

Security for Human Beings and Borders

Combating Smuggling of Migrants
in the Western Balkan



Funded by
the European Union



Smuggling of Migrants in the Western Balkans - Monitoring Report

Belgrade, October 2023
Editor: Gordana Grujić



BALKAN
REFUGEE AND
MIGRATION
COUNCIL

DRU DANISH
REFUGEE
COUNCIL

Smuggling of Migrants in the Western Balkans - Monitoring Report

Belgrade, October 2023

Editor: Gordana Grujić



Publisher:

Group 484
Pukovnika Bacića 3
11000 Belgrade, Serbia
www.grupa484.org.rs

For Publisher:

Miroslava Jelačić Kojić

Editor

Gordana Grujičić



**Funded by
the European Union**

This publication has been produced with the assistance of the European Union under the "Security for Human Beings and Borders Combating Smuggling of Migrants in the Western Balkan". The content of this publication is the sole responsibility of the authors and may in no way be taken to reflect the views of the European Union.

Contents

INTRODUCTION	5
METHODOLOGY	6
1. INSTITUTIONAL CAPACITIES	7
1.1. Main institutional structures responsible for combating migrant smuggling	7
1.2. Other institutions relevant for combating migrant smuggling	8
1.3. Regional cooperation	9
2. THE MIGRANT SMUGGLING PHENOMENON – VIEW FROM THE PRACTICE	10
2.1. Main routes	10
2.2. Modus operandi of migrant smuggling	12
2.3. Payments for migrant smuggling services	15
2.4. Smuggled migrants	16
2.5. Smugglers	18
3. COLLABORATION WITH COMPETENT AUTHORITIES	22
3.1. Role of CSOs	26
4. CONCLUSIONS	27
RECOMMENDATIONS:	28
ANNEX I – DRAFT OF THE STANDARD OPERATING PROCEDURES (SOPS) FOR REGIONAL COOPERATION BETWEEN THE COMPETENT INSTITUTIONS OF WESTERN BALKAN COUNTRIES AND CIVIL SOCIETY ORGANIZATIONS (CSOS) IN RESPECT OF THE PROTECTION OF AND ASSISTANCE TO SMUGGLED MIGRANTS – (RSOPS)	29
ANNEX II – RESEARCH METHODOLOGY AND STRUCTURE OF THE NATIONAL MONITORING REPORT ON SOM	31
ABOUT BRMC	35
Member organisations	35
Associates	36

Introduction

Despite a noticeable decline in migratory movements since the peak of the crisis in 2015/16, the Western Balkans continues to witness a steady flow of migrants and refugees attempting to reach the EU. Recent years have seen a resurgence in migrant smuggling activities along this route. Despite a temporary slowdown in April 2020 due to COVID-19 restrictions, the number of irregular arrivals from the Western Balkans to the EU surpassed 2019 figures in 2020, with over 23,000 detections of illegal border crossings. In 2021, Member States recorded a total of 87,485 detections of illegal border crossings at the green borders, with 69% occurring along the borders with Serbia. In 2022, there was a significant increase in irregular entries, with approximately 330,000 detections at the EU's external borders, 45% of which transpired via the Western Balkans, marking the highest number since 2016 and a notable 64% increase from the previous year, according to Frontex.

The pressure on the Western Balkan route is further compounded by migrants already present in the region, who join others en route to the EU's northern borders with Hungary, Croatia and Romania. In 2021 there was a significant rise in reported incidents of illegal border crossings by migrants granted visa-free entry to specific Western Balkan countries, increasing from just over 400 in 2020 to over 3,000 in 2021. These crossings often entail the involvement of people smugglers who employ various methods to facilitate the movement of migrants. These methods include transporting migrants via vehicles or boats, guiding them through remote or inaccessible areas, or providing instructions remotely as migrants traverse green borders on foot. The smugglers may coordinate with migrants beforehand to arrange meeting points or provide navigation guidance, enabling migrants to evade detection and cross borders clandestinely. Additionally, smugglers may exploit vulnerable migrants by charging exorbitant fees for their services, further exacerbating the risks and challenges faced by migrants during their journey. Additionally, in 2021, migrant smuggling networks in the Western Balkans, Morocco and the Canary Islands were reported for smuggling drugs, indicating their adaptability and willingness to exploit various illicit markets beyond migrant smuggling.

According to the information from national monitoring reports, to make their movement possible, refugees and migrants often engage smugglers, to help them in transiting through the country, thus exposing themselves to serious human rights violations, exploitation and other abuses. Many reports indicate that smugglers use different approaches and tactics to escape the authority's detection and only a fraction of the total number of illegal movements are identified and officially processed. This trend suggests a diversification of criminal activities among these networks, potentially indicating their adaptability and willingness to exploit various illicit markets beyond migrant smuggling. Moreover, field observations suggest that authorities only manage to identify and process a fraction of illegal movements, underscoring the challenges they face in combating smuggling networks. This underscores the necessity for comprehensive strategies to tackle transnational organized crime in the region.

Although national authorities in the Western Balkans have improved their detection of migrant smuggling, there has been a notable rise in overall smuggling activities in the region. This is primarily evidenced by statistical data and trends showing increased irregular entries and movements through individual countries.

	Albania	BiH	Kosovo*¹	N. Maced.	Montenegro	Serbia
2022	12,216	27 429	869	27 391	8 519	51 017
2021	18,496	15 740	7.436 ²	20 874	834	

*prevented illegal border crossings (source EC reports)

1 This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ opinion on Kosovo Declaration of Independence.

2 Annual report on the work of the Kosovo* Police, January-December 2021, p6.

Methodology

This document presents a comparative analysis of findings from individual monitoring reports compiled by members of the Balkan Migration and Refugee Council, in collaboration with a network of researchers and professionals affiliated with civil society organizations. These members, representing National Platforms for the Prevention of Migrant Smuggling and Protection of Smuggled Migrants, collected data on smuggling phenomena during monitoring visits and conducted interviews with key stakeholders and migrants in their respective countries during 2022 and 2023.

The document aims to succinctly summarize operational data gathered at the national levels during monitoring visits and desk research. Its objective is to illustrate the complexity of the smuggling phenomenon, depict the extent of its problematic nature and provide clearer identification of areas requiring reinforcement within the irregular migration suppression system. This reinforcement is intended to enhance the system and further incapacitate smuggling networks.

Furthermore, it seeks to highlight the vulnerabilities and risks faced by smuggled migrants, emphasizing the consequences of criminal activities as significant societal threats. It underscores the importance of documenting and prosecuting the vulnerabilities and injuries experienced by smuggled migrants during the smuggling process, with the aim of fulfilling the purpose of punishment, the preventive role of punishment and so forth.

This document is intended for decision-makers in respective countries and the broader interested public. Its purpose is to provide insight into the realities of smuggling phenomena and the imperative need for robust responses to combat such criminal activities.

1. Institutional capacities

1.1. Main institutional structures responsible for combating migrant smuggling

The Western Balkan region shares commonalities in their institutional frameworks for combating migrant smuggling, with **Ministries of Interior** playing a central role in these efforts. Further, it is relevant to mention that within these ministries various organizational units have been established, such as directorates and departments, each with specific responsibilities in preventing and investigating crimes related to human trafficking and smuggling, as well as in identifying, locating, apprehending perpetrators of these crimes, subsequently handing them over to competent **judicial authorities** for prosecution. Many countries in the region have set up specialized units, often referred to as 'task forces,' comprising representatives from the prosecution, coordinated by the Ministry of Interior. These structures actively coordinate efforts to uncover instances of migrant smuggling, enforce laws, conduct investigations and prevent migrant smuggling activities.

Additionally, it is important to note that significant institutional cooperation occurs among law enforcement agencies in neighbouring countries, facilitated through bilateral partnerships and collaboration with international police organizations like Europol and SELEC. These partnerships aim to intercept smuggling channels and prosecute human smuggling perpetrated by organized criminal groups effectively.

Furthermore, partnerships with international organizations like UNODC and IOM are widespread across the region. These partnerships aim to enhance the capacities of national law enforcement agencies through general technical assistance and capacity-building support. Such collaborative efforts strengthen the region's ability to combat migrant smuggling effectively and address the associated challenges comprehensively.

However, differences in institutional capacities exist among WB countries, stemming from variations in resource allocation, legal frameworks, border infrastructure and international cooperation. Disparities in border infrastructure, including technology and personnel, can influence the effectiveness of border control measures and the ability to prevent illegal crossings. Some countries may need more resources dedicated to combating migrant smuggling, leading to differences in the effectiveness of enforcement efforts. For example, according to the **Ministry of Security of BiH**, the Service for Foreigners faces significant shortages of personnel, technical and financial resources in all areas of its operations, which needs to be addressed to establish effective control over irregular migration. Additionally, much of the border areas within the Western Balkans are characterized by mountainous terrain with valleys and ravines, making them suitable for illegal crossings by individuals or organized groups on foot. These geographical circumstances pose challenges for border monitoring by law enforcement agencies, necessitating the deployment of technological tools, additional human resources and increased capacities in these border areas (as noted in monitoring report of **North Macedonia and Albania**). Furthermore, legal frameworks and institutional structures may also differ, impacting the ability to investigate, prosecute and punish smugglers effectively. As noted in the EC Progress Report for **Montenegro** (2023), its insufficient autonomy in criminal investigations continues to hamper the development of its analytical capacity and intelligence on smuggling networks. However, according to the representatives of the Ministry of Interior, latest changes within the Regulation on Internal Organization and Systematization of the Ministry of Interior in Montenegro resulted in the identification of new organizational tasks within the police administration at operational levels of work, directly leading to the filing of two criminal charges against two Turkish nationals. Additionally, in case of **Albania**, it is important to mention that as part of the organisational and structural reform of the Albanian State Police, an investigative sector has been created within the border and migration police with the aim of preventing, detecting and countering cross-border illegal activity, including people-smuggling and trafficking in human beings.

Despite these differences, continued collaboration, capacity-building and harmonization of approaches are essential to achieving comprehensive and effective responses to migrant smuggling in the region. By addressing these variances and leveraging collective strengths, WB countries can strengthen their institutional capacities and enhance their ability to combat migrant smuggling effectively.

Albania	<p>Key institutions: Ministry of Interior (Department of Border and Migration, Directorate of Anti-Trafficking and Migration, Border and Migration Police, Centre for Detention of Foreigners) Prosecutor's Office;</p> <p>Some of the other institutions relevant for protection of smuggled migrants: Ministry of Justice, Ministry of Health and Social Protection, Ombudsman Office, etc.</p>
Bosnia and Herzegovina	<p>Key institutions: Ministry of Security of Bosnia and Herzegovina (Service for Foreigners Affairs, Border Police of Bosnia and Herzegovina,) =State Investigation and Protection Agency (SIPA), Prosecutor's Office</p>
Kosovo*	<p>Key institutions: Ministry of Internal Affairs, Kosovo* Police (Border Department, Unit dedicated to combating migrant smuggling and Trafficking in Human Beings), Kosovo* Prosecutor's Office.</p>
Montenegro	<p>Key institutions: Ministry of Interior (Directorate for Foreigners, Migration and Readmission, Border Police Sector, Group for</p> <p>Combating Human Smuggling and Cross-Border Crime, Department for Foreigners and Combating Illegal Migration, Prosecutor's Office (higher state prosecutor's offices in Podgorica and Bijelo Polje and the Special State Prosecutor's Office)</p>
North Macedonia	<p>Key institutions: Ministry of Interior (Sector for Border Affairs and Migration, regional centres for border affairs, the Border Police, Unit for prevention of migrant smuggling and trafficking in human beings (task force), Reception Centre for Foreigners)), National Commission for Prevention and Combating Trafficking in Human Beings and Illegal Migrants, National Border Management Coordination Centre, National Preventive Mechanism (NPM), National Referral Mechanism (NRM), Public Prosecutor's Office for Prosecuting Organized Crime and Corruption .</p>
Serbia	<p>Key institutions: Ministry of Interior (Department for the Suppression of Human Trafficking and People Smuggling, special sections for combating human trafficking and people smuggling in the City of Belgrade Police Directorate and in regional police directorates of Novi Sad and Niš), General Public Prosecution, Permanent Task Force, Joint forces of the Serbian Armed Forces and the Ministry of Interior, Commissariat for Refugees and Migration.</p>

1.2. Other institutions relevant for combating migrant smuggling

In addition to investigative bodies, other institutions, especially those responsible for ensuring protection and providing assistance, can also play a significant role in anti-smuggling efforts.

