EMN Ad-Hoc Query on COM AHQ on Addressing and preventing the use of social media in migrant smuggling – exploring cooperation frameworks with social media and other relevant online service providers

Requested by Salvatore SOFIA on 18th April 2016

Irregular Migration

Responses from Austria, Belgium, Blocked / Unknown, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (21 in total)

Background information:

The EU Action Plan against migrant smuggling (2015-2020) adopted on 27th May 2015 is the main policy framework at EU level addressing migrant smuggling. In view of providing additional impetus to implement a common approach, the Netherlands Presidency with the support of the EMN organised a conference on "Promoting the Multidisciplinary Approach in Addressing Migrant Smuggling" on 12th-13th January 2016. Experts from different fields discussed innovative ways to tackle migrant smuggling, with conclusions pointing to a need to better identify the ways in which social media are used for the purposes of migrant smuggling. Moreover, the need to explore possible cooperation frameworks and identify practical hurdles, as well as good practices, on the cooperation between government authorities and social media and other online service providers was also highlighted.

1. Firstly, this ad-hoc query aims to gain insight into how social media and other relevant online platforms are used by migrants and by the smugglers themselves to recruit their customers.
2. Secondly, it aims to gather information on how practical cooperation with social media providers and internet search engine providers can help prevent the evolving modus operandi of migrant smuggling networks to recruit online. The private companies with whom cooperation is envisaged include social media providers (Facebook, twitter etc.), internet search engines (google, yahoo etc.) and social messaging services (Viber, WhatsApp, iMessage etc.).
3. The questionnaire also aims to shed light on the extent to which online evidence gathered on social media and other relevant online platforms is used in prosecutions of migrant smuggling suspects and whether this could be improved.

In this context, the Commission intends to gather updated information from Member States related to the use of social media in migrant smuggling based on national experiences. The EMN will also bring together national authorities and several relevant stakeholders, including Frontex, Europol and Eurojust, as well as social media companies and other relevant online service providers, in a workshop scheduled for early June 2016. The workshop will take stock of the findings of the AHQ and provide an opportunity to compare experiences and discuss good practices at European level, with a view to support the better prevention and fight against migrant smuggling. For the purpose of this query, migrant smuggling or facilitation of irregular immigration includes facilitation of unauthorised entry and transit as well as residence, in line with EU legislation.

Questions

1. Q1.
   Do your national authorities actively/regularly monitor the internet for content related to migrant smuggling? What are the main online platforms monitored? Are closed groups also monitored, or solely open groups/sources?

2. Q2. According to information and experiences of national authorities, how is social media and the internet principally used for the purposes of migrant smuggling?

Please estimate the approximate percentage share of instances that your national authorities come across social media being used for the below listed purposes:

a. Advertising smuggling services (e.g. a journey or false documents) and a contact person to get in touch with (*Smugglers advertising and selling an irregular migration journey or other services, such as the provision of false documents, including to facilitate irregular residence. Advertisements can also/or solely include contact information of a person suspected of being a smuggler)*

b. Dissemination of informative material to guide irregular migrants (*Information posted by smugglers helping and encouraging irregular migration e.g., description or pictures of routes; changes in policies or operational measures on certain routes; social security benefits listed according to Member State etc. - What kind of information is shared?)*

c. Principally for communication purposes between a migrant and their smuggler (*Are social media or other online platforms solely used by migrants as channels of communication with smugglers once contact is established? How are these platforms typically used? Do migrants and smugglers use one platform exclusively, or do they use many? Is there any pattern in usage?)*

d. Other (*Any other way, not described above, how social media and other online tools may be used by migrants themselves or the smugglers in trying to facilitate irregular immigration)*

3. Q3. In light of the above responses, what role in your experience can be played by social media or other online service providers in addressing the increasing use of social media in the smuggling of migrants?

For instance (more answers are possible):

a) the relevant private companies should be asked to take down suspicious internet content proactively;

b) they should report these to authorities to contribute to investigations;

c) they should use pop-up windows, or redirect those trying to access these pages to information campaigns highlighting dangers and realities of irregular migration journeys;

d) improve cooperation with EU Agencies and increase resources to act on relevant referrals (e.g., Europol and namely its Internet Referral Unit and European Migrant Smuggling Centre; Frontex's social media alerts on smuggling services sent to NCCs);

e) another way of cooperation would be most effective.

Please provide justifications for your answer(s).

4. Q4. Is there any existing cooperation in your Member State between authorities and social media/other relevant online service providers when it comes to the prevention and fight against migrant smuggling?

a. Are there any existing
best practices or good examples
of success in your Member State related to cooperating with social media or any other relevant online service provider, to address migrant smuggling? Are there examples of credible and clear business cases which prompt these companies to respond effectively and proactively?

b. Are there any
identified practical difficulties
in your Member State in cooperating with social media or any other relevant online service provider to tackle migrant smuggling?

5. Q5. If this kind of cooperation does not exist in the context of migrant smuggling, are there existing cooperation frameworks with these

companies for other forms of crime? Are there examples of success stories and good practices that could be applied in the context of migrant smuggling?

6. Q6. Is evidence on migrant smugglers gathered on social media/online platforms for judicial purposes in your Member State?

a. If yes, how do national law enforcement authorities engage with the Online Service Providers in the judicial context? What are the applicable rules, and what are the main obstacles in terms of data protection, right to privacy, as well as admissibility before the Court?

b. Do you have any information on the extent to which social media/online platforms have been used in investigations and prosecutions? Can you provide related case-law?

7. Q7. Can you share any public source of information, study or report, on the matters related to social media and migrant smuggling touched upon by the questions above?

