European Commission

EMN INFORM

The Use of Social Media in the Fight Against Migrant Smuggling

KEY POINTS TO NOTE

- The **use of social media** in **migrant smuggling** has witnessed **an exponential growth in recent years**. Smugglers use social media to: advertise smuggling services; to provide information on migration routes; as well as to facilitate communication. **Migrants** also **increasingly make use of social media**, both at **pre-departure stage** (e.g. to get into contact with smugglers) as well as **during journeys** (e.g. to communicate and receive information on migration routes). The use of social media by migrants **differs by nationality, ethnicity, and region of origin**, and also depending on the availability of the internet as well as the level of education of the migrant.

- The increasing use of social media can be explained by the fact that it is **less costly**, **safer** to use for both the migrant and their smugglers (anonymity/encryption), whilst **more effective** in increasing **visibility** and **reaching a wider group of migrants**;

- The use of social media has a significant impact on irregular migration. It **helps migrants congregate**, producing faster dynamics at the external borders, and, it has also increased the capacity of smugglers to change smuggling routes in response to security situations or law enforcement operations. Therefore, social media has played an important role in not only **increasing the volume** but also **the effectiveness** of **smuggling operations** and has made it overall **more difficult to investigate and prosecute** such crimes.

- In response to the increased use of social media in migrant smuggling, the EU Action Plan against migrant smuggling[1] and the Council Conclusions on migrant smuggling of 10th March 2016 called for, amongst others: i) **monitoring** of internet content; ii) closer cooperation with internet service providers and social media iii) development of **counter-narratives** also through social media.

- **Counter-narratives** on social media (i.e. information and awareness raising campaigns) can help **prevent** potential migrants to engage in hazardous journeys and irregular migration. A number of information and awareness raising campaigns have been implemented in recent years, which have identified several 'lessons learned': the need to **tailor campaigns** to the target audience using **informal channels** and involving **credible, reliable** and **neutral** partners. For example, the need to involve the **local community**, in particular the **diaspora**; the use of **different media channels depending on the target audience**; **conclusion of consortiums/partnerships,** and; the use of **innovate tools** such as platforms and applications to provide information including on legal and safe ways to migrate to the EU.

- **Monitoring activities** can, on the one hand, detect and assist in removing content related to migrant smuggling (**preventive**) and, on the other hand, detected content can also be used as e-evidence in criminal proceedings (**investigative**). Although the majority of Member States as well as EU agencies perform monitoring activities, and online service providers such as Facebook and Twitter act to take down reported content, there is scope for further improvement: a mapping exercise shows that monitoring activities are either not prioritised and/or are not specifically geared to

[1] COM (2015) 285 Final, EU Action Plan against Migrant Smuggling (2015-2020); http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf

migrant smuggling. Moreover, **many challenges obstruct monitoring activities**, e.g. anonymity of users, closed accounts, restricted pages, encryption, the use of the dark net, cooperation problems with web service providers etc. In addition, the use of e-evidence in criminal proceedings remains a procedural challenge (with regard to territoriality/jurisdiction rules) and there is **a lack of consistent case law and harmonised practices across Member States** in this regard.

- Lastly, the Inform shows (in line with the EU Action Plan against migrant smuggling and the EU Council Conclusions on migrant smuggling of 10th March 2016) the need to **further strengthen public-private partnerships**; only 7 out of the 16 respondent Member States and Norway currently have some form of cooperation with online service providers in place to prevent and fight migrant smuggling.

1. INTRODUCTION AND BACKGROUND

The **EU Action Plan against migrant smuggling** (2015-2020) advocates a multidisciplinary approach for the fight against smuggling, including the use of social media.[2] In particular, it calls on Member States to:

- **Monitor internet content** with the support of Europol and **strengthen cooperation** with internet service providers and **social media** *(preventive and investigative) with Eurojust facilitating the exchange of best practice on the collection and use of e-evidence in investigations and prosecutions*
- Increase awareness of the risks of migrant smuggling by developing **counter-narratives through the social media** *(preventive)*

As such, social media plays a dual role in the fight against migrant smuggling, both investigative as well as preventive. The EU **Council conclusions on migrant smuggling** adopted on **10th March 2016** recall the importance of developing a partnership with social media to 'share smuggling related data and to use social media for predictive analysis of migrant flows and consequent smuggling activities'.[3] Similarly, they also call for the development of counter-narratives in the social media as well as for a mapping exercise exploring how social media is used for the purposes of migrant smuggling.

Moreover, the **Council Conclusions on the European Judicial Cybercrime Network** of 9th June 2016 set out practical measures to improve cooperation in the fight against cybercrime, including cyber-enabled crime.[4] This includes enhancing the European Judicial Cybercrime Network as supported by Eurojust.

