



Economic and Social Council

Distr.: General
14 May 2021

English only

Commission on Crime Prevention and Criminal Justice

Thirtieth session

Vienna, 17–21 May 2021

Item 5 of the provisional agenda*

**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 the Fundación para la Democracia Internacional, a non-governmental organization in special 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.



Migration is a process as old as mankind. Humans have always been moving around the globe in search of a better life, of a brighter future.

Migration is a human right. Nevertheless, often people who choose to exercise their right become victims and instead of going from a bad situation to a better one they end up trapped in a violent network from which they cannot escape. Trafficking in persons, smuggling, kidnapping for ransom, gender-based violence, exploitation, among others, are some of the crimes they become vulnerable to suffering.

While governments – either by action or omission – and organized crime are the first to violate migrants' rights, civil society organizations play a key role in helping and assisting them.

There are various reasons that underlie the extreme vulnerability of those who migrate. In this context, xenophobia and aporophobia are factors worth analysing. In recent times, migration is becoming a more complex phenomenon. Thousands of people flee their home countries in Central America every year escaping from poverty, corruption, political persecution, insecurity, violence, gangs such as Las Maras, natural disasters, organized crime and lack of opportunities just to name a few. Emitter countries reject them, and destination countries will not welcome them. They end up trapped in a migration limbo and belong nowhere.

Destination countries increase a xenophobic propaganda that portrait them as “criminals, drug dealers or will corrupt national identity”. This kind of narrative permeates mostly in the middle and upper classes, feeding aporophobia which ends up in more rejection leading to a never-ending cycle. The rejection is not only to the foreigner, but to the poor, to those who come to take and use and not bring anything in return, or so they believe.

Gender lens is essential when debating about the causes and consequences of migration. Therefore, to analyse the situation for women and minorities, we must mention that gender inequality and the feminization of poverty will not only have an impact in their integration in receptor countries, but it will also affect their experiences in the migratory process. This is particularly relevant in a world ruled by market and economy, being impossible to judge women's decision to leave their home country. Vulnerable and exposed, women and girls may suffer sexual violence while migrating and end up in debt with those mafias that have “helped” them through the process. Once in the destination country, their situation is still irregular. Recent reports have shown that some women were even forced to undergo medical procedures against their reproductive rights in order to be accepted in their destination.

Migratory control policy has a key role in increasing human trafficking and smuggling, although they are usually used by governments as an excuse to reinforce the former. They do not seem to take into account that migration is a right that should be ensured, resulting in a discourse against migration and migrants, rather than attack its main causes: inequality, racism, colonialism and borders or simply the right to choose a better future.

However, a key factor that is usually dismissed is the reality in destination countries: Latin America's economies, institutions and structures are not prepared to receive migrants. They lack the capacity to absorb and integrate new workforce and guarantee their civil rights. Those rights that governments cannot guarantee are new opportunities for organized crime networks to prey on migrants.

The COVID-19 pandemic and the unprecedented economic, sanitary and social crisis it entails across the world have not stopped migration. In some cases, it has even increased the reasons for migrants to flee facing multiple challenges such as legal pathways and borders closed pushing them to irregular options such as smuggling. Government measures also had an impact on the way organized criminal groups worked, who rapidly adapted their modus operandi and benefited from the increase in the demand of smuggling services. Millions of people worldwide were stranded in transit.

The COVID-19 pandemic is having such devastating effects on the economy that the situation has become unsustainable. There are simply not enough resources for either nationals or immigrants. During 2020, the local government, international organizations like the Red Cross and the International Organization for Migration and civil society organizations had to assist migrants in vulnerable situations. Moreover, many seasonal workers who usually come only for the harvest could not reach their destination and were left without income in their home countries.

Moving forward

The Global Compact for Safe, Orderly and Regular Migration is a milestone in international law regarding migrants' rights. All governments should praise and commit to its guiding principles. It improves the legal framework for migrants, protecting and promoting their rights, with a holistic approach regardless of their status.

Governments should also create new laws, going back to the roots and to the basic principle of seeing migrants as what they are: human beings. Authorities should bear in mind the vulnerability these people face, especially women and children.

It is not by state repression that governments should cope with this phenomenon, but rather with multinational cooperation and the compromise to guarantee basic human rights while dealing with the mafias that take advantage of migrants.

All in all, the COVID-19 pandemic across the globe made us face challenges we had never imagined. Some good government responses regarding migrants must be recognized. For instance their inclusion in social assistance and in medium and long-term health strategies, the flexibility or renewal of temporary residence permits and the digitalization of permits. These measures have facilitated migrants' access to such services and helped them cover their basic needs. Nevertheless, this was not enough and vulnerable human beings need a response from governments, no matter where they come from, they need to be recognized as global citizens. It is of vital importance that administrations recognise their responsibility in migrants' well-being.

Humankind must learn the lesson about this pandemic: no one saves themselves alone. Now, more than ever, we must collaborate. International cooperation is key to overcome this world crisis. Instead of closing borders and enhancing nationalism, we must extend our hand for those in need. Let inclusion and compassion be more than mere words, let them be principles to live by.