At the forefront are institutions responsible for accommodating various categories of migrants. Smuggled migrants often find their way to **reception and asylum centres**, either referred there or arriving on their own. They may stay in these centres for varying durations, establishing contacts with the centre's administration or representatives of other service providers, including civil society organizations. Conversely, the information gathered by these actors during their interactions with migrants and the provision of protection services can be crucial for law enforcement in identifying smuggling activities and individuals involved in them. Therefore, establishing institutional frameworks for ongoing information exchange among responsible institutions and other stakeholders operating in these is pivotal. For example, in **Serbia**, the Ministry of Interior (MoI) and the General Public Prosecution concluded a Memorandum of Cooperation with the Commissariat for Refugees and Migration in 2018 to enhance collaboration in combating smuggling. However, measures taken in this regard are currently ad-hoc and their long-term impact remains uncertain, despite regular apprehension of smuggling facilitators.

Moreover, due to exhausting or dangerous smuggling conditions migrants endure during smuggling (such as crossing steep, mountainous terrain on foot, swimming across fast and cold rivers, transport in vehicle compartments with minimal oxygen supply, etc.), they often require **healthcare or social welfare assistance**. Data on injuries and the circumstances under which these injuries occurred can also provide significant information for law enforcement authorities, aiding in building cases against smugglers or individuals directly responsible for causing harm.

1.3. Regional cooperation

All WB countries are actively **cooperating with Interpol, Europol** and EU Member States, notably: (i) under the regional Anti-Smuggling Operational Partnership between the EU and the Western Balkans launched in November 2022; (ii) with Europol's European Migrant Smuggling Centre; (iii) on EMPACT and its operational action plan on migrant smuggling; and (iv) in the Frontex Western Balkans Risk Analysis Network.

In November 2022, the EU and the Western Balkan partners launched the **Anti-Smuggling Operational Partnership** with the support of a regional project worth EUR 36 million. This partnership aims to enhance law enforcement and judicial cooperation against criminal smuggling networks. While it is still early to assess its impact, its establishment represents a significant step forward in regional cooperation.

On the other hand, ensuring effective border control and tackling irregular migration in the region demands robust cooperation between Western Balkan countries and **Frontex**, accompanied by comprehensive measures within this collaborative framework. In this regard, it is relevant to mention that each Western Balkan nation has made a significant progress in cultivating partnerships with Frontex. Apart from the standard cooperation framework facilitated by the Working Arrangement on operational cooperation, the expansion of Frontex's mandate to conduct operations not only on the external borders of member countries but also within the territorial areas of third countries has ushered in a new era of collaboration between the Western Balkans and Frontex. By concluding so called "Status Agreements", Frontex members are empowered to execute tasks and take executive measures in controlling borders and carrying out return operations for foreigners who illegally cross state borders within the territories of Western Balkan countries. The first type of status agreement has been signed by Albania, Serbia, North Macedonia and Montenegro, while the second type, so far, has been signed by **North Macedonia, Albania and Montenegro** with the EU, enabling Frontex deployments on both EU and non-EU borders. **Serbia** has made progress in negotiations on a new status agreement, expected to be signed in the first quarter of 2024, while negotiations with **Bosnia and Herzegovina** have not yet begun and a negotiating team is yet to be appointed.

Frontex's involvement (through joint operations, patrols and the exchange of expertise to strengthen border control and manage irregular migration) has been particularly instrumental in enhancing the operational capabilities of border agencies in the region. Thus, each country has benefited from Frontex's involvement to varying degrees, depending on the extent of their collaboration. **Montenegro**, for instance, has seen successful joint operations and maritime surveillance efforts with Frontex, while **North Macedonia** has launched a joint operation along its border with Greece to curb irregular migration. On the other hand, in **Albania**, based on the first EU-Albania Status Agreement, the successful implementation of Frontex Joint Operation Land and Albania Sea continued in 2022. **Serbia** has demonstrated solid cooperation links with Frontex (joint operation with the Serbian border police at the Serbian-Bulgarian border that started in 2021), extending joint operations to include border areas with Hungary and Austria. **Bosnia and Herzegovina**, despite facing challenges such as stalled negotiations on concluding a Status Agreement, maintains collaboration through mechanisms like the Western Balkan Risk Analysis Network. Efforts are also underway to reinstate local border traffic agreements and conduct joint patrols with neighbouring countries, highlighting a commitment to regional cooperation in combating migrant smuggling.

Additionally, bilateral agreements between countries, such as those ratified by North Macedonia and Serbia³, play a crucial role in strengthening cooperation in border management and anti-smuggling efforts. These agreements pave the way for the exchange of information, joint investigations and the implementation of joint projects aimed at preventing and combating migrant smuggling.

Overall, regional cooperation in the Western Balkans against migrant smuggling is characterized by ongoing dialogue, joint initiatives and a continuous adaptation of strategies to address evolving challenges in the region.

3 The Law on Ratification of the Agreement between the Governments of Serbia and North Macedonia on cooperation in the field of combating migrant smuggling, regulating the exchange of information and data, establishment of joint investigation teams, implementation of joint projects, organisation of joint trainings and seminars, in order to prevent and strengthen capacities to combat migrant smuggling. The Law on the Ratification of the Status Agreement between the Republic of Serbia and the EU on actions carried out by the European Border and Coast Guard Agency (EBCG), establishing the legal framework to regulate all aspects of coordination necessary for the implementation of actions of the EBCG that might be taking place in the territory of Serbia.

In the eastern part of the country, routes through Belasica and Ogražden mountains to Strumica, Shtip and Berovo are less frequented. While migrant arrivals from Greece via Bitola were recorded in the past, the challenging mountainous terrain has rendered this route obsolete. Migrants typically proceed to the Kumanovo- Lipkovo region in the northern part of North Macedonia, where they cross the border into Serbia. The remote mountainous areas near Lojane and Vaksince serve as inaccessible zones for police patrols, often used by migrants as routes or exit points from Macedonia. These established pathways not only facilitate migrant movements but also illicit activities like drug and weapon smuggling, highlighting the complex nature of migration routes within North Macedonia. An alternative route of movement of migrants, very rarely used, is from the Republic of Bulgaria through North Macedonia to Serbia, i.e. **east-north direction** of movement.

There is an **opposing north-south route** known since 2017, used by Iranian nationals due to visa-free regime between Serbia and Iran. Iranian citizens arriving in Serbia headed to Kumanovo and Skopje and from there used buses to travel to Gevgelija.

Serbia: The most common entry points to **Serbia** are the border areas with North Macedonia (Preševo municipality) and Bulgaria and, to a lesser extent, those with Montenegro and Kosovo*. Migrants from North Macedonia typically enter Serbia on foot, bypassing formal border crossings, often in groups led by other migrants. Once they cross into Serbia, they are met by individuals who transport them to various locations within the country, such as asylum centres, reception centres or other destinations. The main exit points are on the borders with Hungary, Croatia (areas around Šid and Sombor) and Bosnia and Herzegovina (across the Drina river, in the area between Loznica and Zvornik). Stricter border controls with Hungary, Croatia's treatment of migrants, poor reception conditions and challenging travel routes to Bosnia and Herzegovina gradually shifted the migration flow from Serbia towards Romania (from 2018), particularly through Novi Kneževac municipality.

Albania: Given its strategic location and proximity to neighbouring countries experiencing significant migration flows, **Albania** serves as a crucial transit route for migrants. The prevailing migration route typically involves **entry through southern and south-eastern border points**, with primary crossings concentrated near Gjirokaster, Korca and Saranda. Subsequently, migrants **exit through northern and north-eastern border points**, connecting Albania to Montenegro and Kosovo*. While the 'Mother Teresa' international airport and sea routes are less commonly used, they remain alternative options for migrants. In recent years, Albania has witnessed an increase in migration waves, often accompanied by potential smuggling of migrants transiting through the country.

In the north of Albania, migrants predominantly utilize border points near the city of Shkoder, such as Muriqan and Hani i Hotit, facilitating passage into Montenegro. Additionally, the Morina border crossing point in the northeast serves as a key route connecting Albania with Kosovo*. Despite being less frequently used, sea and air travel routes remain viable alternatives for migrants. An extensive analysis of data concerning the detention of migrants reveals a clear pattern: the tourist season witnesses the largest and most frequent surge of migrants passing through Albania, highlighting the seasonal nature of migration patterns in the region.

Kosovo*: Since 2018, **Kosovo*** has experienced a significant surge in migrant arrivals, with the majority entering from Albania, often navigating through rugged mountainous terrain under cover of darkness. The village of Vërmicë in the Municipality of Prizren serves as the main entry point along the Albanian border, facilitating the movement of migrants into Kosovo*. While a lesser number opt for entry via North Macedonia, using Zhegra village as a secondary point, the traffic remains markedly lower compared to the Albanian route. Additionally, sporadic instances of migrants entering Kosovo* from Serbia, particularly from the Municipality of Leposavic and from Montenegro, notably from the Municipality of Peja, have been reported. This typically happens when migrants face denials of entry from neighbouring countries and consequently seek alternative passages into Kosovo*.

Bosnia and Herzegovina: The primary entry points for illegal migrants into **Bosnia and Herzegovina** are predominantly from the Republic of Serbia, with a smaller number also entering from Montenegro. Notably, Turkish and Albanian nationals, along with individuals from Kosovo*, contribute to the issue of illegal migration and migrant smuggling in the region. In particular, illegal border crossings and smuggling activities are observed in areas such as Bijeljina, Zvornik, Bratunac and Višegrad when entering from Serbia, and Gacko, Bileća and Trebinje when entering from Montenegro. Upon crossing the border, migrants typically make their way independently or with the assistance of smugglers towards urban centres like Tuzla or Sarajevo, where they seek asylum to formalize their status in Bosnia and Herzegovina. Subsequently, they aim to reach Bihać and Velika Kladuša, utilizing various means such as buses, taxis or further assistance from smugglers, to illegally cross into Croatia and continue their journey towards their intended destinations. The Una-Sana Canton has emerged as a significant transit hub, attracting migrants who then make onward journeys towards neighbouring countries, underscoring the importance of addressing migration and smuggling challenges within Bosnia and Herzegovina's border management strategies.

These same illegal routes have been used in the past by residents of BiH and neighbouring countries, especially from border areas, for cross-border smuggling of various goods, ranging from food and high-tariff items to narcotics, illegal weapons and human trafficking.

Montenegro: The primary route for illegal entry into **Montenegro** is from Albania, with migrants predominantly crossing through areas around the Božaj border crossing and the broader land border zone near Tuzi. Occasionally, illegal entries also occur around the Sukobin – Murićani customs point near Ulcinj. Upon entering Montenegro, migrants typically proceed to Podgorica, where they find accommodation and reception facilities. These migrants often traverse the border on foot, usually in smaller groups, before reaching the first major populated area. They may utilize railways or local roads as guides during their journey through Montenegro. Main exit points are border areas towards Bosnia and Herzegovina, around Ilino Brdo, Vračenovići and Krstac near Nikšić, as well as the Metaljka area near Pljevlja. Movements through Herceg Novi are less frequent in comparison. After departing Montenegro, migrants continue their journey through Bosnia and Herzegovina, Croatia and further into the European Union.

2.2. Modus operandi of migrant smuggling

In the Western Balkans, the smuggling of migrants represents a complex and nuanced phenomenon, characterized by multifaceted operations influenced by the distinctive circumstances of each country. Factors such as geographical features, border control measures and the presence of organized criminal networks influence the prevalence and nature of smuggling methods in each country.

The smuggling of migrants in **North Macedonia** encompasses various methods, primarily facilitated by organized smuggling networks. Initially, **migrants are led across the border on foot**, following which they are **transferred to vehicles**, typically vans or trucks provided by smugglers for further transportation towards the northern border. During these movements, migrants are subject to strict control by smugglers, limiting their freedom of movement and dictating their actions. The vehicles utilized for transportation are often old, damaged or rented from car agencies and they are frequently overloaded, accommodating more than 10 migrants in cramped conditions. Despite the perilous road conditions, drivers tend to operate these vehicles at high speeds, prioritizing swift transit over safety.

