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Human rights in the context of smuggling: Perceptions and experiences of migrants in Mali and Niger

Foreword

This paper has been prepared by MMC within the framework of a UNODC-OHCHR joint initiative (PROMIS) aimed at promoting a human rights-based response to smuggling of migrants¹ and to respond to human rights abuses² related to irregular migration in West Africa. Both organizations have been concerned with human rights perspectives on the smuggling of migrants, as articulated in a side event at the consultations for the Global Compact for Safe, Orderly and Regular Migration:

While smuggling of migrants is a crime against a state and it is not in itself a human rights violation, it can be associated with a range of human rights risks, particularly for those who have the least socio-economic means. Smuggled migrants can be vulnerable to violence, abuse and exploitation, particularly when they fall prey to abusive smugglers, lack alternatives to smuggling, and are unable or unwilling to access justice and seek protection from the State. In the context of smuggling, migrants can be victims of crimes, such as extortion, kidnapping, and sexual and gender-based violence. In addition, their human rights may be adversely affected by measures aimed at addressing irregular migration or partial, heavy-handed responses to smuggling of migrants. International criminal law calls on states to criminalize smuggling – but not the migrants who are smuggled or those who provide support to migrants for humanitarian reasons or on the basis of close family ties.³

This paper was initiated by the Office of the United Nations High Commissioner for Human Rights, Regional Office for West Africa (OHCHR WARO), and produced by the Mixed Migration Centre (MMC) based on 4Mi data collected with migrants in Mali and Niger in 2021. Using data from respondents who used a smuggler during at least one part of their journey, it examines respondents' perceptions of their smuggler(s) and rationale for using them. It also looks at abuses and perpetrators cited by those who have used a smuggler. Then, drawing on data from respondents who have used a smuggler and those who have not, the paper provides a comparative analysis of abuses and risk mitigation during the journey; assistance and information needed en route; and perceived risks to children.

Key Findings

This study is based on interviews with 948 migrants (66% men, 34% women) carried out in Mali and Niger from April through July 2021. It finds that linkages between smuggler usage and human rights in the Central Sahel should be considered in a nuanced manner. In contrast with prevailing narratives around smuggling of migrants which tend to portray smugglers as criminals and violators of rights, in West Africa they are infrequently perceived as criminals or perpetrators of abuses by respondents. They are often an important source of information during the journey and considered to be service providers. However, people who used smugglers more often report experiencing a range of abuses en route, suggesting that smuggler use corresponds to more dangerous journeys. Additionally, there are at times important differences in experience to consider based on gender or country of interview.

Smuggler use and perceptions

- **Respondents perceive the smugglers they used as providing a service** (61%) and not as criminals (3%).
- **While a greater proportion of men (73%) than women (64%) reported using smugglers in the first place**, women who used smugglers reported using almost all types of smuggler services to a greater extent than men.
- **Migrants are often proactively seeking the service of smugglers.** Only 3% of respondents stated that they were pressured by the smuggler, and 48% say they approached the smuggler rather than the smuggler approaching them (10%).
- **Respondents who reported having a regular migration status at the time of interview used smugglers more often than respondents with an irregular status.** 79% of respondents who had regular status at the time of interview had used a smuggler or smugglers during their journey, compared to 65% of people reporting irregular status.

1 MMC normally applies the term 'refugees and migrants' when referring to all those in mixed migration movements, unless referring to a particular group of people with a defined status within these flows. See MMC's full definition of mixed migration and associated terminology [here](#). Since there is no universal and legal definition of a "migrant", [OHCHR](#), in accordance with the mandate to promote and protect the human rights of all persons, has described an international migrant as "any person who is outside a State of which they are a citizen or national, or, in the case of a stateless person, their State of birth or habitual residence." 'Migrant' is thereby used as a neutral term to describe a group of people who have in common a lack of citizenship attachment to their host country. It is without prejudice to the protection regimes that exist under international law for specific legal categories of people, such as refugees, stateless persons, trafficked persons and migrant workers. In light of the partnership between OHCHR and MMC to develop this joint publication the term 'migrants' is used throughout the document.

2 In this briefing paper the MMC applies 'abuse' as a general term to encompass human rights violations and/or abuses reported by migrants during their journey. This is mainly because the perpetrators are not always clearly identified and therefore the MMC is not able to distinguish whether the incidents that befall migrants on their journey are 'violations' by officials or 'abuses' by other actors.

3 [Human rights perspectives on the smuggling of migrants](#), GCM side event (September 2017)

Abuses and perpetrators

- **In West Africa, smugglers were the least frequently cited perceived perpetrators of abuses compared to all other specified actors.** Only 6% of mentions of perceived perpetrators referred to smugglers.
- **Overall, military/police and criminals were the most frequently cited perceived perpetrators of abuses** (each had 21% of perpetrator mentions), followed by border guards/immigration officials (20%), armed groups/militias (14%), other migrants (12%), smugglers (6%) and other (3%).
- **Women appeared to feel greater vulnerability to officials as perpetrators of abuse.** Whereas men more frequently cited non-state actors such as criminal gangs and armed groups as likely perpetrators, women more often cited border guards/immigration officials and military/police.
- **There is a correlation between the use of smugglers and incidents of abuse en route, implying a more dangerous journey, although this does not mean the abuse was perpetrated by the smuggler.** Amongst those who used a smuggler, 84% reported having personally experienced an incident of abuse, compared to 71% of those who had not used a smuggler.

Prevention and assistance

- **People who used a smuggler more often reported taking precautions against abuse and crime.** This was particularly the case for women.
- **Respondents who used a smuggler more often reported receiving assistance to meet basic needs en route.** 42% of respondents who used a smuggler said they received assistance along the way, compared to only 22% of those who did not use a smuggler. **People interviewed in Niger more often reported having received assistance than people interviewed in Mali.**
- **More than three-quarters of respondents reported needing additional assistance now,** with almost no difference between those who used a smuggler (81%) and those who did not (80%).

Information needed

- Respondents who did not use a smuggler more often indicated that they had received the information they needed during their journey to that point (28%) as compared to respondents who used a smuggler (19%).
- **Smugglers are most frequently cited as the most reliable source of information for the journey by respondents who used them.** However, respondents interviewed in Niger more frequently reported this (41%) than those interviewed in Mali (8%).
- **People interviewed in Mali reported that additional information would have been useful** across almost all categories, as compared to people interviewed in Niger.

