To,

UNODC Civil Society Unit
United Nations Office on Drugs and Crime (UNODC)
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Criminologist Snehil Dhall - Written Official Statement towards Migrant Smuggling
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Esteemed Members,

I present this written statement to address a pressing issue situated within the realm of criminal activities - a matter that warrants our immediate and careful consideration. Migrant Smuggling has conventionally been characterized as a crime that transpires under the guise of consent, distinct from Human Trafficking, which is traditionally associated with cases of no consent and often force. However, it is my privilege to bring forth the comprehensive findings of extensive research, jointly conducted by myself and Crimeophobia – A Criminology Firm, which indicate that the current classifications do not encompass the intricate dynamics of these criminal actions.

Our in-depth research has unveiled that Forced Marriages and Forceful Religious Conversions frequently serve as the initial catalysts for Migrant Smuggling. Victims, who agree to migration under circumstances often coerced through these crimes, may not have a full grasp of the ensuing consequences. Individuals, initially consenting to migrate, only come to realize later that they have unwittingly become embroiled in Human Trafficking, an ordeal they never consented to in the first place.
Crimeophobia, a steadfast Civil Society Organization, has remained steadfast in its dedication to advancing the cause of the United Nations Convention against Transnational Organized Crime (UNTOC) since 2013. Our journey has been strewn with numerous obstacles, including bureaucratic obstacles and misunderstandings regarding the status of UNTOC implementation in India. Nevertheless, our commitment remains unswerving, as reflected by our legal actions. We have passionately pursued a Criminal Writ Petition against 46 Ministries and have also filed a criminal case against an influential ed-tech company, all with the aim of expediting UNTOC implementation. Unfortunately, the support we have garnered thus far has been limited, thereby compelling us to place greater reliance on legal proceedings, particularly when government support has waned.

Within the context of Migrant Smuggling, it is imperative to encompass the peripheral elements of Forced Marriages and Unlawful Religious Conversions, given their prevalent role as gateways to organized crime. Our research suggests that these elements not only conclude in Migrant Smuggling but also facilitate Human Trafficking, often orchestrated by terrorist and religious organizations. This phenomenon, far from being geographically confined, has multiplied into a global trend. It is crucial that these patterns be duly recognized within the framework of Migrant Smuggling laws and, wherever applicable, be addressed through Anti-Human Trafficking Laws of Organized Crime. The delimitation of these patterns extends beyond mere acts of violence; it necessitates the formulation of an extensive legislative framework. This framework should incorporate precise definitions of terms such as 'allurement' and 'coercion,' as these are the driving forces behind both Migrant Smuggling and Human Trafficking, depending upon the specific circumstances of each case.

To further our cause, I propose the introduction of a 'Criminal Clearance Certificate' for individuals just like foreign employment in order to legitimate their religious conversions and/or marriages in order to identify if they were forced or not. This certificate should not only be acquired at the police level but should also mandate judicial scrutiny to validate its legitimacy. This precaution is of particular importance when smugglers cover up as couples or members of religious organizations. In cases where jurisdiction is transferred to another region or country, an 'authority for Judicial Scrutiny' should be responsible for overseeing the essential documentation and delivering extradition support, especially in cases entailing forced marriages or religious organizations.
It is paramount to recognize that elements of forced marriages may also fall under the purview of Human Trafficking and Migrant Smuggling, in accordance with global laws, particularly those pertaining to organized crime. Nonetheless, the standardized protocol should be diligently adhered to in accordance with Anti-Human Trafficking laws if the case satisfies the criteria under unlawful religious conversion and/or forced marriages, as stipulated by the laws of the respective nations.

I request the United Nations to take heed of these crucial findings and implore nations to amend their legislative frameworks accordingly. The fight against organized crime is interminable, and it is our collective duty to adapt to the evolving landscape of criminal behaviour and ensure the safety and well-being of the most vulnerable among us.

I extend my gratitude for your consideration.

Thanks & Regards,

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