Responses

	Country	Wider Dissemination	Response
	Austria	Yes	**1.** We monitor the internet for content related to migrant smuggling after hints and for that we use OSINT. The most monitored platform is Facebook. There are no closed groups monitored. Source: Federal Ministry of the Interior. **2.** The social media takes an important role within the smuggling business and is used for communication between all participants in smuggling. a. approx. 15 % b. approx. 20 % c. approx. 40 % d. None Source: Federal Ministry of the Interior. **3.** a), b), d). Source: Federal Ministry of the Interior.

			4. No. a. No. b. No. Source: Federal Ministry of the Interior. **5.** No. Source: Federal Ministry of the Interior. **6.** No. a. N/A. b. Facebook was used in former investigations. Source: Federal Ministry of the Interior. **7.** No. Source: Federal Ministry of the Interior.
	Belgium	No	
	Blocked / Unknown	Yes	**1.** Main platforms: Facebook, Twitter – open and closed groups. Only the secret services monitoring these groups. **2.** Use of social media and the internet to facilitate migrant smuggling In the closed groups we can find route plans, contact numbers and persons. In FB profiles we can find photos from the suspects, and we can monitoring the relationships to other suspects a. advertising smuggling services (e.g. a journey or false documents) and a contact person to get in touch with Smugglers advertising and selling an irregular migration journey or other services such as the provision of false documents, including to facilitate irregular residence. Advertisements can also/or solely include contact information of a person suspected of being a smuggler. Approximate percentage share of this type of social media use related to migrant smuggling: 0% In Hungary there is no need to advertise criminal activity regarding human smuggling because by the time migrants reached the HUN border line they had managed to collect enough phone number (linked to smugglers) to get their journey continued. If there is any group in Hungary regarding advertising human smuggling activity, they must be closed groups, so secret service may have more information on them. b. dissemination of informative material to guide irregular migrants Information posted by smugglers helping and encouraging irregular migration e.g. description or pictures of routes; changes in policies or operational measures on certain routes; social security benefits listed according to Member State etc. - What kind of information is shared? Approximate percentage share of this type of social media use related to migrant smuggling: 0% If the migrants may have any informative

			material regarding possible routes or maps, they all obtained it before they arrived to HUN, in other countries' territory. If there is any group in Hungary regarding dissemination of informative material, they must be closed groups, so secret service may have more information on them. c. principally for communication purposes between a migrant and their smuggler Are social media or other online platforms solely used by migrants as channels of communication with smugglers once contact is established? How are these platforms typically used? Do migrants and smugglers use one platform exclusively, or do they use many? Is there any pattern in usage? Approximate percentage share of this type of social media use related to migrant smuggling: 100 % Mobile phones, smart phones with internet accessibility to use Viber, WhatsApp, Yahoo and FB Messenger. In Hungary Viber is the most commonly (but not solely) used platform between smugglers and even between smugglers and migrants. Those who does not know each other (calling each other for the very first time after crossing the border) mainly use mobile phones to talk without using any social media platform. d. Other Any other way, not described above, how social media and other online tools may be used by migrants themselves or the smugglers in trying to facilitate irregular immigration Approximate share of this type of social media use related to migrant smuggling: No information **3.** For instance (more answers are possible): a) the relevant private companies should be asked to take down suspicious internet content proactively; b) they should report these to authorities to contribute to investigations; c) they should use pop-up windows, or redirect those trying to access these pages to information campaigns highlighting dangers and realities of irregular migration journeys; d) improve cooperation with EU Agencies and increase resources to act on relevant referrals (e.g., Europol and namely its Internet Referral Unit and European Migrant Smuggling Centre; Frontex's social media alerts on smuggling services sent to NCCs); e) another way of cooperation would be most effective. Please provide justifications for your answer(s). **4.** a. Are there any existing best practices or good examples of success in your Member State related to cooperating with social media or any other relevant online service provider, to address migrant smuggling? Are there examples of credible and clear business cases which prompt these companies to respond effectively and proactively? We had good cooperation with Western Union at national and international level as well. b. Are there any identified practical difficulties in your Member State in cooperating with social media or any other relevant online service provider to

			tackle migrant smuggling? Sending legal aid request to social media providers (Facebook) in order to identify the user of a Facebook account takes the criminal proceeding longer. **5.** No **6.** What you see on Facebook or Viber can't be used as evidence unless it is provided by the social media / platform provider in criminal proceeding based on legal aid or other requests. Criminal activities carried out on online platforms always provide anonymity to the users / criminals / smugglers, therefore the police has to link to criminal activity in question to the suspect (by seizing mobile phone, PC, SIM cards, etc.) Facebook, Viber messages or voice communication are only regarded as criminal related information until it is linked to the suspect persons. Providers of these networks are based in other countries so the cooperation seems to be a bit difficult. b.) No **7.** no
	Croatia	Yes	**1.** 1. Yes. Police officers regularly monitor online platforms, in particular solely open groups/sources. **2.** 2. No findings. **3.** 3. Social media play an important role in fighting migrant smuggling. The social media provider should have much larger responsibilities to report suspicious content to the authorities to contribution to the investigation. **4.** 4. There is no information available on this. **5.** 5. There is no information available on this. **6.** 6. In accordance with principles of the free evidence estimation in criminal law, competent court takes a merit decision in which case will specific data or some processed fact will be used as evidence in the criminal proceedings.