Risks to children

- **Higher proportions of respondents who used a smuggler perceived risks to children** across multiple categories, as compared to respondents who did not use smugglers.
- Additionally, **higher proportions of respondents who used smugglers considered that children were highly or very highly exposed to dangers** (71%) compared to those who did not use smugglers (43%).

Context

The Central Sahel countries of Mali and Niger are migration crossroads both in terms of intra-regional migration and for journeys to North Africa or towards Europe on the Western and Central Mediterranean Routes.⁴ It is difficult to know the proportion of migrants passing through these countries who have used smugglers during their journey. However, smuggler use by migrants appears to be a common phenomenon. This is the case despite the free movement protocol of the Economic Community of West African States (ECOWAS); the protocol legally allows visa-free transit between member countries for West African citizens, but the theory does not always match the practice.⁵ In a region with high migration pressure, people use smugglers to overcome a variety of obstacles en route, such as lack of documentation⁶ on the part of migrants themselves,⁷ as well as border closures, deterrent policies and

4 IOM (2022) [A Region on the Move: Mobility trends in West and Central Africa, January – December 2021](#)

5 MMC (2020) [A Sharper Lens on Vulnerability \(West Africa\): A statistical analysis of the determinants of vulnerability to protection incidents among refugees and migrants on the move in West Africa](#); UNODC (2021) [West Africa, North Africa and the Central Mediterranean: Key Findings on the Characteristics of Migrant Smuggling in West Africa, North Africa and the Central Mediterranean](#), Observatory on Smuggling of Migrants

6 UNODC (2021) op. cit.

7 Despite the fact that ECOWAS citizens are able to enter other ECOWAS countries without a visa, they must nonetheless have other valid travel documentation.

extortion on the part of authorities.⁸ Additionally, in the absence of public transportation in the north of these two countries,⁹ smuggler use becomes an unavoidable means of facilitating transit through the Sahara Desert.¹⁰ At the same time, combatting smuggling of migrants is a common objective of migration policy and rhetoric in the region.¹¹

Policy and legal framework

In terms of international commitments, both Mali and Niger are parties to the **UN Convention against Transnational Organized Crime**,¹² and its related **Protocol against the Smuggling of Migrants**.¹³ They are also partners in the **Rabat Process**, whose **Rome Declaration** establishes the priority of combating irregular migration – with an emphasis on migrant smuggling – using a human-rights based approach.¹⁴ As signatories of the **Global Compact for Safe, Orderly and Regular Migration**, both Mali and Niger are committed to “strengthening the transnational response to the smuggling of migrants” without criminalizing people who have been smuggled, and while ensuring that counter-smuggling measures uphold human rights.¹⁵ Both states have also signed the **Niamey Declaration**, which seeks to enhance coordination around combatting smuggling of migrants and trafficking in persons.¹⁶

Additionally, Mali and Niger have each promulgated laws at the national level which define the act of smuggling of migrants and lay out corresponding criminal penalties.

Niger’s Law 2015-36 on the smuggling of migrants (26 May, 2015)¹⁷ was enforced stringently beginning in mid-2016. This enforcement has led to hundreds of arrests, but often minimal sentencing, frequently penalizing foreign smugglers who lacked local connections to influence the justice system.¹⁸ The law and its enforcement are considered responsible for a reduction in migration through Niger as well as a blow to smuggling operations. However, it has also driven migration underground and made the journey more dangerous, and appears to have increased the professionalization and criminal connections of those involved in migrant smuggling.¹⁹ National authorities have requested technical support from UNODC, and

the law has been revised by an established Technical Committee to take account of lessons learned from the implementation of Law 2015-36.²⁰ Instead of proceeding with a revised law, a new law has been proposed by the Technical Committee and approved by the government. The text is awaiting adoption by the National Assembly.

Mali adopted Law 2012-023 on the fight against trafficking in persons and related practices²¹ in 2012, but knowledge and enforcement of the law remain low. The Government of Mali asked for assistance from UNODC, OHCHR and EUCAP Sahel in revising the legal framework, and a drafting committee developed two new laws, one focusing on trafficking in persons and the other on smuggling of migrants. These draft laws were reviewed and validated in a series of consultation meetings and await formal adoption by the parliament.²²

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- 8 GI-TOC (2021) Conflict, Coping and Covid: Changing human smuggling and trafficking dynamics in North Africa and the Sahel in 2019 and 2020; GI-TOC & Clingendael (2019) [The Human Conveyor Belt Broken: Assessing the human-smuggling industry in Libya and the central Sahel](#)
- 9 Note that 4Mi data collection in West Africa does not occur further north than Timbuktu and Gao in Mali and Agadez in Niger; thus northbound migrants will not yet have made this desert crossing.
- 10 UNODC (2018) [Global Study on Smuggling of Migrants](#)
- 11 IOM (2021) [Smuggling of Migrants on the Central Mediterranean Route: Issues, Challenges and Perspectives](#)
- 12 UN Treaty Collection [United Nations Convention against Transnational Organized Crime](#)
- 13 UNODC [The Protocol](#)
- 14 Rabat Process [Rome Declaration](#)
- 15 UN General Assembly (2019) [Global Compact for Safe, Orderly and Regular Migration](#) (A/RES/73/195).
- 16 For more information please visit: [The Niamey Declaration Guide](#)
- 17 For more information see: [Loi 2015-36 relative au trafic illicite de migrants](#)
- 18 GI-TOC [op. cit.](#); Bird, L. (2020) [Human Smuggling in Africa: The creation of a new criminalized economy?](#) ENACT.
- 19 GI-TOC & Clingendael [op. cit.](#)
- 20 UNODC PROMIS Project Proposal Phase III
- 21 For more information see: [Loi n° 2012-023 relative à la lutte contre la traite des personnes et les pratiques assimilées](#)
- 22 UNODC PROMIS Project Proposal Phase III

Methodology

The analysis is based on primary data collected in Mali and Niger between April and June 2021 through 4Mi, which is the Mixed Migration Centre's flagship primary

data collection system, an innovative approach that helps fill knowledge gaps and inform policy and response regarding mixed migration movements.