Furthermore, migrants in North Macedonia also resort to alternative means of transportation, including **hiding in trucks and trains**. Trucks are often overcrowded, with groups of over 30 migrants found cramped inside, lacking sufficient space to sit or stand comfortably. In dire circumstances, migrants without the means to pay smugglers may cling to the lower sections of trucks, enduring exposure to the elements during long journeys. Additionally, migrants utilize trains for transport, concealing themselves near railway stations in bushes and boarding when the train slows down. Once aboard, they seek refuge in concealed spaces within the train compartments, enduring cramped and poorly ventilated conditions in their quest for passage to their desired destinations.

In **Serbia**, from 2019 to 2022, four main methods of smuggling migrants were observed. The first method involves **crossing through “green lines” using ladders**, which is the most prevalent way of crossing the border with Hungary. Typically, irregular migrants, mainly arriving by taxi directly from reception centres, are transferred in groups of ten or more, over the wire fence with the help of aluminium ladders. Typically, this method is mostly used by Syrian, Moroccan and Afghan smuggler groups, which often engage in armed conflicts over territory. The **tunnels** that were particularly common in facilitating irregular crossings into Hungary during 2019 and 2020 are currently much less prevalent, as migrants do not mention them. These tunnels are highly unsafe and prone to collapse, serving mainly as distractions for border police while ladders are used at other border points. Another method involves avoiding border checkpoints, where migrants may try to bypass border controls **using falsified or stolen documents**, obtained from Greece, Bulgaria, Serbia or through online channels like the “Telegram” application. These documents often include original Serbian citizenship documents or forged EU citizenship documents based on physical resemblance.

Another method entails **concealing migrants within vehicles**, both passenger and cargo, sometimes in specially constructed compartments within trailers, with or without the knowledge of drivers. Additionally, migrants may hide in cargo train wagons without the knowledge of train operators or other transport control and safety officials. Lastly, small rubber boats with electric motors are used for facilitating irregular border crossing along long rivers like the Drina, the Tisa and the Danube. These boats, legally purchased, owned by smugglers, or stolen, offer an alternative route for migrants seeking passage across waterways.

Moreover, the facilitation of irregular transit through the country is often facilitated by private passenger vehicles, frequently utilizing foreign registration plates (or national registration plates of different vehicles). In recent times, it has become increasingly common for smugglers to resort to renting vehicles through car rental agencies as a means to facilitate the irregular transit of smuggled migrants.

Based on the information obtained from professionals working in the field in the east of Serbia, the process of smuggling Turkish nationals from Bulgaria to Serbia appears to be a well-organized and sophisticated operation conducted by smuggling networks. Initially, migrants and refugees from Turkey are transported by truck, indicating the existence of established routes or networks for moving individuals from Turkey to the border region between Bulgaria and Serbia. Upon reaching the border area, migrants and refugees are met by smugglers who oversee their onward journey. These smugglers likely possess local knowledge of the terrain and border-crossing procedures, enabling them to navigate through remote and often forested regions to avoid detection by authorities.

Once at the border area, the smugglers guide the migrants and refugees and provide instructions for the journey ahead. They often utilize traces left along the route, such as cans or fabrics hung on trees, as markers for the migrants to follow. These traces are regularly replaced, suggesting meticulous planning and adaptability by the smuggling networks. The constant removal and replacement of traces indicate that smuggling operations are responsive to changes in border security measures, with smugglers monitoring patrols and adjusting routes accordingly to minimize the risk of interception.

Smugglers in **Albania** provide a range of services to migrants, with the most common being assistance in illegally crossing borders. These services include sheltering migrants, accompanying them and providing or facilitating the use of transportation. When it comes to facilitating irregular transit, **the predominant method involves using vans or taxis**, allowing multiple migrants to travel together. Some smugglers oversee the entire transit process throughout Albania, while others may handle specific segments of the route. For instance, migrants might utilize one transportation method from southern border points to Tirana and then switch to different means for the remainder of their journey to northern border points.

The methods of transportation have evolved over time, with an increasing trend of **renting smaller cars for travel across the country**. Smugglers may rent cars themselves to transport migrants, avoiding vehicle confiscation and concealing their operations by frequently changing vehicles. Alternatively, due to the lack of required documents for car rental, smugglers often demand payment from migrants to rent cars on their behalf. Law enforcement authorities are aware of this emerging method of transportation and they have already expressed their concerns to businesses operating in the car rental industry, to raise their awareness about these activities. Despite these methods, **the riskiest transportation method remains hiding in the rear compartments of lorries carrying goods**, with some migrants opting to conceal themselves in hazardous areas of the lorry without the driver’s knowledge.

It is also relevant to mention, that in Albania the 'Mother Teresa' International Airport in Tirana has witnessed a limited number of cases in which **migrants attempted to deceive border police by using forged documents such as passports, identity cards and visas**. For example, in 2022, there were instances of 51 migrants using forged documents to cross the border recorded. These cases primarily involved individuals who arrived in Albania via various airline routes from Middle East countries and intended to exploit Albania's flight connections to reach EU countries by air.

In **Kosovo***, the process of crossing borders is typically well-organized, often facilitated and directly escorted by smugglers. While most **crossings involve the support of smugglers**, there are also instances of migrants attempting to cross borders **alone on foot**, relying on smartphones for guidance. However, the rugged terrain, particularly in mountainous areas, has led to numerous cases of migrants sustaining injuries during these attempts.

Rare cases have been documented where migrants arrive at Pristina Airport, mainly from Iran and via Istanbul, seeking asylum in Kosovo*. They are initially accommodated at the Centre for Asylum Seekers in Magura village, Lipjan Municipality, before continuing their journey. Typically, migrants move from Kosovo* to Serbia, with final destinations primarily in Western Europe. After irregularly entering Kosovo*, **migrants often settle in houses and motels near the border or in the Prizren region**. From there, they are **transported by cars and buses further into Kosovo***, including destinations like Pristina and Mitrovica. The crossing into Serbia, mainly through the city of Leposaviq, is predominantly organized on foot. **Accommodation sites for migrants also include motels** in the municipality of Fushë Kosova* and the abandoned train station in Leposaviq. There have been reported instances of smugglers and migrants appearing at the Centre for Asylum Seekers, using it as a temporary stop before continuing their journey to Serbia.

In **Bosnia and Herzegovina**, the methods employed for smuggling migrants are influenced by various factors including the distance between their origin and destination, transportation infrastructure, the number of migrants and the sophistication of criminal networks involved. One prevalent tactic involves illegal land crossings near official border points, where migrants, under the guidance of experienced smugglers, cross on foot through established paths away from main roads. Meanwhile, their transportation vehicles legally cross the border, awaiting them in the neighbouring country. Often, these routes navigate through remote and scarcely known areas to evade detection.

On water surfaces, migrants are smuggled while avoiding border or police forces. Rafts or boats serve as common means to cross water borders, sometimes leading migrants to take perilous risks like attempting to swim across rivers, resulting tragically in drowning, such as the case of a five-year-old boy in the Una River in July 2021. Additionally, irregular migrants from Montenegro typically enter Bosnia and Herzegovina on foot with the assistance of smugglers or independently following given instructions. Once inside the country, they are often transported to urban centres like Sarajevo or Mostar. Moreover, the upper section of the eastern border along the Drina River witnesses frequent crossings facilitated by boats. These methods underscore the hazardous and complex nature of migrant smuggling operations in the region.

Furthermore, recent trends indicate an evolving *modus operandi* among migrants, including attempts to utilize freight motor vehicles or buses for illegal border crossings at various entry and exit points of Bosnia and Herzegovina. This demonstrates the adaptability of migrants and the networks facilitating their movement, as they seek to navigate through the country en route to Western European destinations.

In **Montenegro**, facilitation of irregular border crossings involves **guides who navigate migrants through remote areas known as the "green border."** These guides often provide instructions using GPS or mobile phones, facilitating the movement of migrants across borders, utilizing forest paths and other secluded routes to evade detection. Once inside Montenegro, migrants typically rely on taxis or prepared vehicles for transportation, with trucks and taxis being commonly used, especially for shorter distances. Notably, taxi drivers often play a role in the smuggling chain, making initial contact with migrants at locations like the bus station in Nikšić, negotiating transportation fees and then proceeding towards the border.

Although land routes are the primary means of transportation for migrants, there have been instances of utilizing seagoing vessels, particularly small sailboats, for maritime transport. These operations typically commence from Bar, traversing through Budva to Luštica in Tivat, further progressing towards the Grbalj area, ultimately heading towards Italy. One notable incident occurred in 2020 in Zelenika, Herceg Novi, where law enforcement thwarted a smuggling attempt by a Serbian citizen. The individual intended to transport 42 Turkish citizens via a sailboat, but their efforts were intercepted through a police intervention.

In addition to smuggling by sea, various methods are employed to facilitate illegal border crossings, including the use of forged documents or authentic documents belonging to individuals who bear a physical resemblance to the legitimate owner. This method is sometimes used to bypass border controls and facilitate the movement of migrants across international borders, especially for migrants seeking to leave the country after entering on the basis of a visa-free regime.

2.3. Payments for migrant smuggling services

The prices charged by smugglers for their services vary considerably **depending on factors such as the chosen route, transit countries and the specific services (thus scope of services) provided along the route**. For example, migrants in **Serbia** have reported that crossing through Bulgaria is less expensive but requires travelling on foot, which prolongs the journey to Serbia by 10 to 15 days. Conversely, routes through Greece, North Macedonia, Albania and Kosovo* tend to be slightly more expensive but often include transportation services, leading to shorter stays in these countries.

Facilitating an irregular border crossing into Hungary, for instance, with the aid of tall ladders and transportation to Austria, may incur an additional cost ranging from €4000 to €6000 compared to other parts of the journey. **Crossing rivers usually involves higher fees** due to the need for a larger group of smugglers and better organization. Typically, smugglers travel with two boats capable of carrying 10 to 20 people each, while on the opposite side of the river, three cars await them.

In **Albania**, prices for services within the country, primarily transportation across its territory, vary from €100 to €800 per person, depending on the level of assistance required. Meanwhile, migrants in **Montenegro** have indicated that crossing a single territory typically costs around €200, whereas a complete journey from their country of origin, including transportation by sailboat across the Adriatic, can amount from €4000 to €5000. Transit prices through Montenegro fluctuate based on the length of the route, with transportation from Budva to the "green border" zone priced between €300 and €500.

In **North Macedonia**, for instance, crossing the green border on foot with a group of 30 or more individuals from African countries, led by a person not part of their group, was reported to cost between €400 and €700. Additionally, **the type of vehicle and the number of people being smuggled simultaneously also affects the price of a smuggling operation**. For instance, transporting migrants in a vehicle accommodating 4 people costs between €1500 and €2000. However, if 15 to 18 people are smuggled in one vehicle, the price may range from €700 to €900. Transport in cargo vehicles typically ranges from €500 to €700 per person. There have also been documented instances of migrants being transported in exceptionally luxurious vehicles, resulting in higher-than-usual fees.

The interviews conducted with migrants in **Bosnia and Herzegovina** have revealed that the expenses associated with border crossings between Western Balkan countries vary significantly depending on the departure point. The costs can range from 100 to 5,000 euros per person, covering a wide array of expenses beyond just smuggling services. These additional expenses may include **bribes to border police, transportation fees between cities, accommodation costs in concealed locations, as well as fees for passing through tunnels**.

Accommodation for irregular migrants during their facilitated journeys is usually arranged by smugglers in abandoned buildings, hotels, motels, or private houses, with prices varying accordingly. For instance, smuggling operations from Serbia to Bosnia and Herzegovina typically include accommodation in private houses and transportation services, charged between €500 and €700 per person. Migrants often remain indoors during their stay in these accommodation facilities, with smugglers providing them with food and water. According to unofficial information, **the price for accommodation** in the villages of Vaksinci and Lojane in North Macedonia **varies depending on the duration of stay**. For longer stays, the price is 15 euros per day, whereas for shorter stays, the price ranges from 100 to 150 euros per day. Additionally, criminal groups in Serbia unlawfully occupy premises near border crossings, using them as temporary accommodation for migrants until the time of illegal crossing. These locations also serve as places where migrants who refuse to pay for the illegal border crossing are forcibly held by smugglers.

The agreed-upon prices with smugglers are not fixed and can fluctuate during the journey, leading to instances of migrants being cheated out of money or asked for more than initially agreed. Afghan refugees, for example, often have less money than refugees from other countries and may opt for cheaper smuggling

options or attempt to navigate transit countries independently. Additionally, children below a certain age are often exempt from paying for smuggler services (reported in **Serbia**).

