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A shared European approach to address migrant smuggling

Motion for a resolution
tabled by Lord Simon RUSSELL and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Migrant smuggling has featured high on the policy agenda, in particular since the adoption of the 2000 Palermo Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention against Transnational Organized Crime, which 43 Council of Europe member States have signed. Unauthorised border crossing is posing increasing challenges for States to ensure efficient border management and security control while abiding by their human rights obligations vis-à-vis migrants, including people in need of international protection.

In a context of international criminality profiting from people on the move, the 4th Summit of Heads of State and Government of the Council of Europe recalled, in May 2023, the importance of tackling migrant smuggling. As a result, the European Committee on Crime Problems (CDPC) was mandated to assess the need and feasibility of possible instruments which may "improve international co-operation in fighting the smuggling of migrants, whereby considering also human rights aspects linked to the protection of and assistance to victims of smuggling."

In parallel, in November 2023, the European Commission proposed to recast the EU legislation on facilitating access to unauthorised border crossing and entry into the European Union. Alongside human rights defenders and academics, the EU Data Protection Supervisor and the UN Special Rapporteur on the Rights of Migrants have warned against the undue criminalisation of civil society actors and migrants themselves which may result from the implementation of the draft legislation as currently proposed.

At a time when multilateralism and shared human rights values should be enhanced to face global challenges, inter-governmental co-ordination according to harmonised standards is paramount. The Parliamentary Assembly should assess the proposed EU legislation against the applicable international human rights norms and make recommendations with a view to supporting the work undertaken by the CDPC.

Signed (see overleaf)

Signed[1]*:*

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