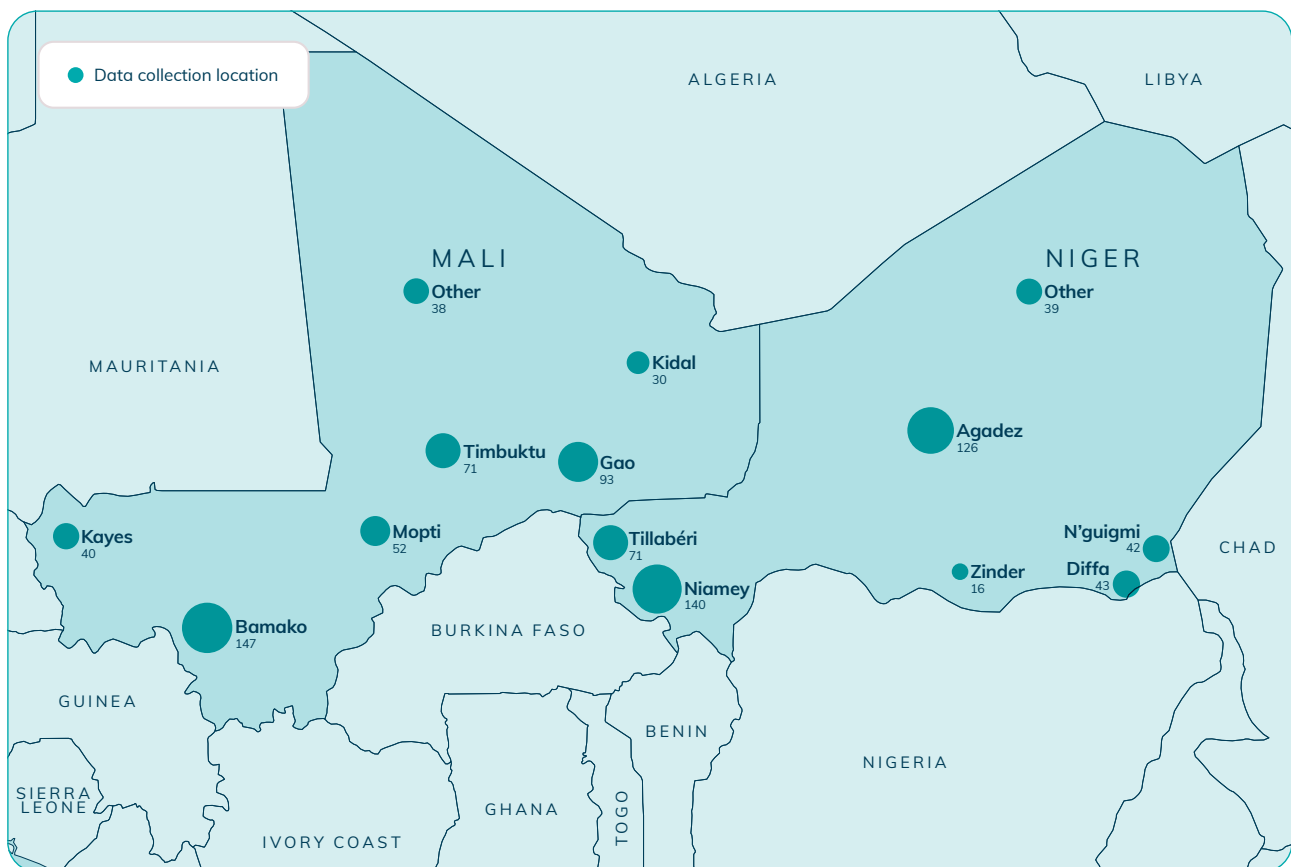
What is 4Mi?

Regional teams in Africa, Asia, Europe, and Latin America collect and analyze data on mixed migration dynamics. Launched in 2014, 4Mi today consists of a network of around 120 enumerators in some 15 countries. Stationed in known gathering points for refugees and migrants on commonly used routes, 4Mi enumerators use questionnaires to conduct in-depth structured surveys of people on the move on a continuous basis. These surveys provide indicative insights into the profiles, drivers, aspirations, decision-making, and experiences of refugees and migrants along mixed migration routes, including protection risks, the smuggler economy, and needs for information and assistance. More on 4Mi and its methodology can be found on the [MMC website](#).

The recruitment of 4Mi respondents normally takes place face-to-face. However, in March 2020, due to the Covid-19 pandemic, face-to-face recruitment and data collection was paused in all 20 countries where 4Mi was

being implemented. Respondents were instead recruited through remote or third-party mechanisms with sampling occurring through purposive and snowball approaches.

Map 1. Locations of 4Mi interviews



Interview locations are illustrated on the above map, and it is important to note that the northernmost 4Mi survey locations in West Africa are Agadez (Niger) and Gao and Timbuktu (Mali), thus before the respondents embark on the Sahara Desert crossing.

Given that 4Mi's methodology is adapted to target people on the move – a population whose fluidity makes it both challenging to reach and difficult to count – 4Mi data collection uses a non-probability sampling approach, and therefore is not intended to be representative of the

overall volume or characteristics of people on the move in the region. Measures have been put in place to check and – to the extent possible – control for bias. Data protection procedures are also implemented, especially with regard to personal data protection.²³

In general, results of disaggregation (by gender or country of interview) will only be specified explicitly in the narrative if the variance between groups being compared (male or female respondents, respondents interviewed in Mali or Niger) is at least ten percentage points.

Additionally, while disaggregation by country can provide useful insights about differences in route, it is important to note that respondents are answering questions (e.g. about smuggler use or abuses occurring en route) about their journey up to the place of interview. Therefore, responses may not pertain to events or experiences which occurred in the country of interview.

4Mi and a Human Rights Based Approach to data

In line with OHCHR's Human Rights-Based Approach to Data,²⁴ the following elements are part of the MMC methodology for data collection, and for the analysis undertaken in this project:

- **Participation:** the MMC strives for broad representation in its data collection. In particular, the sampling approach strives to ensure a strong representation of women. During their training, 4Mi enumerators are encouraged to identify and survey female migrants. As of the time of writing, there were 24 enumerators in Mali and Niger, of whom seven were women. This gender breakdown reflects the realities of the context in which women may face barriers to training and availability to join the formal workforce due to family obligations, and female candidates tend to be fewer, particularly outside of large cities.
- **Data disaggregation:** in this analysis, data was disaggregated by gender for all questions. When notable differences were seen between men and women respondents, these are highlighted in the briefing paper.
- **Self-identification:** respondents in the 4Mi survey are migrants on the move through Mali and Niger who were referred to participate through local contacts of the enumerators conducting the survey. Participants are asked screening questions related to their nationality and length of stay in the survey country, and their participation is undertaken freely. They

have the option to refuse to answer any question they wish to and/or halt the interview at any time.