Payments to smugglers are made in cash, through services like Western Union or Moneygram (predominant in Albania), or via the Hawala system, an informal money transfer network prevalent in Serbia and North Macedonia. The Hawala system involves a series of money transfers along the migrant's journey to Western European countries, making it highly challenging to detect.

In this system, migrants often deposit larger sums of money in countries like Turkey or Greece to avoid carrying cash with them. Upon the deposit, they receive a code comprising multiple digits. To retrieve the money, they contact individuals designated by the smugglers, who then direct them to nearby locations where associates can assist in withdrawing the funds. Upon providing the code, the depositor receives the requested amount, along with a certain commission deducted from the deposited sum. This process continues along the journey, with funds distributed among individuals who were involved in the facilitation of illegal movement.

To minimize the amount of cash carried, migrants may allocate funds for food, which they give to smugglers. The smugglers then arrange for someone to meet the migrants and provide them with the money for food and other necessities. For instance, migrants may be informed by the smugglers that someone is waiting for them in a mosque with 200 euros. Utilizing the reserved or deposited funds, the smugglers ensure that migrants have access to food and essentials throughout their journey.

Some of the prices reported during monitoring visits and interviews include:

- From Turkey to Serbia, the cost ranges between 3,000 and 5,000 euros per person (but can be up to 10,000 EUR according to some testimonies).
- From Turkey through Bosnia and Herzegovina, costs range between 3,000 and 5,000 euros per person.
- From countries of origin to Albania, the cost ranges between 5,000 and 8,000 euros.
- From Serbia to Germany, approximately 5,000 euros is required.
- From Serbia to Italy, around 3,000 euros.
- From Serbia to Austria (via Hungary), the cost ranges from 4,000 to 6,000 euros (for this leg of the journey only).
- From Serbia (Belgrade) to Bihać, the cost is around 1,500 euros per person.
- A journey from Serbia (Šabac) through Bosnia and Herzegovina to Slovenia costs between 1,000 and 2,000 euros for unaccompanied children.
- From North Macedonia to the country of destination, the cost is 2,000 euros.
- A journey from North Macedonia (Gevgelija) to Serbia costs around 300 euros (via train).
- Within North Macedonia, the price ranges from 100 to 300 EUR for transfer from Gevgelija to Tabanovce border crossing and 2,000 EUR upon arrival at the destination through a bank transaction.

2.4. Smuggled migrants

Across the Western Balkan region, the composition of smuggled migrants varies significantly, yet certain trends emerge consistently. In **North Macedonia**, Syrians and Pakistanis constitute the largest groups, while **Serbia** sees a diverse mix including migrants from the Middle East, Africa, Afghanistan and Pakistan. **Albania** consistently reports the presence of migrants from Syria, Afghanistan, Bangladesh, Morocco, Pakistan and Iraq, highlighting the broad spectrum of nationalities involved in irregular migration. In **Kosovo***, the primary groups consist of Algerians and Moroccans, supplemented by Syrians, Iraqis and Afghans. Meanwhile, **Montenegro** primarily hosts migrants from Afghanistan, with smaller numbers coming from Iran and Bangladesh. **Afghanistan remains the dominant country of origin for smuggled individuals across the region.**

Regarding gender distribution, the majority of smuggled migrants are men, although there are occasional cases involving women, children and unaccompanied minors.

■ Risks smuggled migrants face during smuggling operations

During smuggling operations migrants face a multitude of dangers and risks, as highlighted by national reports and monitoring efforts. These hazards encompass a range of threats and potential harm, from physical violence to psychological coercion. One of the primary dangers faced by migrants during smuggling operations is the risk of physical harm or threats thereof. Smugglers may employ tactics of intimidation and coercion to ensure migrants' compliance with their directives and maintain secrecy surrounding the smuggling process. This can involve the explicit threat of violence or reprisal against migrants who disobey orders or attempt to disclose information about the smuggling operation. For instance, reports from **North Macedonia** have documented cases where migrants claim to have been **physically assaulted by smugglers, particularly when making noise or attracting attention while travelling on foot**. In some instances, migrants may intentionally seek police intervention as a means of escaping further harm, either due to exhaustion, fear, or prior instances of abuse. Furthermore, smugglers often use psychological tactics to control migrants and prevent them from divulging information about their experiences. This can include **manipulation, coercion and threats of retaliation against migrants or their families if they disclose details about the smuggling process**. Migrants may be coerced into silence through fear of reprisal or consequences for themselves or their loved ones.

Similarly, in **Serbia**, interviewed migrants report witnessing various forms of violence throughout their journeys. More specifically, testimonies indicate that members of smuggling networks resort to **physical punishment**, beatings and mistreatment of migrants when they become too weak to continue due to illness or exhaustion. Moreover, there have been reports of migrants being subjected to brutal beatings, sometimes to the point of near-fatality, as a means for smugglers to assert their dominance and install fear among other group members. Along the risky route from Turkey to Greece, migrants have confirmed witnessing horrifying incidents including murders, drownings and the heartless act of throwing unconscious individuals into the water. There have also been frequent cases of encounters between two groups of smugglers and smuggled migrants between North Macedonia and Serbia, where physical confrontations occurred, often involving the use of weapons and in such situations, the migrants from the "defeated" smuggling groups were robbed and beaten. Furthermore, in **Albania and Bosnia and Herzegovina** migrants have reported instances **where smugglers confiscated their money and personal belongings**, leaving them vulnerable and without resources during their journey. These incidents that have occurred in locations like Albania and Bosnia and Herzegovina, highlight the exploitative and predatory tactics employed by smuggling networks to strip migrants of their dignity and resources.

Migrants who are unable to pay their smuggling fees face significant risks and challenges throughout their journey. **Unable to afford the upfront costs, these migrants often become indebted to the smugglers, creating a cycle of exploitation and dependency**. According to information obtained from migrants, in some cases, migrants were detained and additional payments were extorted from them, further exacerbating their financial burden and increasing their vulnerability (for example in Serbia, Kosovo*, North Macedonia). According to information from professionals working with migrants in Serbia, unaccompanied minors, especially younger ones, are particularly vulnerable to these risks. They are often exploited and manipulated by smugglers, who subject them to exploitative practices akin to slavery, exploiting their legal immunity due to their age. Consequently, minors frequently seek refuge within migrant communities, hoping for protection. Furthermore, it is frequently observed that unaccompanied minors falsely assert familial ties with accompanying individuals, concealing the reality that they are under the control of smugglers.

In the context of the dangers posed by smugglers during migrants' journeys, it's crucial to emphasize the **treatment they experience throughout the illicit transit process**. During transportation, smugglers use various methods to conceal migrants, such as transporting migrants in overcrowded vehicles or placing them in hidden compartments of vehicles. Instances where the number of passengers in vans or cars exceeds the permitted capacity and speeding to evade law enforcement have led to accidents, posing life-threatening risks to migrants (one of the most common risks identified in all Western Balkan countries, except in Montenegro).

Based on the information provided by migrants interviewed in Serbia, smuggled migrants often encounter **violent police behaviour** during their journey. When intercepted by law enforcement, migrants have reported instances of police brutality, especially at border crossings. In some cases, they are forcefully pushed back

across the border and denied entry into the country. These encounters with police violence tend to affect men more frequently than women and children. Border crossings in countries like Bulgaria, Hungary and Croatia are cited as hotspots for such incidents. Additionally, there are reports of bribery, with some migrants claiming to have paid bribes to border officials for passage into the country. Those apprehended by Hungarian authorities during illegal border crossings have reported varying experiences, ranging from being simply turned back to facing extreme physical violence, humiliation, confiscation of belongings and overcrowded transport in vehicles.

Overall, smuggling operations pose significant dangers and risks to migrants in the Western Balkans, including threats, coercion, financial exploitation and endangerment during transportation. These risks underscore the urgent need for comprehensive measures to address the root causes of irregular migration and protect the rights and safety of migrants throughout their journeys.

■ Smuggling compensation

In general, smuggling services are typically paid for with money. However, **it often occurs that a migrant is unable to pay the smuggler and is compelled to maintain a relationship with them to find an alternative means of settling the debt for the smuggling service.** Usually, when unable to pay, migrants, often underage males are coerced to “work” for the smugglers (a common occurrence, especially in Serbia and North Macedonia, while rare in Kosovo*). This work often involves engaging in smuggling activities. For instance, in **Serbia**, indebted migrants may **offer smuggling services to other migrants**, effectively acting as recruiters to settle their debt, while staying in one of the centres. Similarly, in **North Macedonia**, migrants have been coerced into guiding groups across borders to pay off what they owe. There was also an incident where a person was **forced to smuggle** a certain group into Serbia and was then allowed to return to their family in North Macedonia.

Monitoring activities in **Montenegro** have not identified alternative methods of repaying debts to smugglers due to migrants’ brief stays in the country. However, insights from professionals working with migrants in Montenegro suggest that migrants may have to “work off” their debts to a smuggler in various ways upon reaching their destination countries.

In **Serbia**, some organizations working with women have reported cases where **women were forced into prostitution to repay smugglers**, often under threat and extortion directed at their families. Furthermore, there have been reports of **migrants being coerced into transporting narcotics** when they couldn’t afford to pay smugglers for their services (in Serbia and North Macedonia).

Failure to pay the agreed amount often results in additional consequences for migrants. They may fall **victim to robbery**, with their belongings confiscated and left behind without permission to continue with the group. This scenario is particularly common in **Albania and Montenegro**. Furthermore, migrants may find themselves **held captive in houses** and threatened by armed smugglers, a frightening reality reported in **North Macedonia and Kosovo***. Overall, the inability to pay smugglers exposes migrants to various forms of exploitation, coercion and danger throughout their journey.

2.5. Smugglers

Human smuggling involves a complex network of interconnected criminal groups that operate across countries of origin, transit and destination. This network demonstrates a high level of organization, transcending national borders and involving a diverse range of actors. From the migrants’ countries of origin to various stages of their journey, these criminal groups meticulously plan and execute their activities. They comprise interconnected criminal groups operating throughout the Western Balkans region, with each member having specific roles and responsibilities. These roles include arranging the “service,” (so called “**package dealers**”), **facilitating communication, recruitment and coordination, guiding migrants across borders, transporting them and setting signals for route movement, among others.** In practice, smugglers navigate within a sophisticated framework, operating across different countries involved in the smuggling route. They carefully coordinate every aspect of the migrants’ journey, providing them with instructions on what actions to take. If a smuggler is apprehended, the plans may change and the subsequent journey course is adjusted accordingly.

Communication plays a crucial role in the coordination of these activities, facilitated by modern technology and communication apps that enable real-time sharing of information and locations. Despite the transient nature of their operations, smugglers maintain effective communication channels, allowing for swift adaptation to changing circumstances and the navigation of potential obstacles, such as police presence or border controls. As noted in the monitoring report in **Serbia, encrypted communication channels** are often utilized for planning and coordination purposes, enhancing the efficiency and secrecy of the operations. During smuggling operations smugglers with the use of sophisticated tools communicate and constantly report about the presence of police patrols. For example, field reports from Serbia indicate that police officers face difficulties in accessing abandoned buildings where members of criminal groups shelter migrants for further smuggling. Amateur radio operators stationed within a few hundred meters of these buildings alert the group members upon the approach of any individuals or vehicles. **This real-time information exchange allows smugglers to adapt their routes and strategies quickly, staying one step ahead of authorities and minimizing the risk of interception.**

Key figures within the smuggling network, often referred to as **organizers**, hold pivotal roles in orchestrating and overseeing the operation. These individuals typically liaise with counterparts in other countries, coordinating logistics, routes and prices. While they may not directly participate in the physical execution of smuggling activities, their influence and control extend throughout the network. **It has been noted that individuals from third countries often hold the position of organizers.** In addition to organizers, there are frontline operatives known as **"gatekeepers"** (report from BiH) who play a critical role in guiding migrants through challenging terrain and border crossings. These individuals are often embedded within local communities and possess intimate knowledge of the geographical and logistical complexities of the region. Their presence is particularly prominent in border areas where crossings are more perilous and require expert guidance, such as between Greece and North Macedonia, North Macedonia and Serbia, Serbia and Hungary, and Croatia and Bosnia and Herzegovina. It is important to note that smuggler groups are not exclusively composed of local residents but often include smugglers from the countries from which most migrants originate (Afghanistan, Pakistan, Morocco and Syria).

