



International Organization for Migration (IOM)

Migrant Smuggling as a Form of Irregular Migration

Outline of the Presentation

1. Migrant smuggling: legal framework and definitions
2. Migrant smuggling and trafficking in human beings – differences and similarities
3. Modus operandi
4. Flows across the Mediterranean – routes and numbers
5. “Facebook smugglers”
6. Responses to migrant smuggling



Migrant smuggling

- Virtually every country in the world is affected by this crime (origin, transit or destination)
- Highly profitable business – relatively low risk of detection and punishment and thus increasingly attractive to criminals
- Modus operandi vary from highly sophisticated (document and visa fraud) to low-cost methods which pose high risk for migrants
- Migrant smugglers constantly change routes and modus operandi in response to changed circumstances
- Migrant smuggling fuels corruption, empowers organized crime
- Smuggled migrants are vulnerable to life-threatening risks, abuses, exploitation



Human cost of migrant smuggling

'Missing migrants' project (IOM)

GLOBAL OVERVIEW: 3,255 MIGRANT DEATHS TO DATE IN 2015 (est.)

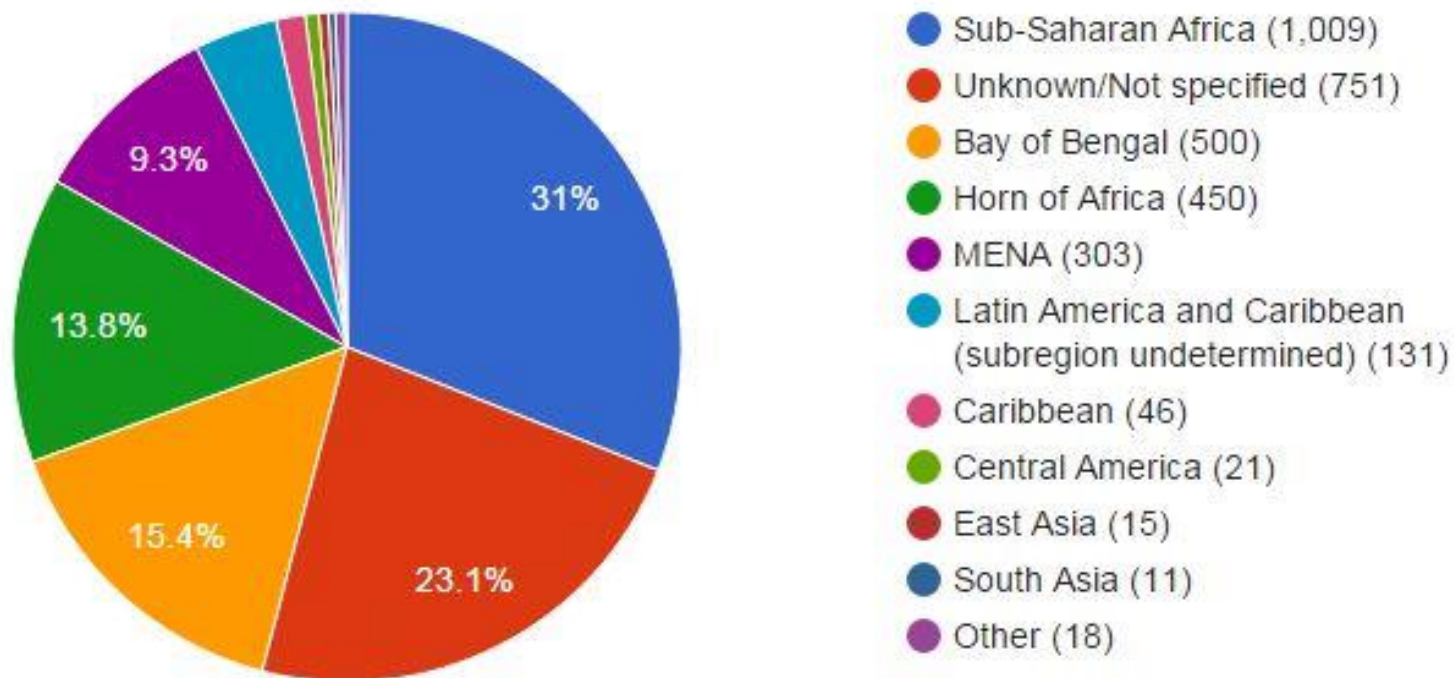


<http://missingmigrants.iom.int>

Human cost of migrant smuggling

'Missing migrants' project (IOM)