			7. 7. N/a
	Cyprus	Yes	**1.** No, Cyprus does not use this kind of methods yet. **2.** No such experience since the internet is not monitored yet. **3.** No experience in this field. **4.** We have practical difficulties cooperating with social media due to national laws in terms of data protection, right to privacy. **5.** Cyprus does not have any kind of cooperation with these companies. **6.** No **7.** n/a
	Czech Republic	Yes	**1.** Within the context of securing findings about crime related to irregular migration (and also to crime generally), open sources are also monitored. The main platforms include mainly Facebook and other social sites of that kind. Closed groups are monitored especially within the criminal proceedings. **2.** Social media and other platforms are mainly used for the purposes of communication between the members of organized crime groups, committing crime related to irregular migration, across individual states from which the illegal activity is organised and where intermediaries operate and where vehicles for the transport of migrants are secured from. This kind of communication is also used from the side of organized crime groups externally for the purposes of "recruitment" of irregular migrants, respectively for the offer of "services" (transport of migrants, securing irregular documents, communication for the realization of transfers, information on prices of transports etc.). a) Above-mentioned data are not statistically administered; however, they are recorded as a part of individual acts of particular offenders in the framework of criminal proceedings. b) These data are also not statistically administered; however, they are recorded as a part of individual acts of

			particular offenders in the framework of criminal proceedings. Regarding the most frequently found data on public social sites, we can mention for example the offer of transportation, ways of transportation, prices of the migration journey, possibilities to travel on a false document (forged or counterfeit) or information about migration routes. c) These data are not registered. Mainly the platforms such as Viber, WhatsApp, Facebook, Skype etc. are used. d) These data are also not registered. See the answer above. **3.** a) Relevant private companies which operate above-mentioned social sites and media should be generally obliged to remove any suspicious content, meaning also information from the side of organized crime groups related to facilitation of irregular migration, b) They should report these to authorities to contribute to investigations; c) They should use pop-up windows, or redirect those trying to access these pages to information campaigns highlighting dangers and realities of irregular migration journeys, dangers of exploitation from the side of smugglers etc. d) Improve cooperation with EU Agencies and increase resources to act on relevant referrals (e.g., Europol and namely its Internet Referral Unit and European Migrant Smuggling Centre; Frontex's social media alerts on smuggling services sent to NCCs); e) Another way of cooperation would be most effective. **4.** Only by authorization from the side of law enforcement authorities given by penal code and other legal regulations. a) Such data are not available. b) Yes, we can mention for example the difficulty in obtaining evidence for criminal proceedings from the side of service providers residing abroad, especially outside the EU, from the area of small islands, Russia or the USA. As examples, we can mention for example social sites such as Facebook, Viber or WhatsApp. The possibility of payment via Western Union using a Viber application is regarded as a big problem, especially for the future. **5.** Only by authorization from the side of law enforcement authorities given by penal code and other legal regulations. **6.** Only by authorization from the side of law enforcement authorities given by penal code and other legal regulations. a) Applicable rules are stated especially in the criminal code. If evidence is obtained in conformity with legal regulations then this evidence can be used before the court. b) Such data are not available.

			7. Such sources are not available.
	Estonia	Yes	**1.** No. Currently there is no active regular monitoring that is targeting migrant smuggling. The problem is not that much of an issue at current time for Estonia. Most of the migration is over the Russian border and smuggling cases are rather single incidents. Although smuggling is one part of constant local OSINT, which is being gathered alongside other topics. **2.** Social media, at current state, is not being used for smuggling migrants into Estonia. So, currently we have no relevant experience. **3.** Probably best options would be A, B and D, however option B would work if they would provide full credentials. Option C would not work as these popups may be avoided using AdBlock software or any other similar option available on the market today. **4.** There is no international social media provider in Estonia. Cooperation is based on the normal police – service provider level. **5.** Most cooperation is based on existing legal framework. Biggest obstacles are the need for MLAT for content disclosure. We can only receive IP addresses and credentials used upon account registration. There is currently no fast way to get the content from foreign based ISP that may be a necessity in future, if social media role in smuggling people to Estonia should become more relevant. **6.** We currently have no experience in this. **7.** No studies or reports are available on this topic in Estonia.
	Finland	Yes	**1.** - Monitoring of the internet, mainly open sources, is an important part of the intelligence in Finland. It is conducted actively at least by the police and the Finnish Border Guard. Especially pages/groups related to illegal immigration and migrant smuggling are monitored. The Finnish Border Guard concentrates on the pages containing information on the neighbouring areas of Finland. - Monitoring of the open sources is also used in order to get an overall picture of the

			situation and to make analyses. Monitoring of open sources can be done with the help of search engines, special software or manually. Legal aspects need to be taken into consideration when monitoring the internet. - Monitoring of the open sources is often used case-specifically in intelligence and investigations of single intelligence and criminal cases. Regarding social media, criminal investigations are mainly conducted towards public groups and information shared publicly by individual people. - In criminal investigations the confiscation of smartphones of the suspected persons gives access into accounts of social media and instant messaging applications like Viber and WhatsApp which are often used for the purposes of migrant smuggling. This information from the phones of the suspected persons is really useful in investigations. - Online platforms that are monitored in Finland are e.g. Facebook and VK.com. Internet pages are normally in Arabic or e.g. in Russian which makes the monitoring more difficult. **2.** ADVERTISEMENTS AND DISCUSSION GROUPS - Social media and the internet are used by the smugglers to advertise their smuggling services. In some cases smugglers offer just a short journey, sometimes they offer the whole package which includes the whole journey, accommodation, food, false documents, visas and deportation orders etc. - Advertisements of the smugglers in Arabic webpages include e.g. contact information of the contact persons, prices, routes, pictures of the boats, guarantee of the safety etc. - In social media, there are also Arabic Facebooks groups, chats and other discussion groups where both smugglers and asylum seeker change information and tips e.g. of reliable smugglers. INFORMATIVE MATERIAL - Internet and social media have become an important part of the arrangement of illegal immigration. Facebook, Viber and WhatsApp enable for e.g. to criminal groups a fast, free, anonymous and quite safe way to communicate. Illegal journey can be arranged by searching a profile of a smuggler in Facebook and continuing the arrangements with him in some messaging application. - According to authorities, social media has been used one way or another in every illegal immigration case. - The whole travelling has been technologized; pictures, videos and other material taken by smartphones and shared in social media play nowadays a central role in refugee crisis. Description "the migration of the Facebook generation" is very representative. According to one illegal migrant "The whole thing was fixed and arranged in Facebook". Also the instant messaging applications like Viber, WhatsApp, Skype, Kik etc. are nowadays very popular and widely used among the migrants and smugglers. - After Google and Facebook provided Arabic applications (2009) and the smartphones became affordable (2012-2013) new kind of communication and dissemination of