Between 2019 and 2021, there was a significant development observed in the border regions of Subotica, Sombor and Kikinda, involving the emergence of groups composed of foreign nationals from countries such as Afghanistan, Pakistan, Morocco and Syria, among others. These groups were suspected to be engaged in the smuggling of migrants from Serbia into Hungary and Croatia. Smugglers exhibited a strong territorial presence, evident in the informal gathering places under their "control." Additionally, there were numerous conflicts reported between different smuggling groups, including shootings and injuries among smugglers from Morocco, Syria, Afghanistan and Pakistan, particularly in northern Vojvodina.

The development of this criminal activities was influenced by the prolonged presence of members of criminal groups in border areas. During the period from 2019 to 2021, they became familiar with the placement of surveillance cameras installed by Hungarian and Croatian police officers. In places where possible, they destroy the cameras and, by the time police officers arrive, they transfer migrants using ladders.

The facilitation of irregular transit through the country involves a diverse range of actors, including **drivers, taxi operators and "cleaners"** responsible for ensuring the safe passage of vehicles and migrants. Their tasks include assessing police presence, navigating potential hazards and creating diversions when necessary to evade detection.

While the smuggling network across the Western Balkans is generally sophisticated, there are notable variations in its structure and operation across different countries and regions. For example, in **Montenegro**, transit may be facilitated by loosely connected individuals rather than highly organized criminal groups. Similarly, in **Albania**, reports from migrants and authorities suggest that smuggling operates more on an individual basis rather than through organized groups. However, the overarching structure of the network remains resilient, adapting to changing circumstances and maintaining a pervasive presence throughout the region.

Traditionally, the primary smugglers have been citizens of the countries of the region, providing the required services to migrants. However, in **recent years, there has been a noticeable rise in the involvement of third-country nationals in smuggling activities across the Western Balkan region**. For example, in the context of **Serbia**, the impression from the field is that smugglers have mostly been Pakistanis and Afghans, but among their associates, there are also those of Turkish, Serbian and Albanian origin. Similarly, in **North Macedonia**, data gathered from the field points to a division of roles among smugglers depending on their nationality. Those responsible for guiding migrants across the green border tend to be from Pakistan, Afghanistan, Morocco and similar countries, whereas individuals managing transportation services with vehicles often come from North Macedonia, Kosovo* or Serbia.

In **Albania**, a significant shift has been observed in recent years, with an increasing number of migrants themselves becoming involved in smuggling operations. These migrants collaborate with local smugglers, offering various services to fellow migrants seeking to cross borders. Consequently, the profile of smugglers in Albania has expanded to include individuals from Iraq, Afghanistan, Syria, Algeria and other nations. Similarly, in **Montenegro**, nationals of third countries, including Afghans, Iranians, Iraqis, Pakistanis and Syrians, have been implicated in smuggling activities, often originating from the same countries as the irregular migrants they assist. **This trend underscores the growing complexity and diversity of the smuggling networks operating in the region.**

Additionally, in **Serbia** it has been noted that the **development of the aforementioned criminal activities by foreign nationals has been exacerbated by the problem of identifying members, as the majority of individuals have repeatedly stayed in the country using false documents**. Each time they entered, they used different identification information, making their identification difficult. **However, whereas that the issue of migrant identification exists in other Western Balkan countries as well, it can be said that this problem is regional in nature.**

Role of local population in smuggling operations

In the Western Balkan region, **the local population** plays various roles in smuggling operations, which vary in nature and extent across different countries:

- In **Serbia**, local citizens are frequently tasked with individual responsibilities within smuggling networks, such as **providing transportation or guiding migrants near border areas** where they cross independently or in groups on foot. They also **assist in securing accommodation for migrants**, sometimes utilizing remote locations like abandoned houses or rural areas to minimize detection. **Taxi drivers, local transporters and hotel/motel owners** often have direct or indirect connections with smugglers, facilitating the movement and housing of migrants. There have also been recorded instances of Serbian female citizens forming informal relationships with members of the smuggling criminal group. These women assist by facilitating communication and providing the use of their vehicles to carry out illegal activities.
- In **Albania**, locals may act as **guides for migrants** passing through their cities, **offering guidance on locating specific taxi drivers** involved in facilitating illegal border crossings. While migrants occasionally use established lodging options like hotels or rented houses, the prevalent method of accommodation involves occupying abandoned structures to avoid drawing attention. According to the testimonies of migrants and representatives of authorities, **in Albania, smuggling is operated more on an individual basis rather than operating as an organized group**. The main role of Albanian smugglers remains coordinating and transporting.
- **Montenegro** sees **limited involvement of local individuals in smuggling activities**, particularly in assisting with transportation during border crossings. However, organized criminal groups from Montenegro are typically not directly involved in migrant smuggling. Instead, local smuggling entities and individuals operating near border areas provide support to broader international smuggling networks.
- In **North Macedonia**, the local population often serves as guides due to their familiarity with the terrain and potential hiding spots in case of police presence. Macedonian citizens may accept, shelter, transport and temporarily accommodate migrants, although instances of locals claiming ignorance about migrants on their property are not uncommon.

- In **Kosovo***, local women often appear as drivers during the facilitation of illegal transit through the territory. This is because the police are less likely to suspect a woman of any suspicious activity, reducing the chances of them stopping a female driver.

Overall, the roles undertaken by the local population in smuggling operations across the Western Balkans range from providing logistical support and transportation to offering accommodation and guidance to migrants. **While the level of involvement may differ among countries, collaboration with organized smuggling networks or individual facilitators is often observed across the region.**

■ Recruitment of migrants

Migrants are typically the ones who initiate contact with smugglers through various channels, including **recommendations from acquaintances, friends or family members** who have previously migrated or are familiar with the process. This often occurs while migrants are still in their country of origin, where they plan their journey to Europe, but there are cases where they also make contact in some transit countries (most commonly Turkey and Greece). Smugglers also **utilize social media platforms** such as Instagram, Facebook and TikTok **to advertise their services**, attracting migrants through positive testimonials and recommendations. Satisfied migrants may create videos or testimonials, which they send to smugglers, who then share them on social media to attract new clients. As noted from the monitoring report for North Macedonia, **migrants often choose a smuggler following a good advertisement and recommendation.** This was the case, for example, with smugglers from Preševo that smuggled mainly Cuban citizens, later found and caught by the police in the country. They shared videos of leading migrants and advertised themselves.

Furthermore, **migrants usually forge connections with smugglers within open, semi-closed or closed camps**, where certain individuals suspected of engaging in smuggling activities may act as liaisons for organized criminal networks. For instance, in **North Macedonia**, employees of the Reception Centre for asylum seekers in Vizbegovo suspect that some long-term residents are actively involved in smuggling and serve as key points of contact for organized criminal groups. These individuals often welcome new arrivals, provide them with additional information about their journey and coordinate their departure from the centre towards the northern border, typically during late night or early morning hours. Despite suspicions raised by employees regarding the involvement of residents in organizing, recruiting or aiding smuggling activities, no action has been taken by the authorities to address these concerns. Similarly, in **Bosnia and Herzegovina**, Temporary Reception Centres for asylum seekers serve as hubs where information about smugglers is readily available and contacts can be quickly established. Furthermore, migrants in BiH report that smugglers operating along the migration route actively promote their services in various locations frequented by potential clients. These efforts extend to strategic areas known for offering related services or places in close proximity to such areas, including specific neighbourhoods, bus and train stations, shopping centres, cafés and other social gathering spots. Monitoring report in **Montenegro** also notes that in camps, arrangements with smugglers also exist and smugglers themselves often stay in the camps. Reports from the field in **Serbia** also confirm the suspicion that certain migrants residing in the centres are active members of smuggling groups⁴ and that professionals in the field are taking certain measures in collaboration with the police to prosecute them. On the other hand, field information from **Kosovo*** indicates sporadic instances where smugglers have been observed at the Centre for Asylum Seekers, staying there for a few days before continuing their journey to Serbia.

There's a notable cross-country collaboration among smugglers, with individuals of different nationalities assisting migrants at various stages of their journey. Smugglers in one country may even facilitate contact with counterparts in other countries to aid migrants in their passage. For instance, observations from migrants in **Albania** revealed instances where smugglers in neighbouring countries like Greece or Turkey connected them with individuals who could provide assistance with various services in Albania or other destinations.

In addition to smugglers, **the involvement of police personnel in aiding migrants** with illegal border crossings is of a significant concern. Reports from monitoring visits in **Albania** indicate that some police officers share information about patrol routes and even accompany migrants using official vehicles to facilitate their border crossing process.⁵ Similarly, in **Bosnia and Herzegovina**, there are instances of police officers assisting in irregular movement and migrant smuggling. The seriousness of this issue is highlighted by cases

4 National monitoring report-Serbia: "According to testimonies from people at the Krnjača asylum center, smugglers stay in the camp and attempt to recruit individuals to go on the journey with them. They say that smugglers are mostly of Pakistani and Afghan origin."

5 [Procedohen dy policë të kufirit në Sarandë, i morën rryshfet një emigranti – Euronews Albania](#)

where members of law enforcement, including the Border Police of Bosnia and Herzegovina, are found to be part of smuggling networks. This presents a considerable challenge in combating migrant smuggling, as those responsible for enforcing border laws may be complicit in criminal activities themselves. In **Serbia**, there aren't any officially recognized authority figures among smugglers. However, the organization of smuggling heavily depends on intermediaries within institutions. According to information from monitoring visits in Serbia, many believe such cases exist, but they're often kept secret within close-knit communities and rarely openly discussed.

3. Collaboration with competent authorities

When smuggled migrants face violations of their rights during smuggling operations, the decision to commence legal proceedings against the perpetrators is fraught with challenges. Field data from the WB region indicate that migrants often hesitate to initiate criminal proceedings due to a number of factors, including fear of reprisals from smugglers, apprehensions and prolonged legal processes that could impede their onward journey. As pointed out throughout the region, in processing these cases, there is also the problem of legitimate identification of smuggled migrants because of lack of ID documentation. This can be particularly problematic in case of eventual procedural legitimization in procedures for compensation and protection of other rights as the injured party.

Furthermore, even when these violations constitute offenses that should be automatically prosecuted, such legal actions are frequently not undertaken. Instead, the extent of violations suffered by migrants during smuggling is sometimes considered only as part of the context in which the smuggling occurred, potentially influencing the severity of sentences as either an aggravating or mitigating factor. However, upon analysing court proceedings, it has been revealed that in legally concluded criminal cases, insufficient attention was paid to the difficulties that smuggled migrants had faced during the smuggling process and that the circumstance of inhumane treatment during smuggling operations was only sporadically recognized as an aggravating factor directly affecting the severity of the imposed sentence. Additionally, it was found that the extent of injuries sustained by migrants during smuggling was neither adequately considered when imposing the sentence nor properly documented.

When the law enforcement intercepts smuggling operations, the standard procedure involves exercising police powers to secure witness statements from smuggled migrants, in coordination with the prosecution and upon its authorization. The cooperation level from smuggled migrants significantly affects the quality of the data collected during investigations, which in turn impacts the criminal proceedings' quality.

The extent and quality of information gathered largely depend on the psychophysical condition of migrants as well as their willingness and openness to cooperate at the time of interception. Based on the collected field information, **there is an impression that with the establishment of an appropriate approach (approach aimed at bolstering the operational efforts of investigative authorities in uncovering smuggling activities), which would be based on principles of protecting smuggled migrants and creating a safe environment to ensure the protection of their rights, the quality of gathered data would be improved.** This improvement would include not only information relevant for criminal prosecution of intercepted perpetrators of smuggling actions but also for uncovering broader criminal activities. However, ensuring the presence of migrants before the prosecutor to obtain their statements is challenging. Over the past years, the presence of smuggled migrants summoned to testify in criminal proceedings against smugglers has typically been ensured by placing them in closed-type facilities on the grounds of identity verification (as observed in North Macedonia, Serbia and Kosovo*). Additionally, in **Serbia**, other methods have been noted, such as imposing a 48-hour detention measure and initiating misdemeanour proceedings.⁶ Taking into account the nature of these measures and the fact that due attention is not paid to the identification and protection of the rights of smuggled migrants, it is questionable whether such practices comply with Article 16, paragraph 3 of the Protocol (confinement based on the fact that they were subject to smuggling). Furthermore, it is imperative

6 Migrants i migrantkinje u iregularnom status (Migrants in an irregular situation), Preugovor, p.44.

to respect the principle of non-criminalisation of smuggled migrants in need of international protection and to ensure their access to the asylum procedure.