- **Transparency:** information on 4Mi data collection is publicly available on the MMC website.²⁵ Information about the survey and data usage is shared with participants. They are informed that the survey is voluntary, anonymous, unpaid, and does not constitute an application for asylum. They may pose any questions they have to the enumerator and can also contact MMC after their interview.
- **Privacy:** data is collected in a fully anonymized format, without personal identifiers, and is stored securely.

Definition of terms

MMC uses a broad interpretation of the terms 'smuggler' and 'smuggling', one which encompasses various activities — paid for or otherwise compensated by migrants — that facilitate irregular migration. These include irregularly crossing international borders and internal checkpoints, as well as providing documents, transportation, and accommodation. This approach reflects migrants' perceptions of smuggling and the facilitation of irregular movement. Our interpretation is deliberately broader than the UN Protocol against the Smuggling of Migrants' definition.

UNODC's Observatory on Smuggling of Migrants uses the word 'smuggler' when it can reasonably be assumed that the crime of migrant smuggling is constituted, as per Article 3 of the UN Smuggling of Migrants Protocol, while the word 'facilitator' is used whenever the elements of (a) irregular entry and/or (b) financial or material benefit, could reasonably be assumed not to be in evidence. www.unodc.org/res/som/index.html.

While there is a normative difference between "smugglers" and "facilitators," the distinction is not one that is frequently made on the ground, nor were the two categories disaggregated in the 4Mi data collection used in this report. The 4Mi questionnaire used to collect data for this analysis uses the term smuggler (translated as passeur) in its questions. Thus, the terms smuggler used throughout this analysis can be assumed to encompass facilitators as well.

23 See more 4Mi analysis and details on methodology at www.mixedmigration.org/4mi/

24 OHCHR (2018) [A Human Rights-Based Approach to Data: Leaving no one behind in the 2030 agenda for sustainable development](#)

25 See <https://mixedmigration.org/4mi/> for more information.

Profiles

This analysis is based on **948 interviews conducted with migrants in Mali (n=471) and Niger (n=477)** between April and July 2021. Two thirds of respondents (66%, n=626) were men and one third (34%, n=322) were women.²⁶ Their average age was 29.²⁷

The top five countries of origin were Nigeria (20%), Côte d'Ivoire (11%), Guinea (11%), Burkina Faso (8%) and Togo (7%).²⁸ Respondents reported starting their journeys from Nigeria (19%), Guinea (10%), Côte d'Ivoire (10%), Burkina Faso (9%) and Senegal (8%). The difference between countries of origin and countries of departure may be explained by the high level of intraregional mobility and circular (often seasonal) migration that prevails in West Africa, grounded in work opportunities and social networks. The top countries of preferred destination were Algeria (15%), France (12%) and Italy (11%).

Profiles differed somewhat based on country of interview, with a slightly higher proportion of women respondents interviewed in Mali (37%) as compared to Niger (31%). Clear differences were seen in terms of country of origin, with the majority of respondents interviewed hailing from neighboring countries in both the case of Mali and Niger.

Table 1. Top nationalities by country of interview

Mali (n=471)		Niger (n=477)	
Guinea	18%	Nigeria	32%
Côte d'Ivoire	16%	Mali	8%
Burkina Faso	12%	Chad	8%
Senegal	8%	Togo	7%
Nigeria	8%	Benin	7%

Out of 948 total interviews, **661 respondents (70%) reported using a smuggler for at least part of their journey**,²⁹ with variations based on gender and particularly country of interview. Men more frequently reported using smugglers (73%) compared to women (64%). **Respondents interviewed in Niger (87%) more frequently said they had used a smuggler compared to respondents interviewed in Mali (52%)**. Despite some of this difference likely being explained by sampling,³⁰ the difference is quite substantial and could be due to the fact that following enforcement of Law 2015-36 in Niger, mobility in Niger became more challenging and smuggler use became more prevalent further south in the country.³¹ This is in contrast to Mali, where knowledge and enforcement of Law 2012-023 remain low, and smuggler use remains more concentrated in the north of the country.

Notably, **respondents with regular status at the time of interview (79%) more frequently reported having used a smuggler than respondents with an irregular status (65%)**.³² This is a somewhat counterintuitive finding, as one would expect that people with irregular status have a particular need for smuggler use to avoid detection by the authorities. However, it is in line with findings from previous MMC analysis that even people with valid documentation at times used smugglers/facilitators to avoid extortion at border crossings or checkpoints.³³

26 This should not be considered representative of the proportion of women in overall migratory flows. While noting that IOM DTM and 4Mi data collection points do not exactly overlap, DTM figures for this period put the average of women migrants observed at flow monitoring points in Mali at 11%, and in Niger at 19%. Thus, proactive sampling on the part of the MMC may overrepresent women.

27 Ages ranged as follows: 25% were aged between 18-24; 60% were aged between 25-34; 15% were aged between 35-54. While the proportion of respondents aged between 18-24 was the same for both Mali and Niger, more variation was seen in the other age brackets with 65% of respondents interviewed in Mali between the ages of 25-34 (vs 56% in Niger) and 19% of respondents in Niger between the ages of 35-54 (vs 11% in Mali).

28 While the top three nationalities were the same for women and men, there was nonetheless some diversity seen in the top five countries of nationality based on gender. The top five countries of nationality of women respondents were Nigeria (25%), Côte d'Ivoire (11%), Guinea (11%), Togo (11%), Ghana (8%). The top five nationality of men respondents were Nigeria (17%), Côte d'Ivoire (11%), Guinea (11%), Burkina Faso (9%) and Senegal (7%).

29 Given proactive sampling to include people who used smugglers, this should not be construed as representative of the proportion of people using smugglers in the region.