In this context, the **EMN** launched an **Ad-Hoc Query** on 'Addressing and preventing the use of social media in migrant smuggling'[5] the results of which were subsequently discussed during the **EMN workshop** on "The use of social media in migrant smuggling and the development of information campaigns/counter-narratives" organised by the European Commission on 16 June 2016.[6]

This Inform summarises the results of the Ad-Hoc Query and the discussions held at the workshop, with the **main aim** to provide an overview of the use of social media in migrant smuggling. More specifically, it explores how social media is used for the purpose of migrant smuggling, and how it is used by Member States and other key stakeholders in their efforts to prevent and investigate smuggling activities.

2. HOW SOCIAL MEDIA IS USED FOR THE PURPOSE OF MIGRANT SMUGGLING

2.1 How do smugglers use social media?

The EU Action Plan against migrant smuggling indicates that social media platforms are widely used by smugglers to **share information on** the **services** they provide.[7] Indeed, many Member States (e.g. AT, CZ, ES, FI, HU, LT, NO, PL, SK, UK) confirmed that social media platforms (particularly Facebook, Viber, Whatsapp) are used to **advertise** smuggling services, **to provide information** on migration routes as well as to **facilitate communication** with smugglers. For example, Member States explained that Facebook pages were found to contain detailed information amongst others on: specific travel options (including

[2] COM (2015) 285 Final, see p. 6.
[3] http://www.consilium.europa.eu/en/press/press-releases/2016/03/10-council-conclusions-on-migrant-smuggling/
[4] http://www.consilium.europa.eu/en/meetings/jha/2016/06/network--en_pdf
[5] EMN Ad-Hoc Query No. 1055 (18 April 2016) titled 'Addressing and preventing the use of social media in migrant smuggling' to which 16 Member States and Norway replied
[6] This workshop was attended by a broad range of representatives from Member States, EU agencies, US Homeland Security Investigations (HIS), UNHCR, IOM and Facebook among others.
[7] COM (2015) 285 Final, p. 6.

prices); contact details of smugglers; live blogs on the progress of other migrants on their journey to the EU; information what to do upon arrival; what to declare/how to behave in case of arrest; how to use the smartphone during the trip etc. As such, social media platforms were, by some stakeholders, described as a "market place" for smugglers and migrants.[8] Importantly, many stakeholders emphasised however that information circulating on social media was often 'only partially true, misleading or incorrect'.[9]

According to Europol's Internet Referral Unit **the use of social media in migrant smuggling activities** has witnessed **an exponential growth** over recent years. This can be explained by the fact that social media are **less costly** and **safer to use** (possible encrypted exchanges strengthen anonymity), whilst **more effective** in **increasing visibility** and **reaching a wider group of migrants**. As Europol explained, communication is 'fast, easy and allows for better coordination between smugglers on changes in migration routes'.

2.2 How do migrants use social media?

Following the increased use of social media by smugglers, migrants have also started to **increasingly rely on social media** in their endeavours to pursue the 'dream of Europe'. Social media is used by migrants both at **pre-departure stage** (e.g. to get in contact with smugglers) as well as **on the move** (to communicate and receive information on migration routes) via smartphones and/or internet cafés.

UNHCR explained, however, that **the use of social media** by migrants **can differ by nationality, region of origin and ethnicity**, and also depending on the availability of internet as well as the level of education of the migrant. For example, among Pashto speakers and among Eritreans and Somalis, the use of social media was generally limited (especially at pre-departure stage) due to the unavailability of the internet. Rather than social media, these migrants tend to rely more on information provided by their peers or via radio or TV. On the other hand, much higher levels of social media usage can be observed among the Dari speakers as well as amongst Syrians. Recruitment and communication for these migrants often takes place via Facebook and other platforms, such as Twitter, VK, Google Plus, Skype, Viber, YouTube, WhatsApp, WordPress, Reddit, etc.

2.3 What are the consequences of the use of social media in migrant smuggling?

The increased use of social media by smugglers and migrants has, according to Frontex, **a real impact on irregular migration**. Social media has helped migrants congregate which has produced faster dynamics at the external borders of the EU. Moreover, as social media facilitates easier and faster access to up-to-date information, it has increased the capacity of smugglers to change routes in reaction to security situations in transit countries or to law enforcement responses. As such, social media in migrant smuggling has played a large role in not only **increasing the volume** but also **the effectiveness of smuggling operations** and has made it overall **more difficult to investigate and prosecute** such crimes.