			information reached every refugee and asylum seeker. - Internet is often used by smugglers / smuggled persons to search for travel tickets and schedules, information on the locations on the way and the final destination. - There are also groups in Facebook where asylum seekers search for travelling companions and ask for advices on dangers, risks and reliable smugglers e.g. in the border area between Turkey and Greece. - There are informative material and groups e.g. in Facebook where information on routes, destinations, dangers and asylum practices is disseminated. Information can also contain comparisons between the political situations, legislation and welfare benefits of the European countries. - In YouTube you can find videos where people advice and give detailed instructions in Arabic how to seek asylum in Finland and how to proceed in practice. Also tips on what information you should give in your application for asylum are given. - Typically information and videos shared by the asylum seekers give a very positive picture of Finland and the circumstances in the country. People who complain about the conditions and plan to return to their home country are often criticized. - As a new phenomenon people started to share in Facebook pictures and videos of war crimes and people who have committed other cruelties. These have led to tens of investigations in Finland, some sentences have also been passed. - Facebook has also been used for intimidation, provocation and recruitment to militias. COMMUNICATION - Social media, internet and applications of mobile devices (WhatsApp, Viber etc.) are used for communication purposes between migrants and between migrants and their smugglers. (E.g. Viber is well coded which makes it a popular tool.) - Internet is also used for money transfers. Unfortunately the percentage share is not available. According to the experiences of national authorities the most important ways in which the internet and social media are principally used are the advertisement of the services and the communication between smugglers and smuggled persons. The most used social media for the purposes of migrant smuggling have been Facebook and instant messaging applications such as Viber. **3.** - The use of instant messaging and social media seems to be very important part of smuggling nowadays. Information can be distributed easily, worldwide, cost effectively and safely (for example WhatsApp messages are end-to-end encrypted). Service providers increase the security of instant messaging which makes law enforcement more difficult. One thing could be to provide law enforcement agencies with "a key" to be able to conduct telecommunications surveillance on the need basis. - When e.g. some Facebook group should be taken down, problems are caused by the public freedom of speech and the national legislation related to authoritative operations. On the

			other hand, new Facebook group can be established and spread immediately. It could be more useful to cooperate with the social media or online service providers in order to get permission for the police to make more diverse enquiries related to user and sign-up information of different accounts. - Migrant smuggling is not organised in official pages or in the pages of some companies. Single names and pseudonyms are often used which makes it more difficult to control and investigate the smuggling. The most important thing would be to ensure through legislation that the contents of the pages, groups and messages could be used in courts when needed (like the information in telecommunications network). The concepts of juridical location of the information should be redefined, e.g. according to where the user of the service is at each moment, not according to the location of the server or company which is irrelevant (but plays a big role). Use of covert coercive measures in instant messaging applications is not possible at the moment. This should be changed immediately. Coercive measures like wiretapping should be made easier. Better cooperation with the online service providers would be really useful. - To take down suspicious internet content is often ineffective and useless. Same content appears immediately in other pages and new pages are opened and groups formed for the purposes. It would be more important that the authorities were reported suspicious pseudonyms and groups in order to be able to use the pages or message applications for intelligence and investigations and to get proofs. These legislative changes need to be done at European level. - All the alternatives a-d mentioned below are supported by the Finnish authorities: a) Yes, but sometimes this is not very useful, same content appears immediately in other pages. Also some useful information can get lost. b) Absolutely c) Yes d) Yes e) - **4.** - Cooperation between the authorities works well. The cooperation between authorities and social media operators or other online service providers is also functional. a. For example National Bureau of Investigation can send requests to social media and other online service providers in order to get e.g. background, registration and sign-up information of different profiles. Results have been good both regarding contents of the answers and legislative perspectives. b. There are still many online service providers with which there is no cooperation at the moment. The cooperation is sometimes too slow (internet pages change so quickly) and some information can be lost. **5.** Information not available

			6. Information not available **7.** Not available
	France	No	
	Germany	Yes	**1.** 1) The Federal Criminal Police Office (Bundeskriminalamt, BKA) monitors the internet with attention on different types of crimes, among them also crimes related to migrant smuggling. The difficulty in monitoring contents related to migrant smuggling is that most contents only get published in the language of the person to be smuggled. The BKA monitors many different online platforms. **2.** No findings. **3.** 3) In general, social media and online service provider play an important role in fighting migrant smuggling. It is however difficult to address them because of the vast number of platforms, most of them being operated from abroad. **4.** 4) The German Police was e.g.in negotiations with the operator of one of the most important German platform for online car-sharing agencies. To fight migrant smuggling using online car-sharing agencies, the police wanted the operators to issue a warning on their website. The operator was reluctant in supporting this preventive measure. During negotiations the platform was bought by any other competitor. **5.** The cooperation with Europol offers the possibility to delete online content with a criminal character regarding state security or migrant smuggling. This measure is used if state security is concerned. For criminal contents regarding migrant smuggling, BKA doesn't ask for contents to be deleted, because as online contents are fast moving, deleting them is not considered to be a lasting solution. Contents with high online demand can be easily uploaded again after having been deleted, e.g. using a different medium.