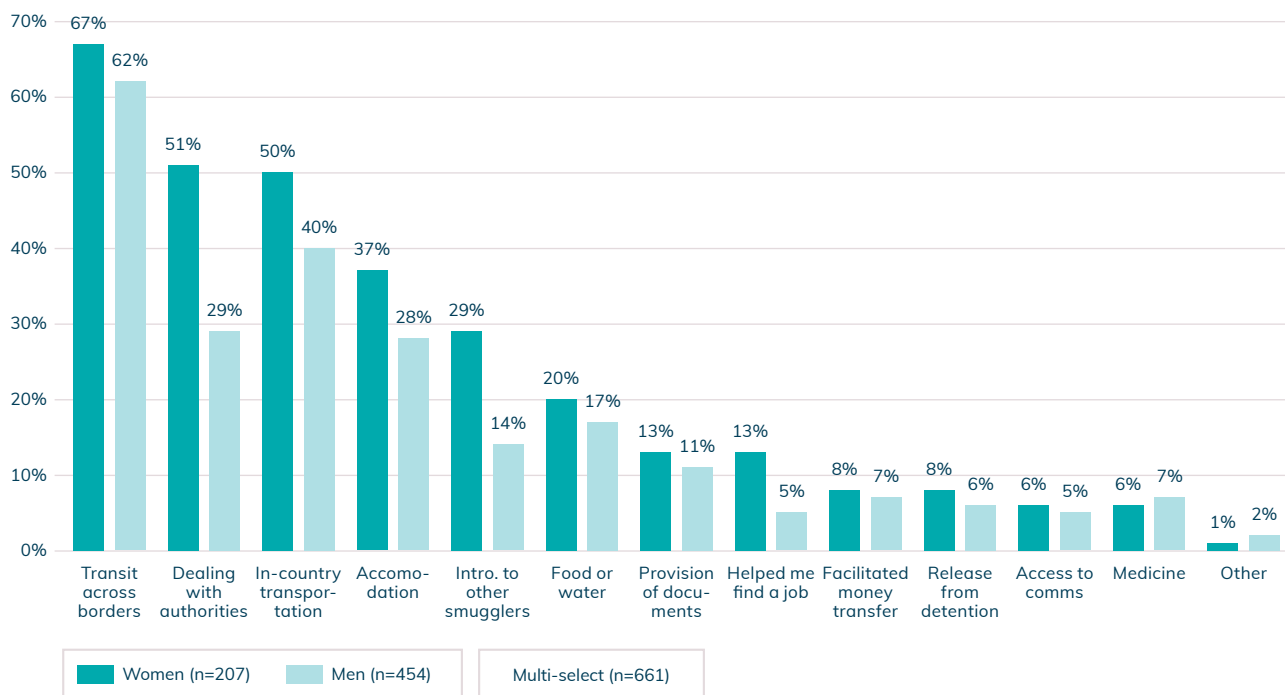
30 Sampling is mainly purposive and to some extent depends on enumerators' networks. Measures are taken to control for bias, but in Niger, there is a slight bias towards reaching respondents who have used a smuggler, though not large enough to explain the difference in results.

31 GI-TOC & Clingendael [op.cit.](#)

32 Regular status comprised respondents (n=377) who reported they were "regular migrant with no need for permit," "permanent resident (with permit/visa)," and "temporary resident (with permit/visa)" in response to the question "what is your current migration/legal status?" Irregular status comprised respondents (n=462) who answered "irregular/no legal documents to stay in this country," and "permit is no longer valid/expired."

33 Analysis undertaken for the forthcoming UNODC publication: the Transnational Organized Crime Threat Assessment on smuggling of migrants.

Figure 1. What did the smuggler provide you with?



Using smugglers

Services provided by smugglers

The most utilized smuggler services overall centered around assisting with transit, accommodation and helping to navigate the journey (e.g. dealing with authorities, introduction to other smugglers).

It appears that among people who used them, women had a greater reliance on smugglers than men, as they more frequently reported using almost all types of smuggler services. This was particularly pronounced when it came to help dealing with authorities, introduction to other smugglers and in-country transportation.

There were some notable differences depending on what country the respondent was interviewed in. 82% of respondents interviewed in Niger said they had used a smuggler for transit across borders, whereas this was indicated by only 32% of respondents interviewed in Mali. This seems to suggest that people are more frequently entering Mali without the services of a smuggler than Niger, a finding which would benefit from further enquiry.

Respondents interviewed in Niger also more frequently indicated that smugglers had assisted them in dealing with authorities and had introduced them to other smugglers (40% and 23% respectively) as compared to respondents interviewed in Mali (29% and 12% respectively). The greater emphasis on assistance needed to deal with authorities in Niger may be attributable to enforcement of its anti-smuggling law (Loi 2015-36), leading to a crackdown on mobility on the part of authorities.³⁴ Those interviewed in Mali more frequently indicated that smugglers provided accommodation (41%) than those interviewed in Niger (25%).