In the case of **North Macedonia** there have been instances where the detention of migrants lasted longer because defence attorneys insisted on migrants being brought to court for hearings and examinations. To address this issue, provisions of laws on criminal procedure that allow for an exception where statements of migrants given before the public prosecutor can be read during court proceedings, began to apply (for example Article 388, paragraph 5 of the Law on Criminal Procedure of the Republic of North Macedonia or Article 406 of the Law of Criminal Procedure of the Republic of Serbia). This change in the approach applied in the procedure, related to the manner of collecting speeches of smuggled migrants, meant that statements were taken immediately after interception, detaining them as briefly as possible.. While these changes were more favourable for smuggled migrants, they also presented additional challenges for investigative authorities from the perspective of criminal procedural law. Specifically, the short time available to take statements from migrants as witnesses, along with the procedural conditions required for these statements to be admissible in court (which entails, eg., having a defence attorney and an identified suspect present during the process of taking statements from migrants before the prosecutor), burdens investigative authorities.

In practice, it has been observed across certain parts of the WB region that although migrants may endure acts of violence, robbery, threats, or use of force during their journey, a legal action against smugglers or perpetrators is often not pursued. *This phenomenon can be attributed to several factors. Firstly, there is a pervasive fear of retribution from smugglers and their networks, especially if migrants intend to continue their journey, as evidenced in cases like in Kosovo*. Additionally, there is often a lack of awareness among migrants regarding how to report such incidents or a reluctance to do so due to their reliance on smuggling services to reach EU countries, as seen in Albania.*

Field data highlights that smuggled migrants generally exhibit reluctance to cooperate and disclose information about abuses or incidents during their smuggling journey to authorities, such as the police or public prosecutors, even when providing statements. Consequently, prosecutions for these crimes are seldom initiated in practice, as seen in Kosovo. Similarly, in Albania, migrants are typically not engaged in criminal proceedings. This is primarily due to the lengthy nature of such procedures, particularly if they involve court appearances. By the time migrants are summoned by the court, there is a high likelihood that they have already left Albania.*

On the other hand, in North Macedonia, when traffic accidents involve migrants, prosecutors collect statements from them to claim damages from the responsible smuggler. However, migrants often show little interest in pursuing this type of legal proceeding.

It is important to note that since migrants often become inaccessible to authorities before the trial, their statements cannot be directly heard but are only read during proceedings. However, without additional evidence, these statements alone may not be sufficient to prove the accused's criminal activity. Other evidence, including documents, photos, recordings and certificates for temporarily confiscated items, as well as bills and video recordings from pay tolls and other public places along the route also plays an important role in investigations. Moreover, the analysis of phone calls, medical examinations, vehicle inspections and evidence found at the scene, such as DNA evidence on the steering wheel or gearshift of the vehicle, are also significant. Monitoring the telephone communication of suspects through special investigative measures has proven to be the most crucial method in collecting evidence and determining the roles of individual members within smuggling networks and the degree of organization of these networks in certain countries. It is an undisputed fact that the sustainability of indictments against members of organized crime largely, if not exclusively, depends on evidence collected through covert communication monitoring and surveillance. Indeed, it is impossible to prove the elements of organization necessary to establish the existence of organized criminal groups without records of the content of their communication. For example, in cases before the judicial authorities of **Serbia**, special investigative measures are frequently employed, not only in organized crime cases but also in those involving severe forms of migrant smuggling. However, in **North Macedonia**, the use of such measures is rare. Therefore, while witness statements are essential, a comprehensive array of evidence is needed to support investigations and prosecutions effectively.

In addition to smuggled migrants, significant contributors to the investigation in terms of providing relevant information for criminal prosecution purposes can include management of centres where asylum seekers and migrants are accommodated, as well as representatives of international organizations and civil society organizations present in the field and directly involved in providing assistance and support to migrants. Proactive collaboration among stakeholders present in the field with the police can significantly contribute to the timely identification of smugglers and enhance operational efforts in gathering evidence against them. By analysing data from the region, it has been noted that **in most countries, there are no institutionalized frameworks for cooperation specifically aimed at operational collaboration in combating migrant smuggling between investigative authorities and institutions responsible for reception.** The establishment of cooperation agreements between institutions responsible for migrant reception and investigative authorities could improve operational approaches to gathering crucial information for investigative and prosecutorial efforts against migrant smuggling. In this context, it is worth mentioning that in Serbia, in May 2018, the Ministry of Interior and the Public Prosecutor's Office concluded a Memorandum of Understanding with the Commissariat for Refugees and Migration (an authority responsible for reception of migrants and refugees in Serbia) establishing and defining the framework for cooperation with investigative authorities in the fight against smuggling. Available information on the content of this Memorandum is limited, suggesting that measures related to this agreement are taken *ad hoc* and that long-term effects have not been observed. However, despite the immediate effects, analysing the outcomes will contribute to discussions on enhancing the agreement. It is possible that in other countries, the effects may prove to be more successful.

■ Analysis of the protection system for smuggled migrants

Viewed from the perspective of the position of smuggled migrants, it is important to examine which protective elements the existing legislative framework specifically targets for smuggled migrants.

CRIMINAL LEGAL FRAMEWORK: Firstly, it is important to emphasize that **smuggled migrants, as objects of the crime of migrant smuggling**, do not have a specifically defined status in the criminal legislation in the Western Balkan region. They **do not have the status of victims or injured parties within the framework of the act of migrant smuggling**, even if the act of smuggling jeopardizes their lives or health. If, however, their rights are violated during the smuggling process, according to criminal legislation, proceedings should be initiated to determine the criminal liability of the perpetrator and smuggled migrants should be assigned the status of injured parties within the framework of the crime, protecting those rights. However, since there is an impression that violations of the rights of smuggled migrants are not systematically monitored⁷ (for example, there are no separately identified data on criminal offenses against migrants during smuggling-initiated proceedings, indictments and further outcomes), it cannot be determined to what extent smuggled migrants are recognized as injured parties and whether they receive support within the framework of the system for the protection of the injured.

MIGRATION LEGAL FRAMEWORK: The only support framework on which smuggled migrants can de facto rely is the one provided within the migration system. First and foremost, given the importance of ensuring their longer lawful presence in the territory, to provide migrants with adequate protection according to the degree of harm suffered during smuggling and to collect as detailed and useful information as possible for the operational work of investigative authorities, it is important to consider the provisions regulating status issues and what statuses, if any, they provide smuggled migrants with, under what conditions they exercise the right to these statuses and what other rights derive from this status.

A comparative analysis of the legal structures governing the entry, stay and mobility of foreigners reveals that all WB countries establish humanitarian reasons as the foundation for granting temporary residence. This entails the provision of **humanitarian residence permits** or temporary residence permits based on humanitarian considerations. This form of residence is widely acknowledged in most countries as a type of residence permit that **can be granted, inter alia, to smuggled migrants who cooperate in investigations.**

⁷ For example in Albania, although migrants may experience acts of violence, robbery, threats, or the use of force, it is often observed that legal proceedings are not initiated against smugglers or perpetrators.

The Law on Foreigners of **Albania** provides within the provisions regulating the residence permit issued on humanitarian grounds (Article 52, paragraph 2) that in cases where there is a clear willingness of an alien to cooperate with judicial authorities during investigation or criminal proceedings, he/she has the right to claim a residence permit on humanitarian grounds. This type of permit can only be used by the alien to stay in the country and cannot facilitate re-entry into the territory of the Republic of Albania should the alien exit the country. Similarly, the Law on Foreigners of **Bosnia and Herzegovina** explicitly provides that if the “presence of a foreigner in BiH is necessary for the conduct of criminal proceedings or when a foreigner cooperates with authorities in uncovering a criminal offense or perpetrator or is a victim of organized crime, if his presence in BiH is necessary for the conduct of court proceedings,” temporary residence for humanitarian reasons may be granted to the foreigner. Likewise, the Law on Foreigners of **Kosovo*** prescribes that temporary residence for humanitarian reasons may be granted to a foreigner who has cooperated or agrees to cooperate with judicial authorities or at the request of state security organs. (Article 41, paragraph 1). The Law on Foreigners of **Serbia** also envisages a possibility of granting a temporary residence permit to a foreigner who is a victim of a serious criminal offense, including persons involved in facilitating irregular migration and who cooperate with the police and judicial authorities, and whose presence is necessary in criminal proceedings or participates in an investigation as a witness or as an injured party (Article 61, paragraph 1, point 3).

The Law on Foreigners of **Montenegro**, as well as the Law on Foreigners of **North Macedonia**, do not explicitly recognize foreigners who can contribute to the prosecution of perpetrators of criminal offenses related to irregular migration through their testimonies, as a category of foreigners entitled to a temporary residence permit on humanitarian grounds (or any other form of temporary residence). In order for smuggled migrants to have the right to humanitarian residence, they must be victims of human trafficking (Article 52, paragraph 1, point 1 of the Law on Foreigners of Montenegro and Article 120, paragraph 1 of the Law on Foreigners of North Macedonia) or unaccompanied minors (Article 52, paragraph 1, point 2 of the Law on Foreigners of Montenegro and Article 120, paragraph 1 of the Law on Foreigners of North Macedonia). However, it’s worth noting that a broader interpretation of “other justifiable humanitarian grounds” allows for consideration of the individual risks and dangers faced by smuggled migrants during their trafficking experiences, provided such circumstances are supported by evidence. This interpretation aligns with the norm of humanitarian considerations and offers a potential avenue for granting temporary residence permits to smuggled migrants based on their unique situations and needs.

In the context of the scope of rights deriving from the status of a foreigner with an approved humanitarian residence, only the laws of Albania and Montenegro (if interpreted extensively in terms of humanitarian reasons) specifically outline **the rights for holders of this residence**, with variations in the extent of these rights even between these two countries. For instance, in **Montenegro**, a foreigner granted temporary residence for humanitarian reasons is entitled to accommodation, healthcare, education, employment and financial assistance, in accordance with the law. In contrast, in **Albania**, this includes medical care, financial assistance and support, free legal aid, the right to translation and psychological support, as well as the right to work if eligible, as stipulated by the current legal provisions.

In **practice** however, there is no evidence of issuing humanitarian residence to smuggled migrants on the grounds of their collaboration in investigation. Instead, smuggled migrants are either prosecuted for irregular border crossing or stay or are accommodated at reception facilities intended for persons who have expressed the intention to seek asylum.

There is no data indicating the level of awareness among smuggled migrants regarding the support available to them if they cooperate with investigative authorities in criminal proceedings against smugglers, both in terms of information related to smuggling and other illegal activities in which smugglers engage. While statements are typically taken from smuggled migrants immediately after interception of smuggling operations, it appears that much information remains unrecorded or many questions unanswered, particularly those relating to other criminal activities of smugglers, including violations of smuggled migrants’ rights .

3.1. Role of CSOs

In the fight against migrant smuggling, collaboration between Civil Society Organizations (CSOs) and competent authorities is vital to ensure effective legal proceedings, provide protection to smuggled migrants and prevent future incidents. CSOs serve as intermediaries between smuggled migrants and judicial authorities, ensuring migrants are adequately prepared to give testimony and provide evidence during court proceedings.

Furthermore, in addition to informing smuggled migrants about their rights and the support available if they cooperate with investigative authorities in criminal proceedings against smugglers, CSOs can actively engage in preventive activities. These activities aim to raise awareness about the risks associated with migrant smuggling. By establishing partnerships with government agencies, law enforcement authorities and international organizations, CSOs contribute to a comprehensive approach to combating migrant smuggling and protecting vulnerable populations.

In summary, collaboration between CSOs and authorities is crucial for addressing the complexities of migrant smuggling. It enhances legal protections and helps prevent future incidents.

4. Conclusions

The Western Balkan region presents a complex landscape in combating migrant smuggling, where Ministries of Interior take central roles and specialized units coordinate efforts to prevent, investigate and prosecute smuggling crimes. Collaboration among law enforcement agencies across neighbouring countries, supported by international organizations like Europol and SELEC, aims to intercept smuggling channels and prosecute organized criminal groups effectively. However, ongoing cooperation, capacity-building and harmonization of approaches are imperative for comprehensive and efficient responses to migrant smuggling.

