AGENDA ITEM ON THE COLLECTION OF INPUTS AND SUGGESTIONS FROM PARTICIPANTS AND PROVISION OF INFORMATION ON RELEVANT ACTIVITIES, INCLUDING THOSE RELATED TO MEETING TECHNICAL ASSISTANCE NEEDS IN THE CONTEXT OF THE UNTOC REVIEW MECHANISM

AGENDA ITEM IV

STATEMENT

GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME

Constructive Dialogue on Smuggling of Migrants
Vienna, 9 October 2023

I am making this statement on behalf of the Global Initiative Against Transnational Organized Crime, a global, independent civil society organization headquartered in Geneva, focussed on analysis and improved responses to all forms of transnational organized crime. I would like to thank the Chair, UNODC and the NGO Alliance for all the preparations that have gone into today’s Constructive Dialogue and Friday’s multistakeholder preparatory day.

We have seen from the Secretariat’s presentation and background documents that the implementation review mechanism of the UNTOC is only just starting. Whatever the reasons for the delays, this leaves us with a big data gap on how the widespread ratification of the Smuggling of Migrants Protocol should be understood in terms of evaluating its performance or impact on criminal markets.

The GI-TOC’s Global Organized Crime Index 2023 shows that the smuggling of people is on the rise. It shows that ‘Globally, in 2022, there were over 100 million refugees and internally displaced persons – an enormous portion of whom had turned to smugglers to help them escape challenging circumstances’. It highlights that profit-seeking criminals, from opportunistic individuals to large-scale professional networks, continue to smuggle people outside legal migration channels and across borders often in perilous conditions and at great human cost, leaving many irregular migrants vulnerable to exploitation. Violent
conflicts, inequality and extreme weather conditions could drive further growth in this market and civil society is well-placed to monitor and inform these dynamic shifts.

For the review of UNTOC, civil society can therefore help push the review mechanism forward and produce data and evidence that helps states and societies better understand the harms and dynamics of organized crime, and how we can improve on our existing responses, including through the Smuggling of Migrants Protocol.

On the final topic of gender, human rights and victim-centred approaches. The reason behind many shifts in human smuggling is often a direct result of the policies of states to prevent irregular migration and to tackle human smuggling.

The securitisation of borders and efforts to prevent migration exacerbates vulnerabilities of migrants to smuggling. Exclusively securitised, criminal justice approaches tend to empower the smuggling industry, instead of breaking it down. Arrests and prosecutions most heavily impact the lowest levels of the industry, who are easily replaced, rather than the profiteers controlling the trade. As mentioned before, prosecution will have the most disruptive impact on the controllers who oversee the multiple components of smuggling ventures. Criminalization should however be balanced with a clear framework to protect migrants’ rights.