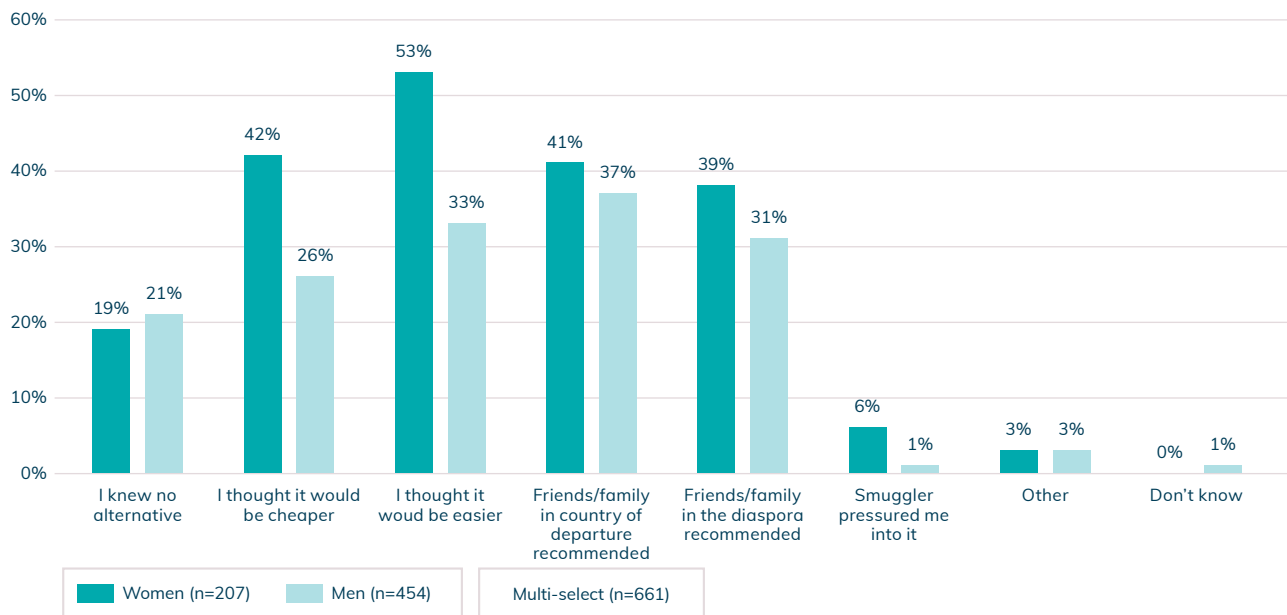
Rationale for the use of smuggler

Overall, respondents were influenced to use a smuggler mostly because they thought it would be easier (40%) or because this had been recommended by friends and family in their country of departure (38%). Women respondents particularly frequently cited thinking it would be easier and cheaper, as did respondents interviewed in Mali.³⁵

34 Mixed Migration Centre (2021) ["Fixing" people in place through policy and development? Efficacy and unintended consequences of migration deterrence in Kantché](#); Bird, L. [op.cit.](#)

35 51% of respondents interviewed in Mali said they used a smuggler because they thought it would be easier, as compared to 33% of respondents interviewed in Niger. 43% of respondents interviewed in Mali said they used a smuggler because it was cheaper (versus 24% of respondents interviewed in Niger).

Figure 2. Why did you use the services of a smuggler?



Respondents interviewed in Niger more often said they knew of no alternative (26%) as compared to those interviewed in Mali (11%). This may be linked to the barriers to mobility raised by the enforcement of Niger’s Law 2015-36 making independent movement through Niger more challenging. Another possible factor is the somewhat greater prominence of European destinations among people interviewed in Niger,³⁶ a longer and more complicated journey that may imply greater need for smuggler services, and/or a greater likelihood of “full-package” travel.³⁷

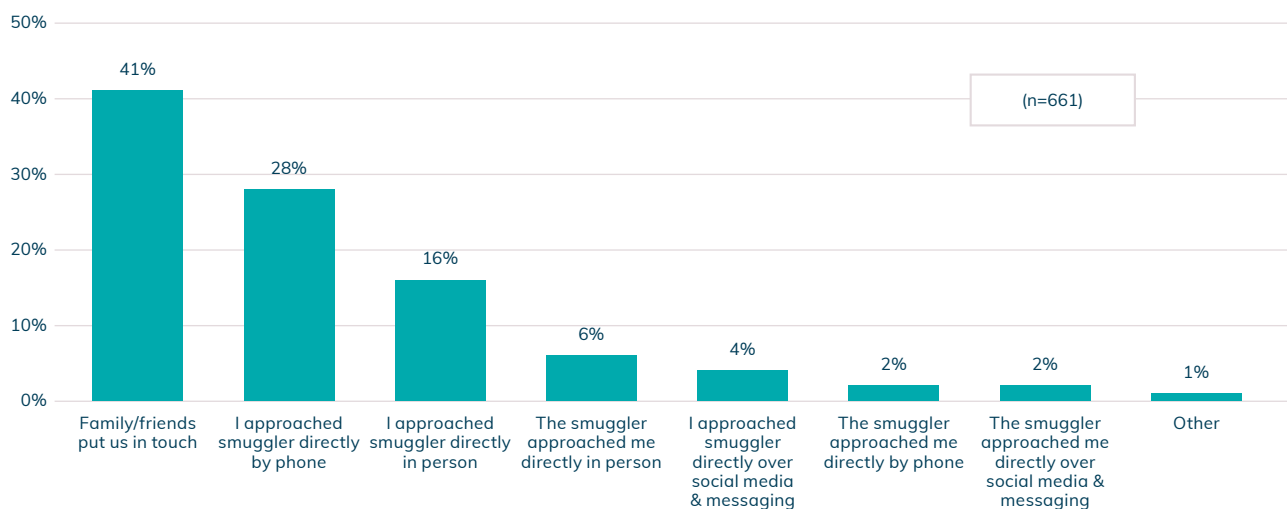
“The smuggler pressured me into it” was the least frequently selected option by respondents who had

answered the question; this was the case across both country of interview and gender.

Making contact with the smuggler

Underscoring the importance and influence of a person’s social milieu when it comes to migration in West Africa, respondents most often said that they had been put in touch with the initial smuggler by family or friends (41%). **A much greater proportion of respondents reported approaching the smuggler themselves (48%) than being approached by the smuggler (10%).**³⁸ This does not align with narratives around smuggling which frequently portray smugglers as enticing or coercing migrants to use their services.

Figure 3. How did you first get in touch with the initial smuggler?



36 Top 5 preferred destinations of respondents interviewed in Niger: Italy (13%), France (12%), Belgium (11%), Germany (11%), Algeria (9%). Top 5 preferred destinations of respondents interviewed in Mali: Algeria (20%), France (12%), Italy (9%), Europe (8%), Spain (7%).

37 GI-TOC [op.cit.](#)

38 These results are calculated by combining categories on the means used by the respondent in making contact with a smuggler (in person, by phone or through social media).

There were few notable differences by gender or country of interview; the most substantial related to women respondents, who more frequently reported being put in touch with a smuggler by family/friends (49% vs. 41%) and less frequently reported approaching the smuggler directly by phone (19% vs. 28%).