The smuggling of migrants in the Western Balkans manifests diverse methods influenced by factors such as geography, border control measures and the presence of organized criminal networks. Smugglers exhibit increased sophistication and adaptability, employing various strategies tailored to specific contexts. Across the region, the landscape of smuggling practices is dynamic. In Serbia, smuggling tactics range from using falsified documents to bypass checkpoints, concealing migrants in vehicles and cargo trains, to employing small boats for river crossings. Albania witnesses a surge in migrants attempting to deceive border police at airports using forged documents, alongside the utilization of vans and taxis for transportation. In Kosovo*, smuggling operations are well-organized, often involving direct escort by smugglers, with migrants sometimes seeking asylum before continuing their journey. Bosnia and Herzegovina experiences common land crossings near official border points, coupled with a rise in attempts at river smuggling and the use of freight motor vehicles or buses. Montenegro records guides utilizing GPS technology for navigation, alongside an emerging trend of maritime smuggling and the circulation of forged documents.

Prices charged by smugglers vary considerably depending on routes, transit countries and services provided, with fluctuating prices leading to instances of exploitation and coercion, particularly among underage migrants. Migrants unable to pay may be coerced into working for smugglers or subjected to exploitation, including forced prostitution or drug trafficking, further highlighting the vulnerability of smuggled migrants.

Throughout their journeys, smuggled migrants face numerous dangers and risks, including physical violence, psychological manipulation and exploitation by smugglers. Encounters with law enforcement also pose risks, with reports of police brutality and forced pushbacks across borders. These dangers underscore the urgent need for comprehensive measures to protect migrants' rights and safety.

The smuggling networks in the Western Balkans operate within complex and adaptable frameworks, leveraging technology and collaboration with both local and foreign actors to facilitate migrant journeys across borders. The involvement of third-country nationals and migrants themselves in smuggling operations adds layers of complexity to these networks. Local populations play diverse roles, from providing logistical support to offering accommodation and guidance to migrants, highlighting the resilience and adaptability of smuggling networks.

Migrants primarily initiate contact with smugglers through various channels, including social media platforms, where smugglers strategically advertise their services. Within reception centres, individuals suspected of engaging in smuggling activities act as liaisons for organized criminal networks, forging connections with new arrivals and coordinating their departure towards the northern border. Cross-country collaboration among smugglers further complicates efforts to combat smuggling, with individuals facilitating migrants' passage across borders.

Concerns arise regarding the involvement of law enforcement in facilitating illegal activities related to migrant smuggling, with reports indicating instances of police officers assisting in irregular movement and smuggling. This presents a formidable challenge in combating migrant smuggling, as law enforcement officials may be complicit in criminal activities themselves.

In conclusion, addressing the challenges in prosecuting perpetrators of violations against smuggled migrants necessitates a multifaceted approach, including legal reforms, improved evidence collection methods and enhanced collaboration among stakeholders. Efforts to strengthen cooperation and streamline procedures are essential for ensuring justice and protecting the rights of smuggled migrants in the Western Balkans.

Recommendations:

1. Enhance border management and surveillance capacities to detect and deter smuggling activities. This includes the use of technology, such as biometric systems, advanced screening methods and cooperation with neighbouring countries to improve information sharing and coordination.
2. Target and dismantle smuggling networks through intelligence-led investigations, cooperation with law enforcement agencies and financial investigations to disrupt the financial flows associated with smuggling.
3. Promote international cooperation and coordination among countries to combat migrant smuggling. This includes sharing intelligence, conducting joint operations, and exchanging practices and experiences in tackling smuggling networks.
4. Regularly assess and evaluate the impact of implemented measures to combat illegal migration and smuggling. This will allow for adjustments and improvements in strategies and policies, ensuring a more targeted and efficient response to the security challenges posed by illegal migration.
5. Ensure effective mechanisms for protecting smuggled migrants from retaliation by smugglers.
6. Develop and enhance mechanisms and procedures to effectively respond to smuggling threats, with a specific focus on vulnerable groups.
7. Enable smuggled migrants to access the process of seeking compensation for damages.
8. Amend legislation to regulate the entry and stay of foreigners, ensuring consistent rights for smuggled migrants granted humanitarian residence across all countries.
9. Increase the enforcement of provisions regarding temporary residence, particularly considering that competent authorities have mechanisms available to revoke residency in cases of potential abuse. In this regard, develop detailed procedures for handling and protecting smuggled migrants granted humanitarian residence.
10. Incorporate into internal police instructions a section regarding the identification and documentation of the circumstances under which migrants are smuggled, which can serve as evidence in criminal proceedings for aggravated forms of migrant smuggling.
11. Strengthen partnerships with local and international non-governmental organizations to provide comprehensive assistance to vulnerable migrants, including information dissemination and support throughout legal proceedings.
12. The countries that do not have the legislation in place allowing statements to be taken from smuggled migrants and used as evidence in criminal proceedings, should introduce such legislation.
13. Monitor and report on criminal offenses committed by smugglers against smuggled migrants.

Annex I – Draft of the Standard Operating Procedures (SOPs) for Regional Cooperation between the Competent Institutions of Western Balkan Countries and Civil Society Organizations (CSOs) in respect of the Protection of and Assistance to Smuggled Migrants – (RSOPs)

Collaboration between government institutions and civil society organizations is crucial for enhancing the effectiveness, transparency and accountability of joint efforts to address migrant smuggling issues and uphold migrants' rights. Recognizing the role of CSOs in supporting both government institutions and migrants and considering the existing legal framework outlining their involvement, this proposal seeks to formalize the collaboration between CSOs and government authorities within the WB region. The key segments of the proposal aim to serve as a basis for further discussion on developing mechanisms for cooperation between state authorities and CSOs, with the goal of harmonizing approaches to combating irregular migration and, specifically, migrant smuggling.

- 1. Establishment of Institutional Cooperation Framework:** Taking into account the political context of the WB region, most sustainable cooperation mechanism between all WB partners on the issue of separation of irregular migration including fight against smuggling of migrants, include collaboration of relevant authorities within the MARRI initiative. In that regard, collaboration framework with CSOs entails concluding a Memorandum of Understanding between the MARRI initiative and relevant CSO from each country (representing national platforms on suppression of migrant smuggling). This MoU serves as the foundational document for defining terms, responsibilities and the collaboration framework between the government authorities and the CSOs.
- 2. Information Sharing and Collaboration:** In collaboration with the MARRI initiative, establish robust communication channels to facilitate the exchange of information on migration dynamics among national representatives of MARRI partners and Civil Society Organizations (CSOs). The overarching goal of this initiative is to swiftly address vulnerabilities encountered by smuggled migrants and provide state authorities with up-to-date operational data crucial for investigating smuggling cases and associated criminal activities.

The scope of information sharing, as well as the methods and frequency of data exchange, should adhere to a carefully crafted methodology that prioritizes legal and ethical considerations, including data privacy and confidentiality. Various avenues for information sharing and data exchange could include regular meetings, comprehensive reports, briefings, interviews and platforms dedicated to information exchange.

Collaboratively analyse the shared data to identify recurring patterns and potential risks, thereby informing proactive measures to prevent future incidents. In cases requiring immediate support, government authorities and CSOs should promptly share relevant information, clearly outlining the nature of assistance required from both parties. This coordinated approach ensures a comprehensive response to addressing vulnerabilities and enhancing the protection of smuggled migrants throughout the Western Balkan region.

- 3. Protection of Migrants:** The protection of migrants should adhere to international conventions and human rights standards across all Western Balkan countries, ensuring comprehensive safeguarding measures against any form of harm. This includes the provision of necessary support to smuggled migrants, encompassing medical, psychological and legal assistance. Collaborative efforts with Civil Society Organizations (CSOs) are essential in arranging temporary accommodation and meeting essential needs of smuggled migrants.

In instances where CSOs are involved in providing the support, prompt assistance should be ensured, with clear written communication outlining their role and specific contributions to government authorities. Government entities must facilitate CSO members' access to closed and open facilities where migrants are held, granting all the necessary permissions for them to offer support promptly and effectively. This collaborative approach fosters a coordinated response to safeguarding the rights and well-being of smuggled migrants across the region.

- 4. Training and Capacity Building:** In close collaboration, organize a series of workshops, training sessions and seminars tailored to the evolving needs of officers and Civil Society Organization (CSO) representatives engaged in assisting smuggled migrants. These initiatives should align with regularly updated assessments of training requirements conducted jointly by both parties. The primary objective is to enhance the technical proficiency and professional skills of personnel involved in migration management, ensuring the comprehensive protection and preservation of the rights and freedoms of all individuals, especially vulnerable populations, during border crossings.

CSOs are encouraged to incorporate capacity-building needs into their programming agendas and actively seek funding to address these requirements. By doing so, CSOs can effectively contribute to enhancing the capabilities of personnel working with migrants.

Collaboratively develop training programmes and curricula tailored to the specific needs of both new recruits and existing staff members engaged in migrant-related activities. These training materials should encompass a thorough understanding of the legal frameworks governing migrant smuggling, preventive measures and the rights afforded to smuggled migrants. By bolstering awareness and comprehension of pertinent legal principles, the training initiatives aim to foster a more informed and effective approach to addressing migrant smuggling and safeguarding the well-being of those affected.

- 5. Public Awareness and Advocacy:** Conducting joint public awareness campaigns to educate potential migrants about the dangers and risks associated with irregular migration and smuggling. These campaigns provide accurate information on legal pathways, the consequences of smuggling and the rights and protections available to migrants. Based on the conducted research, it has been established that only non-governmental organizations are involved in addressing this issue and it would be highly important to approach this matter systematically from the state level.

Promote positive narratives about migrants and advocate policy reforms if necessary.

- 6. Feedback and Evaluation:** Regularly evaluate the effectiveness of the cooperation, based on predetermined indicators and make the necessary adjustments. Additionally, use the feedback and lessons learned between the different stakeholders to improve practices.

Annex II – Research Methodology and Structure of the National Monitoring Report on SoM

II PHASE

Project: Security for Human Beings and Borders – Combating Smuggling of Migrants in the Western Balkans

Representatives of CSOs gathered in the National Platforms for smuggling prevention and smuggled migrants will be involved in information gathering through monitoring visits and interviews with relevant actors. The support for the National Platform will be provided by project coordinators in each WB country.

General information

In each country, representatives of CSOs gathered in the National Platforms for smuggling prevention and smuggled migrants will be required to conduct:

- At least 15 monitoring visits (in the areas close to the borders at which the greatest number of irregular state border crossings are detected, at informal migrant gathering places, etc.)
- 10 interviews (primarily, key national stakeholders that are in charge of migrations and combating migrant smuggling: different organizational units within the MoI, such as the Border and Criminal Police, the prosecutor's office, the institution in charge of reception and accommodation of migrants, social welfare institutions, institutions in charge of the protection of victims of trafficking, medical care institutions, courts, etc.; Additionally, information will also be collected from relevant international organizations that implement or provide support for the implementation of projects focused on the protection of migrants and/or children and women.)
- national coordinators will be responsible for coordination and organization of meetings of the platform and for monitoring the visits/interviews
- not all CSOs need to participate in all visits/interviews – (recommendation for each national coordinator of the platform to develop a plan of visits)
- CSOs gathered in the National Platforms will be responsible for delivering reports on the individual visits of the national coordinators.

On the basis of the findings of conducted monitoring activities in each country, a national monitoring report will be developed by national coordinators.