3. HOW SOCIAL MEDIA CAN BE USED IN THE FIGHT AGAINST MIGRANT SMUGGLING

The following sections provide an overview of what activities are being implemented (by Member States as well as other stakeholders), identifying, where possible, good practices and/or lessons learned as well as challenges.

3.1 Counter-narratives to raise awareness of the risks of migrant smuggling

Counter-narratives and information campaigns can have an important preventive effect on potential future migrants. As mentioned in section 1, both the EU Action Plan against migrant smuggling as well as the Council Conclusions on migrant smuggling of 10th March 2016 emphasise the importance of developing counter-narratives to raise awareness of the risks of irregular migration including migrant smuggling.

A number of information and awareness raising campaigns have already been implemented over the years by various different stakeholders such as EU Member States, Associated States, non-EU countries and International Organisations, including the EU.[10] The focus of these campaigns can differ, from for instance depicting the risks and potential abuses

[8] Based on the EMN Workshop from 16 June 2016 where Altai Consulting explained that social media was described as a 'pull factor' as well as a *market place* for smugglers.

[9] As for example argued by Frontex during the EMN workshop.

[10] Ad Hoc Query on Migrant information and awareness raising campaigns in countries of origin and transit, requested by the Commission on 23rd September 2016.

connected to smuggling with the aim of preventing irregular departures; to providing information to help migrants in making well-informed decisions, including the provision of a counter narrative to that presented to the migrants by smugglers and traffickers.[11]

The implementation of such campaigns have to date identified several **'lessons learned'** as well as **good practices**.

For example, the **Commissions' Migrant Information Strategy Task Force** (MIS) reviewed and assessed several information campaigns implemented by Member States which, after assessment, had proven unsuccessful in reaching their objectives. An important reason for this was that such campaigns often used a 'Western' communication approach which lacked a proper assessment of the intended audience. Therefore, the conclusions of the Task Force advocate the need to **tailor campaigns to the target audience** using **informal channels** and involving **credible, reliable and neutral partners**, for example local NGOs, EU media consortia in third countries, involvement of the diaspora, influential blogs in local areas etc. The involvement of such key partners is considered important primarily to **fuel trust** and increase the **reliability** of the factual information provided.

Indeed, **UNHCR** also advocates the need to involve **local communities**, in particular the **diaspora**, in the dissemination of information campaigns. It argues that information distributed through traditional word of mouth via different segments of the community are often the only way to change peoples' minds. For example, UNHCR carried out an information campaign in Sudan and Eritrea with the involvement of local communities; migrants' stories were collected and uploaded in the original languages on Facebook as well as disseminated via outreach workers (using videos) in local refugee camps and urban settings. UNHCR regarded the campaign as successful; more than 180 users consulted the Facebook pages every day and the page also had more than 200,000 likes. An official evaluation of the campaign is currently being undertaken.

Another good practice advocated during the EMN workshop includes the conclusion of **consortia** as well as the use of **different media channels**. The box below presents the **'Surprising Europe' campaign** which illustrates some of these elements.

Box 1: *the 'Surprising Europe' campaign*

The Netherlands in cooperation with the EU and IOM has implemented the 'Surprising Europe' campaign, a cross media project consisting of an interactive website, television documents and a web platform. The main aim of the campaign was to raise awareness amongst migrants to inform both regular and irregular migrants of the risks of migrant smuggling.

The website contained stories of migrants about their stay in and return from the EU; stories indicating the danger of discrimination, (sexual) exploitation, human trafficking, social exclusion as well as support and means to return. Moreover, documentaries and TV programmes were shown in seven African countries as well as in the EU targeting also the diaspora community.

Both successful as well as unsuccessful stories of migrants were shown in a balanced way aiming to provide factual information to migrants.

Although the real impact of the campaign insofar as it has influenced migrants' decisions is unknown, experiences of the project would seem to indicate that cooperation in consortia, i.e. involvement of different partners as well as different media sources constituted good practice since consortia can lead to a more balanced message and results in a wider focus of migrants, not only those predominantly arriving in one EU Member State.

Source: Presentation by the Netherlands, EMN Workshop 16th June on 'The use of social media in the fight against smuggling'

Similarly, **IOM** has also implemented various information campaigns and referred to the usefulness of including **prominent figures** (e.g. sportsmen) in the dissemination of counter-narratives. Similar to the Commission Task Force and to UNHCR, IOM also emphasised the importance of **involving the local community**, including the **diaspora**. For example, a successful information campaign carried out by IOM in Nigeria, started with community level outreach whereby social media was used as a tool to disseminate information on events and activities.

