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**Thematic discussion on effective measures to
prevent and counter the smuggling of migrants,
while protecting the rights of smuggled migrants,
particularly women and children, and those of
unaccompanied migrant children**

Statement submitted by Soroptimist International, a non-governmental organization in general consultative status with the Economic and Social Council**

The Secretary-General has received the following paper, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* [E/CN.15/2021/1](#).

** Issued without formal editing.



Statement by Soroptimist International for the UN Commission on Crime Prevention and Criminal Justice

Soroptimist International's members in 122 countries regularly conduct projects supporting migrants and refugees, and combatting human trafficking. As an organisation that educates, empowers and enables women and girls, SI calls on all UN Member States to recognise the particular risks that women and girls face when they are smuggled, including sexual and gender-based violence, trafficking, forced sex work, indentured servitude, child, early and forced marriage, and other abuses. Since 2015, over 14,000 people have died attempting to cross the Mediterranean – it is impossible to calculate how many die along unsafe migration routes worldwide. Increasing access to safe and regular migration routes will be a significant step in ensuring fewer migrants, including women and children, die in their attempts to find a better life. States must take action to curb the smuggling of migrants by improving access to regular migration routes.

Women and girls often migrate for the same reasons that men and boys do – poverty, economic inequalities, lack of opportunity, oppression, conflict, war, disasters and the impact of climate change. However, women and girls face additional factors compelling them to leave their homes, including fears of early, child and forced marriage and female genital mutilation, and face additional challenges along migration routes. Women and girls are more likely to be climate migrants. Better data, analysis and concrete actions are urgently required to take into account gender-specific migration trends and to ensure policies and projects can be implemented successfully.

Protecting the Human Rights of Smuggled Migrants

Current policies and legal structures around migration, and barriers to regular migration, drive people into the hands of smugglers and criminal gangs. Migration systems are complicated and routes unnavigable, making it impossible for many to migrate safely without help. As states rarely provide this support, it is unsurprising that people desperate for security and a better life for them and their families, turn to smugglers. States can remove the need for this 'last resort' by ensuring ease of access to regular and legal pathways to migration.

Women and girls face increased and differentiated risks and human rights abuses along mixed migration routes. As well as identifying these risks, states, working in collaboration with other actors including CSOs, must ensure that women and girls who have experienced sexual and gender-based violence and other human rights abuses are given access to justice and quality psychosocial support that will ensure their recovery. Women and girls must also have access to safe accommodation, health services including sexual and reproductive healthcare, education, and safe sanitation. All of these services contribute to women's and girls' overall safety and promote their human rights.

At various stages along their migration route, migrants are kept in unacceptable conditions in camps and detention centres, many of which do not meet human rights standards. Children miss out on education, healthcare services are sub-standard, and people are unable to live in safety and dignity. There is evidence of companies running camps barring access to lawyers supporting safe migration, limiting access to essential services, and their employees committing gross human rights violations. By using these companies, states abdicate their own responsibilities and avoid accountability for how migrants are treated.

Ultimately, these camps increase risks of people falling prey to smugglers. Additionally, in many cases, states return migrants to countries that are not safe ports of entry, further adding to the risks of human rights abuses. While smugglers certainly commit human rights abuses, states are also capable of doing so when interacting with smuggled migrants. There must be widespread migration policy reform between and within states to prevent this and hold all perpetrators of human rights violations to

justice. Migrants are entitled to the same universal human rights and fundamental freedoms as all, which must be respected, protected and fulfilled at all times.

During the COVID-19 pandemic, migrants face multiple crises of health, income, safety and security. Some, especially women and children, have found themselves stuck in unsafe locations and unable to access services or find an income source. In rural and isolated areas, where the rule of law is weaker, risks of human rights abuses, including gender-based violence increases. However, when trapped in cities, women are forced into sex work, indentured labour or are trafficked in order to fund the next stage of their journey.