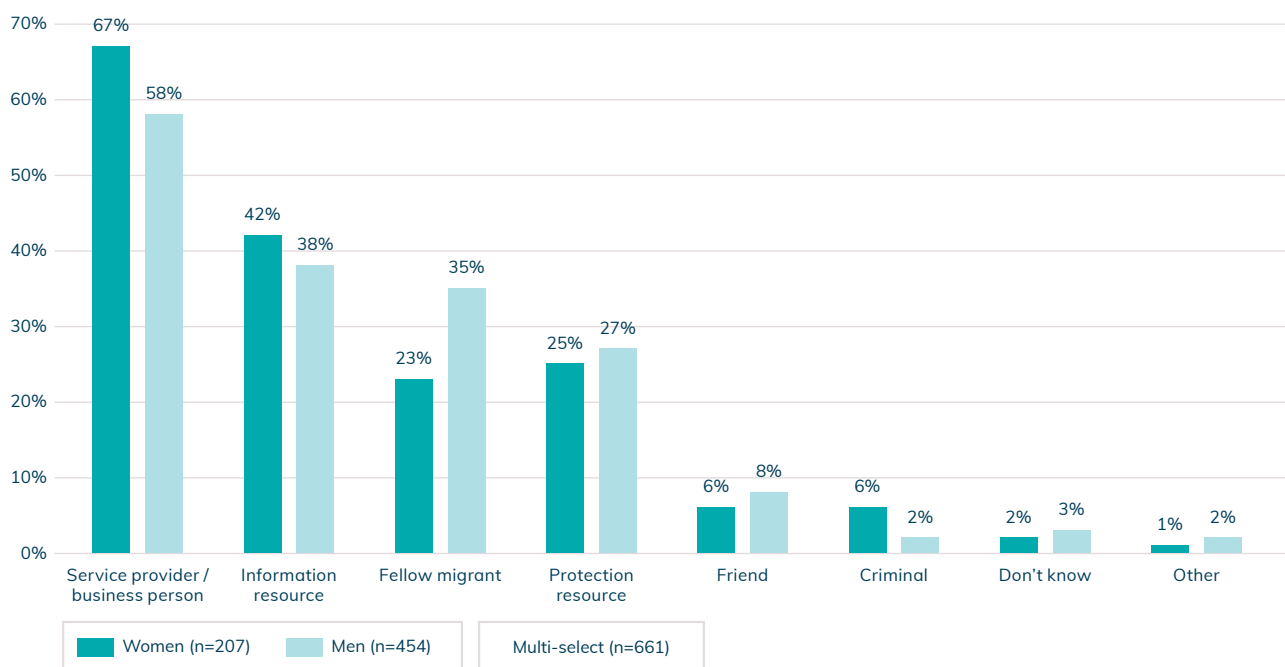
How would you describe your smuggler or smugglers?

There is a notable contrast between almost two thirds (61%) of respondents citing their smuggler(s) as a service provider and the very negligible proportion (3%) who perceived their smuggler(s) as a criminal. It is interesting to note that those interviewed in Mali more often cited their smuggler as a fellow migrant (41%) compared to those interviewed in Niger (26%), perhaps

suggesting greater professionalization of the smuggling business in Niger.

Additionally, men overall more often considered their smugglers to be fellow migrants as compared to women. In contrast, women more often reported seeing smugglers as service providers compared to men. This might suggest that women are more frequently seeking out services of smugglers with a greater degree of professionalization. However, it is also important to consider the gender dynamics at play. Given that the majority of people involved in migrant smuggling in West Africa are men, it may be that male respondents have a greater sense of identification with their smugglers, seeing them more as fellows than as service providers.

Figure 4. How would you describe your smuggler/smugglers?



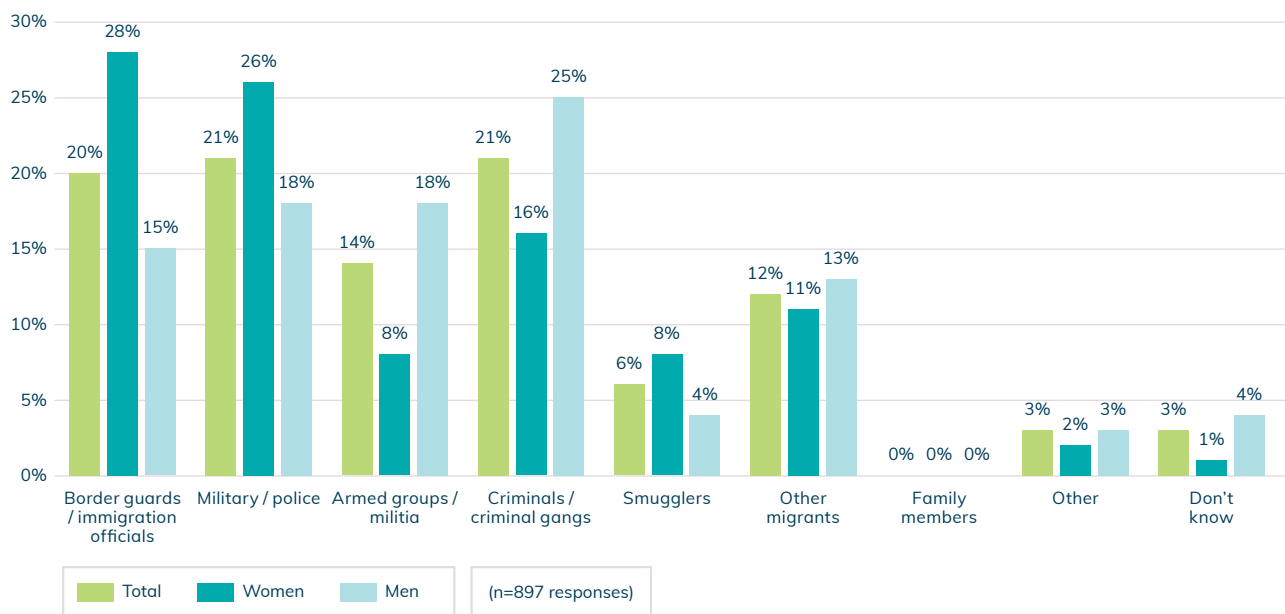
Smugglers: not the most reported perpetrators of human rights abuses

Smugglers were not the most frequently cited perpetrator of human rights abuses. Amongst respondents interviewed in West Africa who used a smuggler,³⁹ only 6% of mentions of perceived perpetrators referred to smugglers. This is low in comparison to several other non-state and state actors: criminals/criminal gangs (21%), military/police (21%) and border guards/immigration officials (20%).

³⁹ Respondents were asked what the most dangerous location was on their journey and had the option to specify up to five dangerous locations. For every location they mentioned, they were then asked what the main risks were (death, physical violence, sexual violence, robbery, detention, kidnapping, bribery/extortion, non-physical violence, other) and who was likely to have been perpetrating such incidents. Thus the analysis in this section only relates to people who used a smuggler and cited one or more dangerous location en route (n=402).

Figure 5. Who were likely perpetrating such incidents?