Finally, The **Joint Research Centre** of the European Commission referred to the need to **weaken smuggling activities** by **disseminating information on safe and legal ways** to migrate to

[11] Ibid.

the EU. Reference was made to the possibility of developing **phone applications** as well as the establishment of a **collaborative platform** for security and mobility (as planned in the Work Programme for 2017) which can offer information and other services related to legal migration.

Facebook stressed that social media could be used as a platform for the dissemination of information to counteract migrant smuggling. Facebook encouraged stakeholders in the field (especially smaller/local NGOs) to proactively undertake further actions and promote information and prevention campaigns.

3.2 Monitoring as a tool to prevent and investigate migrant smuggling on social media

Monitoring of internet content related to migrant smuggling is another important tool **to both prevent and investigate** smuggling activities - as called for in both the EU Action Plan and the Council Conclusions on migrant smuggling. Monitoring can be used to:

- **Detect** content uploaded by smugglers, removal of which **can be requested** (preventive)
- Make use of online content in investigations and prosecutions by making use of **e-evidence** (investigative)

3.2.1 Overview of monitoring activities by various different stakeholders

Do online service providers perform monitoring activities to detect content related to migrant smuggling?

In the **private sector**, online service providers have **no obligation to monitor** the information provided on their platforms (as this goes against the principle of free movement of information as enshrined in the e-commerce Directive). Service providers like Facebook, Twitter or Google have their own internal policy about shared content. In the case of Facebook, activities related to human smuggling are not allowed and Facebook has its own team of legal experts and law enforcements officers to make sure the rules of their platform are not breached, they primarily react to referrals from users of content deemed inappropriate, which they subsequently remove.[12] Nevertheless, Facebook also indicated that the monitoring of content related to migrant smuggling is not always prioritised as compared to other crime areas, for example child pornography, and **could be further improved**.

Do Member States perform monitoring activities to detect content related to migrant smuggling?

14 out of 16 respondent Member States and Norway (AT, CZ, DE, ES, FI, HR, HU, LT, LV, NO, PL, SI, SK, UK) conduct online open source monitoring activities to detect content related to migrant smuggling.[13] Monitoring was both performed preventively (to detect and request removal of content related to smuggling) as well as for investigative purposes to lead to criminal proceedings. Closed groups are monitored in some cases where criminal proceedings are already ongoing. Whereas the majority of Member States specifically focus on monitoring content related to migrant smuggling, others (e.g. EE, SE) may detect content related to migrant smuggling in their more general monitoring activities when searching for information related to other crimes such as terrorism.[14]

Do relevant EU agencies also perform monitoring activities to detect content related to migrant smuggling?

EU agencies, such as Europol and **Frontex** support Member States in their monitoring activities. Frontex primarily focuses on social media monitoring for **preventive risk analysis** purposes (e.g. performing analyses on irregular migration routes, to inform Member States who can then tailor responses to new phenomena). **Europol** on the other hand is involved in **both the prevention** and **investigation** aspects, although Europol's Internet Referral Unit primarily focuses on supporting national authorities in their efforts to detect and, where appropriate, request the removal by online service providers of internet content uploaded by smugglers.

3.2.2 Challenges obstructing monitoring activities

Both Member States as well as EU agencies, however, identified important **challenges** obstructing their monitoring activities. For example, monitoring is obstructed by the **anonymity** of users, the use of

[12] However online service providers are not obliged to monitor the information shared on their platform, as this goes against the free movement of information principle of the e-commerce directive

[13] A majority of Member States (AT, CZ, DE, ES, FI, HR, HU, LT, LV, PL, SI, SK UK) and Norway have reported that they use social media and online platforms to gather evidence against migrant smugglers. Online platforms that are monitored include Facebook, Twitter, VK, Google Maps, Skype, Viber, YouTube, WhatsApp, WordPress, Reddit, etc.

[14] In EMN Ad-Hoc Query No. 1055 (18 April 2016) EE, and SE indicated they do not monitor migrant smuggling, however they do so in cases of terrorism.

closed accounts, **restricted pages**, **encryption**, the use of the **dark net**, etc. There are also **large amounts of data** to process, in **different languages**, making operations **resource-intensive** and **costly**, also due to the fact that a comprehensive algorithm to automate searches for content related to migrant smuggling has not been elaborated.

Crucially however, even if content related to smuggling is identified, the data in question may not be removed either due to **cooperation problems with online service providers** or due to the removal request being **blocked by Member States** who prefer to use the content in investigations and criminal proceedings. In this regard, Europol noted that since July 2015 there have been 41 cases where referrals for removal could have taken place, but were not carried out as Member States first wanted to pursue criminal investigations before referring the pages for removal.