			6. Yes, evidence found online is submitted and used during criminal investigation procedures. These investigations are conducted in accordance with criminal court procedures and data protection law **7.** No.
	Latvia	Yes	**1.** The State Border Guard carries out internet monitoring for content related with migrants smuggling upon the prior information. **2.** There were no cases detected when the social media and internet was used for smuggling migrants to Latvia. **3.** Latvia does not have relevant experience, but taking into account that social media and online service providers play an important role in fighting migrant smuggling it can be assumed that options a), b) and d) could be useful. **4.** Latvia does not have experience in cooperation between the state authorities and social media or other relevant online service providers in the field of prevention and fight against migrant smuggling. There is no examples of best practice and no information on difficulties. **5.** Latvia does not have experience. **6.** No experience. **7.** There were neither studies, nor reports on the matters related to social media and migrant smuggling conducted by Latvia.
	Lithuania	Yes	**1.** Yes. The Information Analysis Unit of the Criminal Processes Control Organisation Board at the State Border Guard Service analyses public information on social networks (such as Facebook) and in national and foreign online media. In addition, it analyses geopolitical events that can influence

			irregular migration trends and changes. However, more exhaustive information on this monitoring is classified. **2.** a), c). State border guard service observe a new trend when smugglers offer their services to organize the illegal journey and use social networks (Facebook) for covert communication with migrants. **3.** It is hard to answer this question as Lithuania does not have experience in cooperation with social media or other online service providers. Practically speaking, a, b and d options should be most useful. **4.** Lithuania does not have experience in cooperation with social media or other online service providers when it comes to the prevention and fight against migrant smuggling. **5.** No. **6.** Any evidence that was collected in legal ways can be used for judicial purposes. **7.** No such studies or reports were conducted.
	Luxembourg	Yes	**1.** No information available. **2.** N/A. **3.** N/A. **4.** No information available. **5.** No information available. **6.** No information available.

			7. There are no study or report on these issues at the moment.
	Netherlands	No	
	Poland	Yes	**1.** Yes, the Border Guard conducts, on a regular basis, operational reconnaissance of the Internet and social media for the issues indicated in the question. The scope of the obtained information refers to, inter alia, the phenomenon of illegal migration associated, in particular, with illegal trade in identity documents, which are used in the process of legalising the stay of foreigners in Poland. The most frequently searched websites are publicly available open portals, such as Facebook, Twitter, or Russian Vkontakte. In addition, they monitor advertising websites and portals. Advertisements are characterised by autonomy and individuality and are placed by persons wishing to remain anonymous. Contact phone numbers are „pre-paid" numbers, while e-mail addresses in most cases are created on servers outside of the Republic of Poland, which significantly impedes the identification of the end user of an IP device. **2.** In most cases, the above-mentioned information obtained via the Internet and social media is occasional and unconfirmed. From the Border Guard's experience it results that criminal groups use the internet mainly for the purpose of advertising their services. Also, the Border Guard, as soon as the Internet activity with regard to organising illegal migration is confirmed, undertakes advanced operational activities aimed at prosecuting persons involved in this practice. The scale of the processed information obtained from information portals does not enable an attempt to estimate the percentage of cases where online social networks were used to smuggle migrants. However, the Border Guard's existing experience allows to conclude that use of the Internet to organise migrant smuggling into the territory of the Republic of Poland is larger than in case of crimes related to illegal trade in excise products. a. Under the operational activities conducted by the officers from the Border Guard operation and investigation division, the cases are revealed where illegal migration organisers used social networking sites to advertise their services of organising illegal migration to the EU countries. Once the activity in question is confirmed, specific operational activities are taken. As part of the Internet monitoring, the information searched was mainly that regarding advertisements and offers to sell identity documents, including, inter alia: passports and school graduation certificates etc. Advertisements posted on advertising sites are characterised by

			autonomy and individuality, and are placed by persons wishing to remain anonymous. Contact phone numbers are „pre-paid" numbers, while e-mail addresses in most cases are created on servers outside of the Republic of Poland, which significantly impedes the identification of the end user of an IP device. Approximate percentage share of this type of social media use related to migrant smuggling: it is impossible to estimate the percentage share as the Border Guard does not collect such statistical data. b. In 2015, the information in the field of dissemination of information and materials to guide migrants was revealed several times. An example in this regard was the revelation, in the Instagram portal, of a photo of an Iraqi citizen „documenting" his route of migration – Turkey-Greece-Macedonia-Hungary. In addition, the Border Guard is currently carrying out the activities aimed at prosecuting persons who place in the Facebook portal the information about organising illegal migration for foreigners, including: maps, routes of transit to a country of destination and sale of documents giving the right to enter and reside in a given country. Approximate percentage share of this type of social media use related to migrant smuggling: it is impossible to estimate the percentage share as the Border Guard does not collect such statistical data. c. The Border Guard officers revealed in the Facebook portal, inter alia, advertisements regarding sale of identity documents (many nationalities), along with contact phone numbers. It should be stressed that the operational activities carried out in most cases confirm that migrants and smugglers communicate via instant messaging clients such as Skype or Whatsapp, being foreign instant messaging clients, therefore, the Border Guard is unable even to order to conduct operational control of these clients, and thus to obtain the information proving the criminal activity of persons involved. Approximate percentage share of this type of social media use related to migrant smuggling: it is impossible to estimate the percentage share as the Border Guard does not collect such statistical data. d. As part of its official activities aimed at debunking the practice consisting in legalising the stay of foreigners in the European Union, including Poland, based on the so-called „sham marriages", the Border Guard reveals that in the websites, information portals, advertising portals, e.g. Hiperogłoszenia, Facebook, there had been advertisements regarding a possibility of contracting a „sham marriage" in Great Britain for GBP 6 thousand. Approximate percentage share of this type of social media use related to migrant smuggling: it is impossible to estimate the percentage share as the Border Guard does not collect such statistical data. **3.** In the Border Guard's opinion, the above-mentioned solutions would certainly improve and accelerate the activities conducted with regard to combating illegal migration of foreigners, which