COVID-19 has multiplied the risks and difficulties facing smuggled migrants without diminishing the drivers to migrate. As borders have become harder to cross, dependency on smugglers has increased, and in response to border closures smugglers are using more dangerous routes. States must do more to support survivors seeking justice and to ensure they feel safe disclosing information; to cooperate in their efforts to identify perpetrators at different points along the route; to share key information with relevant law enforcement agencies; and to collectively hold perpetrators accountable.

Preventing and Countering the Smuggling of Migrants

States and law enforcement must fully acknowledge the complexities around identifying smugglers. While the phrase people smuggling conjures up images of exploitative gangs, many 'smugglers' are just migrants themselves. Migration routes frequently involve networks with many intermediaries, some more involved in people smuggling than others. Some migrants participate in order to pay off their own debts to smugglers higher up the chain. Others identified as "smugglers" by law enforcement are not smugglers at all, but simply steered a boat, drove a car, or helped a fellow migrant cross a border. Correctly identifying people smugglers requires nuance: laws and policies must be updated to reflect the human reality of this phenomenon so that innocent people are not prosecuted and resources are properly channelled into identifying, investigating and prosecuting true smugglers and in particular those who are committing human rights abuses.

Over recent years people smuggling has become a multi-billion dollar industry. While achieving the ambitions of sustainable development and ensuring peaceful communities, including through multilateral cooperation, will combat some of the driving factors of migration, and therefore people smuggling, it will not be enough alone. The increasing securitisation and reinforcement of borders and ever-shifting migration policies have provided a perfect environment for smuggling networks to flourish. Increasing clear legal pathways to safe migration, supporting migrants reach countries of destination and supporting family reunification will combat smuggling. Increased collective action by states, relevant agencies and CSOs, alongside cooperation and coordination across borders and regions is essential.

Soroptimist International calls upon states to adopt the following recommendations:

- More migration data must be developed and disaggregated by sex, gender identity. This disaggregated data will allow for the improved identification and analysis of specific vulnerabilities.
- All states fully implement the Global Compact for Safe, Orderly and Regular Migration as well as all other international agreements that protect the rights of migrants.
- Member States to protect the human rights and dignity of all migrants, regardless of status, including vulnerable migrant populations, particularly women and children.
- The development of national, regional and international policies which facilitate accessible safe, legal and regular migration routes.

- Member States in receiving countries to strongly condemn racism, sexism and xenophobia directed at migrants.
- Strengthen efforts to identify and provide protection to migrant survivors of abuses, including sexual and gender-based violence, and ensure their access to justice. Access to legal aid for victims should be increased along migration routes, including for those who may have grounds for refugee status on the basis of their experience, gender-related persecution, sexual orientation and gender identity, fear of trafficking or risks of statelessness, as per UNHCR's International Guidelines.
- Ensure all relevant authorities and agencies in contact with migrants, including law enforcement, receive quality training on ensuring human rights, supporting those who have experienced abuse, identifying those with mental health conditions, and safe interview techniques for people who have been through abuse.
- Enhance opportunities for safe and legal migration including through removing obstacles to family reunification, increasing resettlement commitments, and introducing more complementary pathways including temporary labour schemes and education visas.
- Enhance means to identify the victims of trafficking and other human rights abuses, provide safe accommodation for victims, and make information on available support and how to seek help accessible.
- Make the principle of non-refoulement, relevant to refugees and asylum seekers, applicable to migrants, including those who have been smuggled.

Conclusion

Migration is a human phenomenon that has existed throughout history. Aiming to eradicate or overly limit migration is an impossible task, but ensuring migration is safe, orderly and legal is eminently possible. States must act to ensure legal pathways to migration are accessible, and provide the unacceptable and extreme forms of violence and human rights abuses along migration routes that migrants face, in particular women and girls. People smuggling increases in response to state policies on migration, and it is possible for states to change those policies to prevent that response.