Deaths by migrants' region of origin, 1 January - 17 August 2015

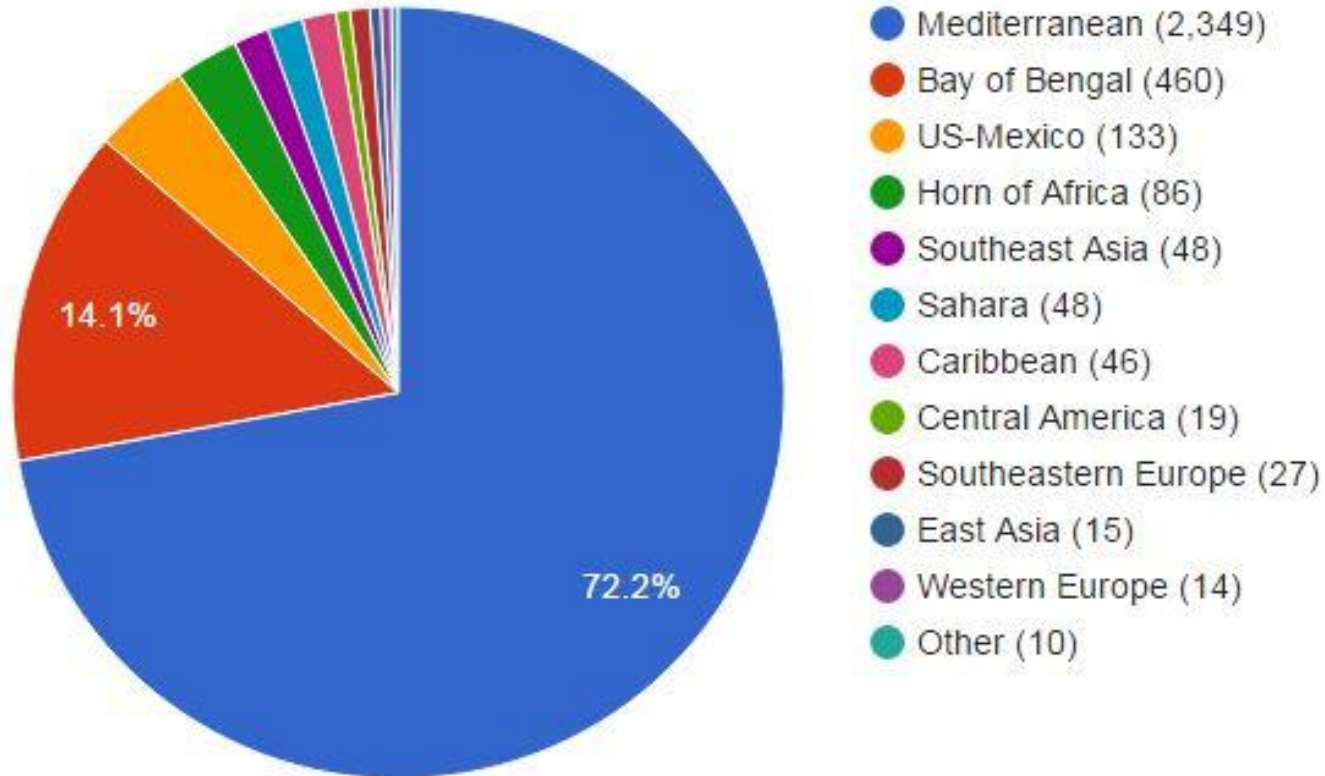


<http://missingmigrants.iom.int>

Human cost of migrant smuggling

'Missing migrants' project (IOM)

Migrant deaths by region, 1 January - 17 August 2015



<http://missingmigrants.iom.int>

Relevant legal framework

- **United Nations Convention against Transnational Organized Crime**
 - Came into force: 29 September, 2003
 - Parties: 185
- The Convention has three additional protocols, two of which are:
 - **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**
 - Came into force: 25 December, 2003
 - Parties: 167
 - **United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air**
 - Came into force: 28 January, 2004
 - Parties: 141



Migrant smuggling - Definition

United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air (supplementing the United Nations Convention against Transnational Organized Crime)

- **Purpose:** “to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end” (Art. 2)
- **Migrant smuggling:** “...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (Art 3(a))
- **A smuggled migrant:**
 - Travels voluntarily, however illegally
 - Assisted by a third party (the smuggler) who facilitated illegal crossing of borders for financial or other material benefits



Migrant smuggling - components

- **Act**
 - Transportation and transfer of persons
- **Means**
 - No element of distortion of the free will of the person, either by force, deception or abuse of power.
 - In most smuggling cases, the intending irregular migrants seek and initiate the contact with smugglers themselves to realize their objective of crossing the border into a third country illegally
- **Purpose**
 - Financial profit from the illegal border crossing
 - No exploitation: once in the destination, the migrant's relationship with the smuggler ends



Trafficking in human beings – Definition

- **Purpose:** “to prevent and combat trafficking in persons...and to protect and assist the victims of such trafficking, with full respect for their human rights”
- **Definition:** “[WHAT] the **recruitment**, transportation, transfer, harbouring or receipt of persons, [HOW] **by means** of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, [WHY] **for the purpose** of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (Art 3(a))



Trafficking in human beings – components

- **ACT:**
 - Physically taken against his/her will, use of violence, sale
- **Means:**
 - Fully deceptive recruitment: false information
 - Partially deceptive recruitment: person aware of the illegality of the work but promised certain working conditions; aware of the removal of organs but not informed about the health risks
- **Purpose (exploitation):**
 - Sexual exploitation most commonly discussed but also: agriculture, food processing industry, construction industry, domestic services, entertainment industry, hotels, restaurants, sweatshops, sex industry, forced begging, drug dealing



