organised crime networks, can further exacerbate the drivers of migration and foster irregular migration, by exploiting in particular migrants in vulnerable situations in host as well as transit communities, violating their human rights and putting at risk their lives and health. In this context, the EU recognises the importance to combat smuggling of migrants as well as to promote, as appropriate, measures to protect migrants, regardless of their migratory status, from violence from smugglers. We reaffirm that trafficking in human beings is a violation of human rights and highlight the need to improve identification and ensure appropriate, gender specific and child sensitive assistance and support to victims of trafficking, as well as the importance of encouraging prosecution of perpetrators and enhance prevention, including curtailing demand for all forms of exploitation.

We reaffirm our full commitment to continue and reinforce our work in this direction, further enhancing international cooperation and working towards an effective global response.