			is organised using the Internet and social media. Nevertheless, in opinion of the Border Guard, such solutions (in particular, those described in points a and b) will be possible upon signing the relevant national and international legislation governing the use of these means in relation to making the information placed on the Internet available. **4.** Cooperation of the Border Guard is implemented pursuant to the existing legislation regarding obtaining and processing this type of data/information by law enforcement bodies and concerns, first of all, retention data i.e. those collected by mobile and fixed network operators. a. So far, the Border Guard has not cooperated directly with companies serving social media. b. In Border Guard's opinion, one of the main difficulties appearing on the way to obtain such information is the location of companies providing Internet services. In most cases, these are foreign companies and have their registered offices outside the territory of the Republic of Poland, therefore, obtaining the data in question is a complex, and sometimes impossible, process. In addition, applicable national and international law restricts obtaining such information. **5.** Yes, Police in Poland cooperates with internet service providers for preventing, detecting crimes, saving human life and health or supporting search and rescue operations (it is regulated in the Telecommunications Act and the Act on electronic services). It is organized in a way that authorized units of the Police (holding special authorizations) stay in direct and non-stop contact with big companies. Example of a good practice is a non-stop cooperation of the Duty Team located at the Department for Combating Cybercrime of the Polish Police Headquarters with the Internet service providers for countering suicide attempts. If those companies come across any kind of information in this respect, they immediately send them to the Duty Team which then confirms the delivery of a message via phone. This mechanism allows to effectively shorten response time and quickly take action to determine the address where a person intending to commit a suicide connects to the Internet from and thus prevent possible harm. **6.** Materials obtained by the Border Guard during the Internet monitoring are primarily used for further operation and investigation activities aimed at gathering evidence allowing to bring an indictment against specific persons. In order to prepare the answer to this question, all (11) Presidents of the Court of Appeal received a questionnaire in that regard. The information obtained on this basis: approximately 494 selected criminal cases conducted by the district courts, mainly in

			the period from 2014-2016, were analysed: • only in 3 cases, evidence obtained from social networks or online platforms was used for the purposes of the court in connection with migrant smuggling, e.g.: piece of evidence sent by the Border Guard in a form of a printout (list) of passports cancelled by the Nigerian authorities, as placed on the website www.imigration.gov.pl • in some cases, phone records of incoming and outgoing calls from mobile phones seized from foreigners have been secured. **7.** We are not in possession of such studies/reports.
	Slovak Republic	Yes	**1.** National Unit for Combating Irregular Migration of the Bureau of Border and Alien Police of the Presidium of the Police Force randomly monitors internet and social networks regarding the suspicious content that could be linked to the criminal activities of migrant smuggling, evaluates suspicious activities and subsequently conducts inspections of suspicious transfers. **2.** So far, in the conditions of the Slovak Republic, it has not been proved yet that the perpetrators of the crime of migrant smuggling would be using social networks for conducting this crime. a) In the conditions of Slovak Republic no such publicly available services were observed. b) The information about the migration routes are publicly available from various internet sources however it was not observed it would be conducted by migrant smugglers. c) Irregular migrants transiting through the territory of the Slovak Republic are already instructed by migrant smugglers from the countries of their origin, or countries on the migration route outside of the territory of the Slovak Republic and it was not proved that irregular migrants would be instructed through social media. d) No information available. **3.** a) - b) Yes. From the perspective of the National Unit for Combating Irregular Migration of the Bureau of Border and Alien Police of the Presidium of the Police Force it is not possible, due to limited capacities and resources, to constantly monitor the internet content for the suspicious content. The social media provider should also have responsibilities for the products they offer and in cases these are misused for serious criminal activity, to report these activities to the prosecuting authorities. Criminal Code of the Slovak Republic includes a provision on the obligation to report commission of a crime, or thwart an attempt to commit of selected crimes. (Chapter 8, Section 4 of CC) c) Yes. In the framework of preventive measures there are programs or projects focused on

			informing the potential victims about the possible dangers and also providing information on the help in cases of need, mainly in cases of the crime of human trafficking that is often a result of irregular migration. d) Yes. The possibilities and resources of EU agencies are significantly wider than possibilities of the Member States. The Slovak republic uses many services of EUROPOL. It would be ideal to enhance cooperation especially in between the agencies. e) - **4.** a) No such practices or examples exist. b) There is no information available on this. **5.** We have no information about the use in other criminal activities that would be applicable in the context of migrant smuggling. **6.** No such evidence was gathered so far. **7.** N/A
	Slovenia	Yes	**1.** We only monitor open sources. If there are closed groups we monitor them in accordance with court approval in individual criminal cases. **2.** It is impossible to assess percentage. It depends on individual cases. **3.** D is the most appropriate approach. **4.** n.a. **5.** n.a. **6.** Evidence may be utilized if approved by court order. Main obstacles are related to access to closed platforms. **7.** n.a.

