

United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ)

Thematic session “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”

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Thank you for giving me the opportunity to be a panelist in today's thematic discussion, which once again focuses on a phenomenon that has affected all countries in Europe in recent years.

Due to its geographical location Bulgaria stands across the road of illegal migration and is a transit country along the Eastern Mediterranean route. It is our responsibility to ensure the security of the EU's most sensitive external border, but also to prevent secondary migration flows to Western Europe and to effectively combat illegal migration and related crime, in particular smuggling and human trafficking.

From the outset of the migration crisis following the conflict in Syria, decisive steps have been made for strengthening border security, which has become a permanent European priority. Thanks to the rapid redistribution of resources and technical support from national and European funds, we have managed to considerably reduce the pressure in a short period of time and continue to successfully perform this task.

Nevertheless, despite the relatively calm situation today, we remain vigilant. We are constantly monitoring developments and are ready to respond to any signs of renewed pressure or to the emergence of new routes.

In this context, the timely exchange of information and well-coordinated actions are crucial. We maintain excellent cooperation with all our neighbouring countries. There are refugee camps in Turkey and Greece that exceed their capacity many times. As of February 2021, there were more than 4.5 million foreigners in Turkey, 3.6 million of whom sought international protection, mostly from Syria.

We are also observing a change in the nature of flows - those fleeing the conflict have been

replaced by economic migrants, and that will not change until the situation in the countries of origin improves. Along with the humanitarian and economic dimensions of this phenomenon, it has been established that from the very beginning organized criminal groups have engaged in criminal activities - mostly in human trafficking and smuggling of migrants.

Police co-operation on a bilateral, European and multilateral basis has been able to respond and, in an extremely short period of time, to establish working mechanisms to address these challenges. A key factor in this regard is prevention, both at national and international levels as well as deepening the partnerships among countries of origin, transit and destination.

Furthermore, the developments showed that effective and targeted measures are needed to develop ways for legal migration and successful integration, protection and management of borders, as well as effective prosecution and conviction of smugglers and traffickers of human beings. Bulgaria attaches great importance to the implementation of international and European standards for countering and preventing human trafficking, including by building necessary administrative capacity to combat this type of criminal activity. Our country is involved in projects funded by the European Commission, including the Silk Road project, involving Austria, Bulgaria, Hungary and Interpol, which aim at addressing the problem of smuggling of migrants by means of enhanced police co-operation between EU Member States and third countries such as Afghanistan, Pakistan, Iran and Turkey.

Another good example is the project on Fighting Migrant Smuggling that pursues to establish Common Operational Partnerships in Europe with third countries. This project has been implemented with an active participation of Germany, Bulgaria, France and Turkey.

Today, Bulgaria is among the 5 Member States of Europol that give the largest contribution in terms of information related to investigations on human trafficking, as well as among the 10 EU Member States with the biggest number of new cases on human trafficking. Our country is taking an active part in large-scale operations led by Europol and Interpol. We are also trying to be active in all priority areas of the European Multidisciplinary Platform Against Criminal Threats (EMPACT).

As already emphasized, cooperation with third countries is crucial for the investigation of

smuggling of migrants. In this regard, the Directorate General for the Fight against Organized Crime participates in the Western Balkans Task Force (TFWB), part of the EMRAST Operational Action Plan, which includes representatives of all law enforcement agencies from the countries in the Western Balkans. The created professional network of experts, which is available 24 hours per day, provides a good opportunity for real-time exchange of information. The early warning system that has been put in place delivered good results in preventing this type of crime as well as the movement of large numbers of migrants to the EU countries. The group exchanges operational information and identifies high-priority targets, conducting a number of joint investigations.

Bulgaria successfully develops and implements prevention campaigns, identifying victims of human trafficking and providing protection and support. Some of the most effective tools to this end are the exchange of information on a national and international level, training and manuals for crime detection and early identification of victims, the implementation of additional social services relevant to their needs. The activities are carried out in a joint and coordinated manner by all institutions working with migrants in the field. The established National Mechanism for Referral and Assistance to Victims of Trafficking provides a broad framework for cooperation between state institutions and non-governmental organizations. Crisis centers for victims of human trafficking have been established in the country. Fourteen of them are aimed for children and eight for adults, victims of violence. The National Commission for Combating Trafficking in Human Beings has opened 8 specialized services for victims of human trafficking: 5 residential services (shelters for temporary accommodation, for subsequent reintegration and crisis center for children) and two counseling services.

The Border Police is the structure that meets migrants on the first line. On a daily basis, all border police officers receive information on the situation at the border and comply with the provisions of the Handbook on Fundamental Human Rights, developed by the FRONTEX Agency. Information on how to apply for protection at the border is posted in visible and publicly accessible places in the area of each border crossing point.

At the height of the migratory pressure, the General Directorate of Border Police turned to the UNHCR, the Bulgarian Helsinki Committee, the State Agency for Refugees in Bulgaria, the

Bulgarian Red Cross and international and non-governmental organizations for assistance in providing interpreters and food for those in need. These organizations monitor the situation at all borders regarding the protection of migrants' rights, compliance with border procedures (including the principle of non-refoulement), and conditions of detention and accommodation.

The UN High Commissioner for Refugees, the UN, the BHC and others have permanent and unrestricted access to the accommodation facilities for detainees for 24-hour police detention at the border. Access is granted without prior permission or conditions in terms of time, frequency, duration or circumstances related to detainees. The UN High Commissioner for Refugees conducts regular trainings for border police officers on the topic: “Access to territory and proceedings for granting protection in the Republic of Bulgaria. Identification and communication with vulnerable people“.

The guarantee for the observance of these principles is the presence of the guest employees of Frontex Agency, who are present during all procedures related to the illegal migrants. Additional guarantees are provided by the integrated border surveillance system with 24 -hour video recording.

With regard to families, women and unaccompanied children in the refugee flows, the border police have cooperated very effectively with the UNHCR, UNICEF and a number of NGOs. The principles of preserving the integrity of the family and the best interests of the child are observed. Families, women with young children, unaccompanied minors and minors shall be treated as a matter of priority and shall be handed over to the competent service as soon as the relevant administrative processing has been completed. If they have applied for international protection, they are directed to the centers of the State Agency for Refugees. In cases where these persons do not wish to receive protection in Bulgaria, they are accommodated under appropriate conditions in special homes for temporary accommodation of foreigners, with a maximum term of up to three months. Unaccompanied minors are not admitted to temporary accommodation, but are handed over directly to social services.

The legislation also provides for the granting of police protection to a foreign child, as well as to victims of violence or exploitation whose age has not been established, but the specific circumstances presume that they are children. The latest legislative changes regulate the possibility of granting the right of long-term residence until reaching the age of 18 years. The

police authority explains to the child in a child friendly and understandable manner the measures taken and the reasons for them. Quite often this requires a help of a translator from rare languages. In this regard, the Ministry of Interior and the UN High Commissioner for Refugees have jointly developed brochures and audio files for unaccompanied children seeking or receiving international protection. They are in Bulgarian, English, French, Turkish, Urdu, Pashto, Farsi and Arabic. Social and educational activities are provided through cooperation with NGOs.

We hope that the brief presentation of the Bulgarian experience of the migration crisis was helpful in outlining some best practices and national accomplishments that could be useful in our common endeavours to tackle the current challenges and possibly the new ones in the future.