Trafficking v Smuggling

TRAFFICKING AND SMUGGLING: SIMILARITIES AND DIFFERENCES



Trafficking v Smuggling

- Both the Smuggling of Migrants Protocol and the Trafficking in Persons Protocol provide for the **criminalization of the migrant smuggler and human trafficker**
- Both Protocols do **NOT** criminalize the smuggled migrant or the victim of trafficking
- Trafficked persons are inherently victims (they have not agreed to be exploited)
- smuggled migrants are not inherently victims but nevertheless can find themselves in extremely vulnerable situations and/or can become victims of trafficking at any stage of the smuggling process



Smuggling v trafficking in the media

Italian Prosecutor Arrests Two For Human Trafficking In Mediterranean Migrant Ship Catastrophe

By Owen Davis @of_davis o.davis@ibtimes.com on April 20 2015 9:37 PM EDT



EU leaders to consider military intervention against Libyan migrant traffickers

David Cameron and other European Union leaders will consider efforts to identify, capture and destroy vessels before they are used by traffickers, draft document shows



Migrant crisis: smuggling or trafficking? Politicians don't seem to know

Aidan McQuade

To end loss of lives in the Mediterranean, politicians must understand what the problem is - not trafficking rings, but people smuggling on a vast scale



NEWS

Mediterranean migrants crisis: Italy 'at war' with people smugglers

22 April 2015 | Europe



Italy says it is "at war" with migrant traffickers, and has urged the EU to take robust action to stop more people dying in the Mediterranean.

Migrant tragedy



Smuggling by air, land, sea: modus operandi

- **Smuggling occurs by air, land and sea:**
 - very often is a combination of several modes of transportation with intermittent stays in transit countries
 - 'odd' routes
- **Smuggling networks:**
 - can be run out of country of origin or destination
 - Will usually have proxy smugglers in transit countries, often of the same nationality as the migrant
- **Pricing:**
 - Depends on the mode of transport and 'services' provided by the smugglers



Smuggling routes in the Mediterranean: Western, Central and Eastern Route



Source: Frontex

Mediterranean routes in numbers

(Mixed migration flows)

- **Western Mediterranean Route:**
 - 2014: 7,840 persons
 - 2015 (Jan – June): 6,698 persons
 - Top nationalities: Syria (3,789), Guinea (671), Cote d'Ivoire (354)
- **Central Mediterranean Route:**
 - 2014: 170,760 persons
 - 2015 (Jan – June): 91,302 persons
 - Top nationalities: Eritrea (23,878), Nigeria (10,747), unspecified sub-Saharan nationalities (9,766)
- **Eastern Mediterranean Route:**
 - 2014: 50,830 persons
 - 2015 (Jan – July): 132,240 persons
 - Top nationalities: Syria (78,190), Afghanistan (32,581), Pakistan (6,641)

Source: Frontex

Smuggling in the Med: “Facebook smugglers”

- In 2014: growth of ‘marketing’ of smuggling via facebook
- ‘the biggest illegal travel company in the world’: Information about prices, departure points, logistics for the travel, updates on weather and boat departures, advantages and disadvantages of various asylum systems
- Development of ‘packages’ – especially for Syrians (e.g. include a life jacket, space on the deck, ‘all-inclusive’ journey to Europe)
- Pricing: 2,000 EUR per person to cross from Libya to Italy (more if the entire trip is ‘purchased’ from the country of origin to destination), 4,000 – 6,000 EUR from Turkey to Europe (depending on the route)
- In 2015: Turkey has become a new hub for smugglers

Proposed Responses

1) Help migrants in distress and save lives

- Search and rescue operations
- Humane and dignified reception
- Assist migrants in detention
- Access to services (including assisted voluntary return)

2) Create alternative means for migration

- labor migration, resettlement, humanitarian admission
- Processing centers
- Awareness raising on the benefits of migration

3) Mitigate 'push' factors

- Promote stability, create education and employment opportunities
- Information campaigns on the risks of migrant smuggling

4) Prosecute migrant smuggling

- Improve legal framework and its implementation
- Build capacities
- Enhance international, regional and inter-regional cooperation of law enforcement agencies (see 'Bali Process')



Key messages

1. **Smuggling of migrants is a global phenomenon – a profitable business which can be deadly for migrants**
2. **Smuggling is often confused with trafficking. Although they are two distinct crimes, a smuggled migrant can become a victim of trafficking if circumstances change**
3. **Modus operandi constantly changes and develops. In the Mediterranean, proliferation of marketing of smuggling through social media**
4. **Proposed responses – must combine saving lives, promoting legal migration routes, mitigating ‘push’ factors and international effort to combat smuggling**



Thank you for your attention!

Livia Styp-Rekowska

Senior Regional Immigration and Border Management Specialist
IOM Regional Office Vienna for South-Eastern, Eastern Europe and Central
Asia

Lstyprekowska@iom.int