	Spain	Yes	**1.** 1) Yes, by a specific OSINT group. 2) Facebook. **2.** 1)“Travel packages” are offered (prices, routes, etc.). 2)(No data available) **3.** a) the relevant private companies should be asked to take down suspicious internet content proactively; b) they should report these to authorities to contribute to investigations d) improve cooperation with EU Agencies and increase resources to act on relevant referrals (e.g., Europol and namely its Internet Referral Unit and European Migrant Smuggling Centre; Frontex's social media alerts on smuggling services sent to NCCs); **4.** 1) Yes, but still not enough due to data protection issues, internal bureaucracy, foreign location of the companies, etc. a. Not concerning smuggling, but there are some in the field of prostitution and trafficking for sexual exploitation. b. Yes: - data protection legislation. - the fact that most companies are located abroad and sometimes have no representatives in Spain, thus prolonging requests and answers, and making them more difficult. - technical issues, mainly the lack of resources to acquire IT tools that enable obtaining, treating and analysing information. - diverging interests: these companies want to gain clients by offering direct access to the public, without interferences. - anonymous information: sometimes these companies don’t have access to any reliable data on the client, since their identification requirements are too superficial. **5.** In the field of prostitution and trafficking for sexual exploitation, criminals and victims have been identified through advertisements in sexual service web pages. For example: identification of the person inserting an advertisement in wallapop to sell a minor. **6.** a. Spanish judicial authorities do accept evidence obtained from the Internet as long as procedures are in accordance with the Law on Criminal Proceedings. b. There is still no jurisprudence on smuggling cases where evidence obtained from the Internet has been the main proof. **7.** These are some news articles: http://www.abc.es/internacional/20150903/abci-facebook-traficantes-personas-inmigracion-201509021943.html

			https://actualidad.rt.com/actualidad/184474-estafadores-usan-facebook-enganar-inmigrantes-europa □ http://internacional.elpais.com/internacional/2015/09/15/actualidad/1442338446_772151.html
	Sweden	Yes	**1.** No Monitoring the internet in Sweden is done in other crimes, child abuse, narcotics, THB and extremism/terrorism. **2.** We have no information about how much the open sources are used in migrant smuggling to/in Sweden. But we know that they are used. When we get information about a case where an open source is used, of course we investigate the matter. With open source we mean all those that are mentioned in the questionnaire. **3.** First of all they should report to the authorities (police) what they have found. If they just close down the suspicious page there is no possibility for the police to investigate and important information may be destroyed. The information has to be saved first. After that the page should be taken down. The information should be sent to law enforcement agency both to the country concerned and to EU Agency´s. There are two main ways of handling the problem with a specific website. One is when you gather the existing evidence and use it in a criminal investigation and after that you make certain that the online service providers closes the page down. The other way is to use the fact that the police is aware of the webpage and uses it for intelligence gathering only. In the concrete case it is not always the best to immediately shut down the website, especially if they can be used by the police in the belief that they are hidden from the authorities. But of course if the webpage openly address and inspire criminal behaviour they should be shut down as soon as possible. It is important that online service providers should always inform the police about suspected networks within this area. **4.** No information available. **5.** No information available. **6.** We have had a few cases of alleged contact on open internet sites before actually meetings between the suspects and the migrants. We have not contacted any internet provider in these cases but used screen prints to prove the issue. In these cases it has been through a website focusing on

			people sharing the expenses of a car trip between variation of cities in Europe. In what extent this really was the case or if it only was a front in case of detection or anything else is unknown. I can speculate in four main types of events. 1 The driver and car provider is a migrant smuggler and advertises under the covered assumption that he provides a “smuggling trip”. The advertise can then be a way for migrants to get in contact with the smuggler if it is commonly known in certain groups what to look for. 2 The driver and car provider is a migrant smuggler and advertises only to get an alibi for the upcoming smuggling trip. That is the smuggler already has established contact with the migrants but make contact again through the website to try to legitimate the trip and the big amount of money for this service is handled before by suitable transactions. The alibi is to be used in court. It is at this time unknown in what extent this is successful in the eyes of the court. 3 The driver and car provider is a person with no criminal intentions from the start with the only goal to get someone to share the expenses of a longer trip. But realizes that the passengers are migrants and that the trip has turned out to be illegitimate. Then on the spot offered a considerable amount of money the driver and car provider continues with the trip and he has become a migrant smuggler. 4 The driver and car provider is a person with no criminal intentions from the start with the only goal to get someone to share the expenses of a longer trip. He never realizes that there is anything suspect about his travel companions. When it comes to the actual cases they all claimed to have met through the website under legitimate circumstances. **7.** No information available.
	United Kingdom	Yes	**1.** As is the case across a number of threats, The Home Office conducts open-source social media analysis as a response to organised immigration crime. Searches include: • Open-source domestic media outlets and social media sites • International media outlets Border Force perform searches with keywords which would capture any “chatter” on social media sites and other forums/blogs relating to migrant smuggling. We use social media monitoring tools which monitor and filter a large proportion of social media and other sites. For example: Facebook, Twitter, Instagram, WordPress, VK (Russian Facebook), message board, Disqus, Reddit and more. Anything which is publicly available on the internet can be seen by us. We do not access closed accounts.