Structure of a monitoring report

1. Introduction	Present key statistical parameters (the use of infographics is recommended)
2. Methodology	Short presentation of monitoring visits, conducted interviews and other sources of information that are used.
3 Institutional capacities	Present the key national stakeholders that are in charge of migrations and combating migrant smuggling and the scope of their competences in the subject.
4. The migrant smuggling phenomenon- a view from the practice	

<p>4.1. Modus operandi of migrant smuggling in your country</p>	<ul style="list-style-type: none"> • Describe geographical features of the smuggling routes (describe the routes of irregular movements through your country, providing the extent to which the smuggling services are used on each of the routes) • How are smuggling operations conducted (describe the activities of entering the country, transit through it, stay in it and border crossing at the exit of the country) • Are there any specific routes/manners in which migrants are smuggled from some countries? • In the previous period of time, have smugglers changed the manner in which they have facilitated migrants to cross a state border unlawfully/ to stay in the country illegally/ to transit through the country and in what sense? • When describing the smuggling operations, please provide the description of the conditions in which the smuggled migrants were (e.g. if the smuggling operation refers to facilitating an unlawful state border crossing and migrants were transferred in a vehicle, describe whether they were hidden, what were the vehicle capacities and how many migrants were in the vehicle; and if smugglers facilitated their unlawful stay in the country, describe whether they could move freely within the accommodation facility and whether they could leave it; was their travel document confiscated by smugglers at any moment during the smuggling operations in the territory of your country, etc.?) Have they been exposed to any risks and to which? • How much do migrants pay to smugglers and what are the payment methods? What does the payment amount depend on? Are there any specific requirements depending on migrants' country of origin? • Have there been any cases recorded in which smugglers got other types of compensation rather than money from the smuggled migrants, for the service of facilitating unlawful border crossing/stay in/ transit through your country? (E.g. work engagement of migrants, provision of other services by smuggled migrants, etc.) • To which extent was the facilitation of illegal stay in, transit through or exit from the country already arranged back in the country of destination and to which extent during the migrant's stay in your country (or in another WB country)? • In cases where the migrant's transit through your country was arranged prior to his/her arrival to the country, please provide the reasons for migrant's stay in your country (e.g.)
<p>4.2. Smugglers</p>	<ul style="list-style-type: none"> • How do migrants find smugglers? How do they get in touch with them? (by phone/social networks, which ones?). To which extent do migrants get in touch with smugglers while staying in accommodation camps? Have you got any information on the manners in which smugglers advertise their services? • In case where several smugglers are involved, what are some of the key reasons for which a migrant opts for a specific person (recommendation by family/friends, amount of money or other reasons)? • List the smugglers' countries of citizenship? • Are there any migrants among smugglers and to what extent? What roles do migrants have in smugglers' groups (provide a detailed description) and do they get paid for assisting the smugglers? If they do not get paid, do they get any other type of benefits and what kind?

	<ul style="list-style-type: none"> • How would you assess the level of smugglers' organisation in your country? Are there cases of smugglers acting individually or the smuggling operations are organised only by a group of smugglers? • According to available, direct findings, describe the roles of individual members of the criminal group of smugglers in each phase of smuggling in your country: prior to the entrance, during the stay, transit and border crossing when exiting the country. • How would you describe the role of local citizens as members of the criminal group of smugglers? Are they usually the organisers or local coordinators/transporters/guides when crossing the border, etc.? • According to your knowledge, to which extent are taxi drivers, registered transport operators, as well as hostel, inn and private flat/house owners connected to local smuggling coordinators or organisers in your country? • Are there members of authorities among the smugglers and to what extent? (members of the police/members of the customs authorities/ members of the authorities in charge of accommodation and reception/ members of social work centres, etc.)
4.3. Smuggled migrants	<ul style="list-style-type: none"> • What happens when a migrant is not able to pay to a smuggler the amount/ instalment agreed? (how does he/she pay off the debt?) • To which extent do the smuggled migrants get subjected to physical attacks by smugglers? (what are the most usual reasons for the attack and the circumstances in which the attacks occur?) • Do the smugglers confiscate movable property from smuggled migrants in the smuggling process and to what extent? (provide examples you have heard of) • Do the smugglers confiscate movable property from smuggled migrants by using force or threats to life or body and to what extent? (provide examples you have heard of) • In view of the elements of the crime of trafficking in human beings, in accordance with the national legislation, have there been any cases where smugglers facilitated illegal crossing of a state border/transit/ stay of a migrant/migrants for the purpose of their exploitation? (if you have any knowledge of these, please describe the cases and the measures taken both by migrants/CSOs that were in touch with him/her and by competent authorities) • Are you familiar with any cases where smugglers kept or took smuggled migrants against their will for the purpose of extortion of money from them or other persons? • According to your field data, to what extent do unaccompanied minors/ families/ migrant women use smugglers' services to enter/stay in/exit your country? According to them, how were they treated by smugglers during the smuggling process? • According to available data, when the police intercept/capture smugglers in the vicinity of border or within the territory, what follow-up measures are taken with regard to the smuggled migrants who have been identified? Describe the procedure of treatment of identified unaccompanied minor migrants, as well as of persons with visible physical injuries among the smuggled migrants (the role of the competent social work centre, primary healthcare institutions)

4.4. Collaboration with competent authorities	<ul style="list-style-type: none"> • To what extent do the smuggled migrants who were attacked or robbed during the smuggling or whose other rights were violated, commence legal proceedings against the smugglers/perpetrators and to what extent do they require police protection? Have you, as an organisation, addressed competent authorities/commenced legal proceedings against the perpetrators in cases for which you had some indications or other findings? Have you got any field data on whether any other organisations or individuals addressed the competent authorities? • Besides the statement smuggled migrants give to the police/prosecutor's office immediately after interception of a smuggling operation, have you got any knowledge of whether the smuggled migrants are summoned to testify before a judge at a later stage of the proceedings initiated against the smugglers? • Please explain the role of CSOs as the link in the collection of information and preparation of smuggled migrants for giving statements and giving evidence in criminal investigations against smugglers. • Please explain the role of CSOs with regard to carrying out preventive activities of provision of information on the risks posed by smuggling.
5. The practice of prevention of smuggling and protection of smuggled migrants	<p>List and describe in more detail the activities that are carried out at the national and local level in your country, aimed at achieving the following:</p> <ul style="list-style-type: none"> • prevention of migrant smuggling • protection of smuggled migrants from different forms of abuse and risks that smuggling poses
6. Annex 1	Develop draft proposal of the National Standard Operating Procedures (NSOPs) ⁸

⁸ In NSOPs, define in more details: 1) possible modalities of cooperation between the competent institutions and CSOs with respect to the protection of and assistance to smuggled migrants, particularly to vulnerable categories, relying on the current situation in practice, the legislative framework of the states and the real capacities of all the stakeholders; 2) the guidelines for identification, the primary giving shelter, urgent needs and services, collection of information on migrants, services and support services to smuggled migrants, provision of safety to the migrants who are witnesses in the proceedings for migrant smuggling, etc.

About BRMC

The Balkan Refugee and Migration Council (BRMC) is an informal coalition of five civil society organisations from Bosnia and Herzegovina, Macedonia, Kosovo* and Serbia. The members of the coalition are prominent CSOs with specific competences demonstrated through long-standing work in the asylum and migration policy area, both at the national and regional level. These are Belgrade Centre for Human Rights, Civil Rights Program Kosovo*, Group 484, Macedonian Young Lawyers Association, Vaša prava BiH.

The coalition was established in December 2017 as a joint and carefully considered initiative of five organisations which had already cooperated on many occasions, also as members of the European Council on Refugees and Exiles (ECRE) and its working group for the WB. The establishment of the BRMC was strongly supported by ECRE and the Dutch Council for Refugees (DCR), as they advised the BRMC's initial strategic planning process, while DCR also secured the funds for those first steps of the initiative.

This initiative is based on extensive and long-standing work of its member organisations within their respective countries but also on several ad hoc and project-based transnational efforts. However, the BRMC was conceived and established with the primary aim of providing additional value to the national work of its members, promoting common regional aspects of several major migration issues and regional cooperation in the field of asylum and migration.

Member organisations

Belgrade Centre for Human Rights (BCHR)

The Belgrade Centre for Human Rights (BCHR) was established by a group of human rights experts and activists in February 1995 as a non-profit, nongovernmental organisation. The main purpose of the BCHR is to study human rights and humanitarian law, to disseminate knowledge about them and to educate individuals engaged in this area. Ever since 2001, the BCHR has engaged with migration policy and practice in Serbia and Montenegro and Serbia following the dissolution of the State Union. However, these activities have increased exponentially starting of 2012, in which BCHR became the UNHCR's implementing partner with the main purpose of providing free legal aid on asylum and integration for all those in need of it and advocating for better migration and asylum policies in the country. In addition, BCHR has brought a number of cases before the European Court of Human Rights. For its achievements in the area of human rights, the BCHR was awarded the Bruno Kreisky Prize for 2000. The BCHR is a member of a number of coalitions and networks such as the Association of Human Rights Institutes (AHRI), Human Rights Houses, the European Council of Refugees and Exiles (ECRE), the European Legal Network on Asylum (ELENA), etc.

Civil Rights Program Kosovo* (CRP/K)

The Civil Rights Program Kosovo* (CRP/K) was founded by the Norwegian Refugee Council in 1999. CRP/K continued with its activities under this framework until 2004 when since 1 December of the respective year it has functioned as an independent nongovernmental organisation. CRP/K has conducted its activities as nongovernmental human rights-based organisation and it is an implementing partner of the UNHCR, in the implementation of the projects related to free legal aid in the territory of Kosovo*. CRP/K is an organisation that provides free legal aid and counselling for returnees, asylum seekers, displaced persons in Kosovo*, persons at risk of statelessness and persons who are considered to be vulnerable in the realisation of their civil rights. The assistance is provided without discrimination of any kind. CRP/K represents its beneficiaries in the procedures before the court and also offers free legal advice to refugees and advocates for their integration into Kosovo* Society.

Group 484

Group 484 is a Belgrade-based nongovernmental organisation whose core expertise is in the fields of migration and interculturalism. The organisation has 25-year-long experience in diverse migration-related projects and it has been operating in more than 70 towns in Serbia, assisting refugees, displaced persons, asylum seekers and vulnerable migrants, providing educational services to various stakeholders, managing sub-granting schemes, facilitating networking at the national and the WB level, producing numerous policy analyses and

research papers, and conducting 39 advocacy and awareness-raising efforts related to the advancement of migrants, asylum seekers, refugees and internally displaced persons. Group 484 representatives participate in national and international conferences dealing with migration issues, provide consultancy and training services to government and public authorities, international and local organisations.

Macedonian Young Lawyers Association (MYLA)

Macedonian Young Lawyers Association (MYLA) is a nongovernmental, non-profit and non-political professional organisation of lawyers established in December 2003 aiming to strengthen the contribution of young lawyers in promoting the legal profession and fulfilling the principle of the rule of law. Primarily founded to guide young lawyers towards their legal careers from the point of graduation, during the years, MYLA has transformed itself into a unique organisation that actively protects human rights and the rule of law principle through the utilisation of the knowledge and capacity of young lawyers.

Vaša prava Bosnia and Herzegovina

Vaša prava Bosnia and Herzegovina (VP BiH) is a local, nongovernmental and non-profit organisation with its headquarters in Sarajevo. The association was originally founded in 1996 as a network of information and legal aid centres under the auspices of the UNHCR, with its mandate to ensure safe, legal and dignified return of refugees and displaced persons to their pre-war homes. Registered at the state level in 2005, today VP BiH represents the largest free legal aid provider and one of the largest nongovernmental organisations in the region. Since 1996 the association has provided aid to some 450,000 refugees, returnees, displaced persons, minority groups and vulnerable groups among the local population in legal matters such as property repossession, social, economic and cultural rights, discrimination in access to employment, utilities, education and social welfare, as well as other human rights guaranteed by the ECHR and other international legal instruments.

Associates

In order to cover the entire WB region, BRMC has established cooperation with the Albanian Helsinki Committee from Albania and the Civic Alliance from Montenegro, which are BRMC's associates and with whom BRMC has formal cooperation agreements.

Albanian Helsinki Committee (AHC)

The Albanian Helsinki Committee (AHC) was founded in 1990 with its mission to promote and protect human freedoms and rights and to strengthen the rule of law in the country. AHC has provided important contribution for informing and legal education of citizens on different issues relating human freedoms and rights and organised civic forums with different topics of public interest. Over the years, AHC has filed several requests to the Constitutional Court, which have resulted mostly in successful cases as the Constitutional Court has abrogated some of the laws, partially or entirely. In order to better respect and protect citizens' rights and freedoms, AHC carries out lobbying, advocacy and monitoring activities to improve the quality of good governance by the public authorities at the central and local level.

The Civic Alliance (CA)

The Civic Alliance (CA) was established in 2011 with the goal of establishing a quality and efficient civil and democratic society through capacity building and support for civic initiatives, protection and promotion of human rights and control of state institutions. CA currently has 3 active programmes; human rights and justice programme, media programme and political studies school. From January 2019, as executive partner of the UNHCR, CA began to provide free legal aid to foreigners who have applied for international protection, as well as to foreigners who have been granted some form of international protection.