As to **cooperation with online service providers**, only 7 out of 17 responding Member States (CZ, DE, EE, ES, FI, HU, UK) have some form of cooperation with online service providers to prevent and fight migrant smuggling, but in the majority of cases (CZ, DE, EE, ES), these are not formalised. In contrast in some other areas cooperation was reported, for instance the **Polish** authorities staying in permanent contact with big online service providers to prevent suicide attempts. As such, the results of the Ad Hoc Query, as well as discussions at the EMN workshop indicate the need for **strengthening public-private partnerships in relation to the prevention and fight against migrant smuggling**, in line with the Council Conclusions of 10th March 2016.

Finally, the **use of e-evidence in criminal proceedings** remains a procedural challenge (e.g. territoriality/jurisdiction issues). **Eurojust** emphasised various practices across Member States in how specific conduct was criminalised, meaning a lack of a harmonised approach. Although a majority of responding Member States (CZ, DE, ES, HR, HU, LT, PL, SE, SI, UK) reported that they can use social media to gather evidence against migrant smugglers, in **Hungary** only the information that is provided directly by the online service provider is considered adequate; while in **Sweden** print screens are used as evidence; while in the **United Kingdom** no prosecutions against smuggling services using social media have actually occurred to date. In addition to these different practices, the lack of a common data retention scheme in the EU also poses a challenge.

According to Eurojust, the gap between the operation of transnational crimes and the means of prosecution is not yet filled, whilst jurisprudence could fill this gap, relevant case law is still lacking.

4. RECOMMENDATIONS

Taking into account the results of the Ad-Hoc Query and the contributions at the workshop on the 16th June, the following recommendations can be identified to improve cooperation between government authorities and social media providers in order to work together to prevent and fight against migrant smuggling.

4.1 Prevent migrant smuggling through social media

Europol IRU more effective support is dependent on

- Ensuring clarity of the kind of content, related to migrant smuggling, that should be detected in order to define an algorithm to help search for such content in large amounts of online data (taking into account languages and dialects e.g. Arabizi)
- Member State authorities further pursuing and stepping up engagement with social media providers, either to request take-down of certain pages or to preserve them for investigative purposes through appropriate legal orders.
- Maintaining and improving cooperation with relevant third countries, such as the U.S., which can facilitate evidence gathering in ongoing investigations, in cooperation with Europol

Member States and social media to raise awareness nationally

- Closer links between private (social media) companies and national law enforcement entities are important to raise awareness through *inter alia* training for law enforcement on navigating the rules and specific mechanisms of social media companies to efficiently request content for take down, as well as raising awareness of legal mechanisms to allow for preservation of information for investigations (with or without notification of the user concerned).

Eurojust to help in streamlining legal assistance by

- Facilitating discussions of best practice amongst judicial experts on matters of procedure and international cooperation

related to cyber-enabled crime aspects of migrant smuggling, in line with the Budapest Convention on Cybercrime[15], as well as the European Judicial Cybercrime Network[16].

- Contributing to the further development of streamlined cooperation with private (social media) companies, e.g. contributing to the elaboration of standard request forms, or by helping to streamline the current MLA system through standardised procedures and trainings.
- Pursuing and further developing the monitoring and analysis of relevant case law on migrant smuggling and the use of e-evidence.

European Commission to

- Explore a study on channels used by migrants and asylum seekers to get information in countries of origin and transit, with particular focus on online and social media.
- Follow-up on and support the implementation of these recommendations, in line with the EU Action Plan against migrant smuggling and the 2016 Council conclusions on migrant smuggling, to the aim of improving prosecution of migrant smuggling.

4.2 Essential for the design of future information campaigns

- It is essential to tailor channels of communication (internet, radio, TV, print, news outlets, face-to-face etc.) after careful analysis of the target group (ethnicity, language, educational background etc.)
- Aspiration that potential irregular migrants have, and the risks they are prepared to take should both be factored into the information campaign and counter-balanced effectively; The European Commission will undertake a mapping of existing information campaigns and past information campaigns run by Member States through an ad-hoc query and a workshop, in order to measure the effectiveness and impact of these so that they can be implemented in future campaigns.
- Social media companies should continue to train credible local NGOs to lead effective information and prevention campaigns to prevent dangerous journeys and exploitation by migrant smugglers

[15] The Convention on Cybercrime of the Council of Europe (CETS No.185)
[16] http://www.consilium.europa.eu/en/meetings/jha/2016/06/network--en_pdf

5. FURTHER INFORMATION

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN, from HOME-EMN@ec.europa.eu.

Done in September 2016