

What is the smuggling of migrants?

In article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (the Migrant Smuggling Protocol), the smuggling of migrants is defined as:

“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”.

In order to comply with article 6 of the Migrant Smuggling Protocol, States:

- Must establish as criminal offences the smuggling of migrants and enabling a person to remain in a country illegally.
- Must establish as aggravating circumstances to those offences circumstances that endanger the lives or safety or that entail inhuman or degrading treatment of the migrants concerned.



The smuggling of migrants and related activities

- The procurement of the illegal entry of a person into a State party of which the person is not a national in order to obtain, directly or indirectly, a financial or other material benefit
- Enabling a person to remain in a country where the person is not a legal resident or citizen without complying with requirements for legally remaining in order to obtain, directly or indirectly, a financial or other material benefit



UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, PO Box 500, 1400 Vienna, Austria
Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-5866, www.unodc.org

The mandate of the United Nations Office on Drugs and Crime

As the guardian of the United Nations Convention against Transnational Organized Crime and its supplementary protocols, the primary goal of UNODC with respect to combating the smuggling of migrants is to promote global adherence to the Migrant Smuggling Protocol and to assist States in their efforts to effectively implement it. The Migrant Smuggling Protocol aims:

- To prevent and combat the smuggling of migrants
- To protect the rights of smuggled migrants
- To promote cooperation between States

For more information about the smuggling of migrants and the response of UNODC to it, contact:

Anti-Human Trafficking
and Migrant Smuggling Unit
ahtu@unodc.org
or visit www.unodc.org



Printed in Austria
V.09-81206—April 2009—500

The printing of this brochure
was made possible through funding
received from the European Union.



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Smuggling of Migrants



Virtually every country in the world is affected by the smuggling of migrants, either as a country of origin, transit or destination for migrants smuggled by criminals.

Smuggled migrants are vulnerable to exploitation and their lives are often put at risk: thousands of smuggled migrants have suffocated in containers, perished in deserts or drowned at sea. Smugglers of migrants often conduct their activities with little or no regard for the lives of the people whose hardship has created a demand for smuggling services. Survivors have told harrowing tales of their ordeal: people crammed into windowless storage spaces, forced to sit still in urine, seawater, faeces or vomit, deprived of food and water, while others around them die and their bodies are discarded at sea or on the roadside. The smuggling of migrants and the activities related to it generate huge profits for the criminals involved and fuels corruption and organized crime. The smuggling of migrants is a deadly business that must be combated as a matter of urgency.

The smuggling of migrants: a deadly business

The information currently available is too scattered and too incomplete to be able to show accurately the numbers of people smuggled each year and the routes and methods used by those who smuggle them. However, the evidence available reveals the following trends and patterns:

- Criminals are increasingly providing smuggling services to irregular migrants to help them evade national border controls, migration regulations and visa requirements. Most irregular migrants resort to using the services of profit-seeking smugglers. As border controls have improved, migrants have been deterred from attempting to cross borders illegally on their own and have been diverted into the hands of smugglers.
- Since the smuggling of migrants is a highly profitable business with a low risk of detection, the crime is becoming increasingly attractive to criminals. Smugglers of migrants are becoming more and more organized, establishing professional networks that transcend borders and regions.



"I remember thinking it felt like the ocean kept opening up, swallowing our boat and spitting it back out again. We were rescued by the police as we neared the coastline. Moments after they picked us all up, our boat broke in two. If we had not been rescued, we would certainly have died at sea."
Source: BBC



"Fifty-four people have been found dead after suffocating in a lorry smuggling them. More than 100 people were packed into a container measuring 6 m by 2 m. Many of the survivors are seriously ill from dehydration and lack of oxygen. The driver opened the doors of the vehicle after the migrants banged on the walls—but he fled on foot when he saw what had happened. The [survivors] said they tried to bang on the walls of the container to tell the driver they were dying, but he told them to shut up as police would hear them when they crossed through checkpoints. A 30-year-old survivor told how he believed everyone would perish in the lorry: 'I thought everyone was going to die. I thought I was going to die. If the truck had driven for 30 minutes more, I would have died for sure.'" Source: BBC

"She was wearing jeans and a blouse. Foam around her mouth was evidence of a seizure. Though she had only walked about a day and a half, her physical condition and the insufficient water and food she had consumed made her susceptible to a desert death. In her last call home a couple of days before she died, she said 'Daddy, I've reached the border'."
Source: *New York Times*.

- Smugglers of migrants use many different methods. While some offer highly sophisticated and expensive services that rely on document forgery or visa obtained on fraudulent grounds, others use low-cost methods that often pose a high risk to the migrants and that have led to a dramatic increase in loss of life in recent years.
- Smugglers of migrants constantly change routes and methods in response to changed circumstances, often at the expense of the safety of the smuggled migrants.
- Thousands of people have lost their lives as a result of the indifference or even deliberate cruelty of smugglers of migrants.

These factors highlight the need for responses to combat the crime of the smuggling of migrants to be coordinated between regions and to be adapted to counter new smuggling methods. The United Nations Office on Drugs and Crime (UNODC) seeks to assist countries in implementing the Migrant Smuggling Protocol and to promote a comprehensive response to the issue of the smuggling of migrants.



**Smuggled migrants?
Victims of trafficking?**

"When we left the airport, there was a man in the car waiting for us. I sat on the back seat and the man from the plane sat in the front. They took me to a house in the countryside. I was taken to an empty room. Then he locked the door and left. I stayed there for about 13 days. My definition of a 'smuggler' is that they are not a good person; they are part of a gang who make money by doing illegal things..."
Source: statement by a smuggled migrant.