			2. The Home Office come across open source social media being used for the below listed purposes: • Advertising smuggling services (e.g. a journey or false documents) and a contact person to get in touch with Limited • Dissemination of informative material to guide irregular migrants Medium • Principally for communication purposes between a migrant and their smuggler Limited From our joint working with Home Office Immigration Enforcement with whom we debrief migrants both here and abroad, there are Facebook groups (mainly in Arabic) used for the advertisement of people smuggling services. As soon as the potential customer makes contact, communication switches to WhatsApp/Viber (encrypted messaging Apps). It is at this point the potential migrants are completely lost to us. Even with an Arabic speaker to translate the Facebook pages, these are more frequently found to be closed groups, in which case the posts will not be visible to anyone who is not a member. Pages advertising false documents for purchase are often to be found posted onto the thread of an unrelated conversation suggesting the adverts operate in a "spam mail" style. Some of the charities who help migrants, post information online regarding assistance once they have reached their destination country with benefits etc. One such document can be found at http://www.rightsnet.org.uk/pdfs/roap-benefits.pdf. **3.** Tackling organised immigration crime effectively requires a holistic, international response based on robust evidence and evaluation. This could include any or all of the above. However, it is our belief that there is very little in the way of information to be gleaned from open social media sites relating to facilitators and migrants, as their chief communication is via encrypted messaging apps or word of mouth. Social media acts as a 'virtual' hub enabling contact in the same way that introductions would me made face to face in areas where there are transit hubs such as those in Turkey and Greece Open source information is most likely to be related to advice on which routes to take and country asylum policies. Naturally if such sites are identified then they can be asked to take them down, but they will simply re-appear under another name resulting in a constant game of cat and mouse. It almost seems a better idea to leave them where they are rather than becoming lost. Pop-up windows is a good idea, particularly to warn potential migrants of the dangers they face in making perilous journeys which are advertised as something entirely different. **4.** Border Force and the Home Office passes on information of these sites to the central Home Office and the National Crime Agency (NCA) when appropriate. Information is then shared from the NCA to the relevant operations and agencies. We are engaging with industry to ascertain their

			appetite and ability to take down web sites where there are indications of criminal activity underway. We have had a positive response to these approaches but there are still areas for discussion. **5.** N/A **6.** There have yet to be any prosecutions from the selling of people smuggling services through social media, however we continue to explore all available investigation options to secure evidence on criminality through social media. **7.** There are no publicly available government reports in this area.
	Norway	Yes	**1.** YES **2.** Use of social media and the internet to facilitate migrant smuggling Detail a. advertising smuggling services (e.g. a journey or false documents) and a contact person to get in touch with (Smugglers advertising and selling an irregular migration journey or other services such as the provision of false documents, including to facilitate irregular residence. Advertisements can also/or solely include contact information of a person suspected of being a smuggler.) We know that social media is to a great extent, used by smugglers to advertise their activities and services, including possible routes, cost, and types of transportation. Approximate percentage share of this type of social media use related to migrant smuggling: N/A b. dissemination of informative material to guide irregular migrants Information posted by smugglers helping and encouraging irregular migration e.g. description or pictures of routes; changes in policies or operational measures on certain routes; social security benefits listed according to Member State etc. - What kind of information is shared? Our information indicates that migrants use social media to a great extent to navigate towards their desired destination. Websites on given groups, as well as where updated information is provided about travel routes, prices and weather conditions for boat travel to Hellas for example. In the Directorate of Police, The National Criminal Investigation Service (Kripos) has experienced that social media and especially Facebook is used to make arrangements and facilitate travel, and to specify travel routes as well as providing a platform for exchanging information about crossing borders and other kinds of practical information for migrants. Approximate percentage

			share of this type of social media use related to migrant smuggling: N/A c. principally for communication purposes between a migrant and their smuggler Are social media or other online platforms solely used by migrants as channels of communication with smugglers once contact is established? How are these platforms typically used? Do migrants and smugglers use one platform exclusively, or do they use many? Is there any pattern in usage? Facebook is used as an advertising platform for smugglers who offer their transportation services. There have been relatively few offers (low to very low numbers) of travel specifically to Norway lately, given the large stream of migrants. Usually the smugglers' advertising provides contact information through the Telegram, WhatsApp, or Viber apps for further details. Approximate percentage share of this type of social media use related to migrant smuggling: N/A d. Other Any other way, not described above, how social media and other online tools may be used by migrants themselves or the smugglers in trying to facilitate irregular immigration The few offers for travel to Norway, that have been advertised, route the travel through Russia. Moscow seems to function as a transit city and several of the websites offer travel to Norway via Moscow. "Travel to Europe from Moscow" is the most active one in terms of types of offers and amount of activity on the site. The website has an increase in „likes" of 55% since 03.12.15. As of 02.02.16, 7368 "Likes" were registered; a 12% increase since December. Other Facebook sites with similar content can be connected back to this page. Prices between Moscow and Norway vary – at the end of October, it was $5000 but by mid-December, it was $3000. We are trying to resolve the situation related to "Moscow welcomes you". This is an individual person's profile on Facebook that offers transport to Norway with Russian travel documents. The last time a trip was offered, was 10.01.16. There was no mention of Norway in mid-March. But generally by the beginning of February, there was less interest than previously. Norway was at that time seldom mentioned. Most of the information available discusses which country one should choose to travel to. The websites where Norway is mentioned as a final destination are apparently inactive and have relatively few followers/response. Services that provide migrants travel to Europe in general, have apparently much greater traffic/ followers than those services that offer travel to Norway in particular. Facebook and YouTube come across as the most relevant channels for communicating such services. Approximate share of this type of social media use related to migrant smuggling: N/A

			3. The (Norwegian) National Criminal Investigation Service (Kripos) has not contacted any of the service providers in the social media in connection with our project called OP Migrant. **4.** N/A **5.** N/A **6.** N/A **7.** Within the Police Directorate, the Section for Internet related investigation support (IRES unit) at the The National Criminal Investigation Service (Kripos), is the unit which has collected information about human smugglers use of social media and it is that unit which has contributed to what is referred to as the "the OP Migrant", a strategic and operative project related to asylum and migration movements to Norway. The project has, as of the middle of May, an overview of 79 relevant pages on the internet; of these, 61 are related to Facebook. In addition to this, four new pages were found in just two weeks. Two of these are directly related to Norway, but both had low activity levels. Neither of these pages had any special focus on Norway as a possible destination for either legal or illegal migration. In 2009, the Norwegian Directorate of Immigration produced a English language research report called Why Norway? https://www.udi.no/globalassets/global/forskning-fou_i/beskyttelse/why-norway.pdf