Among those who used a smuggler



It appeared that women felt greater vulnerability to officials as perpetrators of abuse. Whereas men more frequently cited non-state actors such as criminal gangs and armed groups as likely perpetrators, women more often cited border guards/immigration officials and military/police.

Smugglers are not frequently perceived as being perpetrators of abuse among respondents interviewed in West Africa. However, it is worth noting that the extent to which smugglers are perceived to be perpetrators can differ by zone or region. Previous MMC research which also incorporated data from North Africa showed smugglers to be the most frequently cited perpetrator of abuse in the Sahara Desert specifically. They had 26% of overall perpetrator mentions, followed very closely by criminals/criminal gangs (25%).⁴⁰

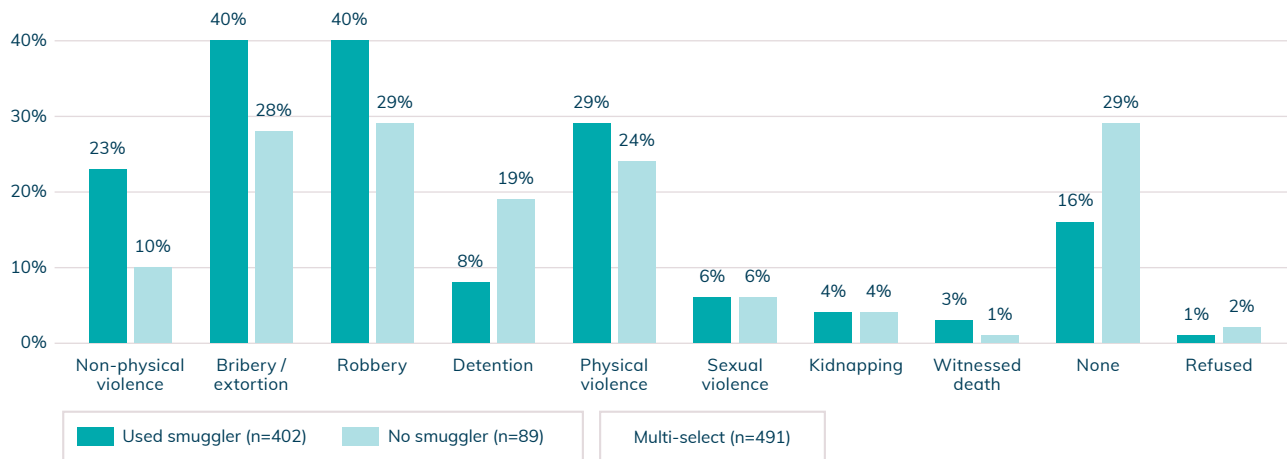
Abuses and risk mitigation during the journey

Personal experience of human rights abuses

Those who used a smuggler more frequently reported having personally experienced an incident of abuse, showing a correspondence between smuggler use and riskier journeys. Respondents who had cited at least one dangerous location on the journey were asked if they had personally experienced an incident, and this was the case for 84% of people who used a smuggler compared to 71% of those who had not used a smuggler. However, this does not mean the smuggler was responsible for the incident, as the above analysis shows that smugglers were least often cited as a perceived perpetrator of abuses compared to other actors. It is also worth noting that qualitative research conducted by the MMC with key informants and smugglers suggests that at times using a smuggler may serve to mitigate dangers en route.

40 Mixed Migration Centre (2021) [Smuggling, risks and abuses: dangerous locations and perpetrators \(1 of 3\)](#)

Figure 6. Have you personally experienced any of these types of incidents on your journey?



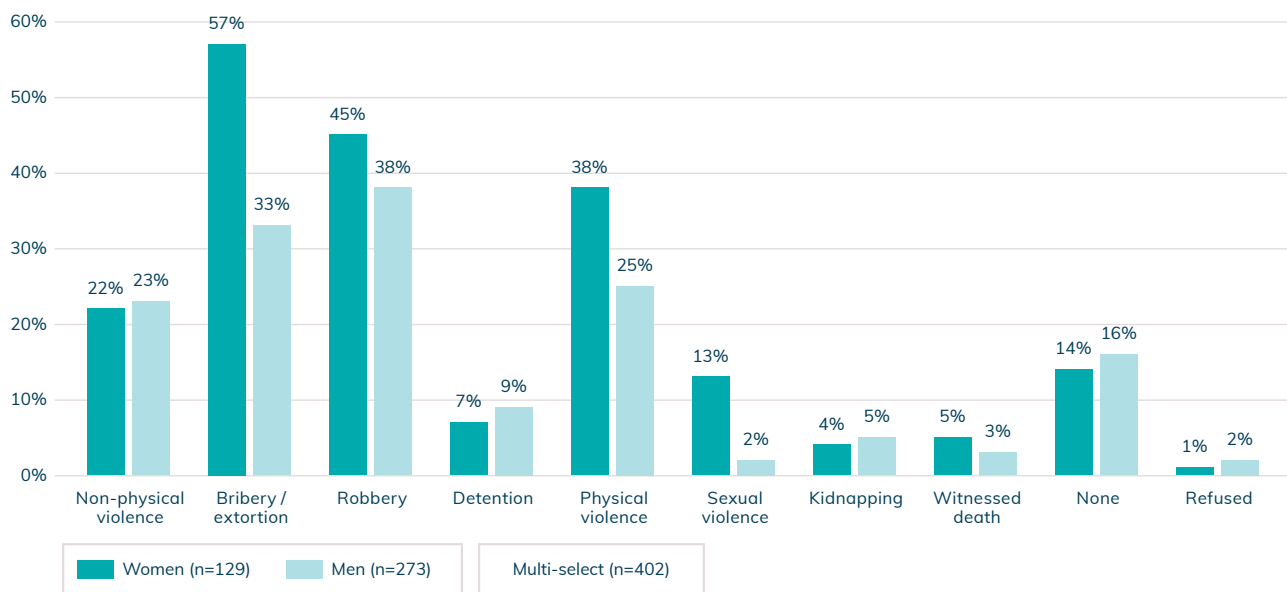
Though more frequently reported by people who used a smuggler, robbery, bribery/extortion, and physical violence were the most cited incidents regardless of smuggler use. Whereas the proportion of respondents reporting sexual violence and kidnapping was almost identical between those who used a smuggler and those who did not, those who did not use a smuggler more frequently reported detention in comparison to those who used a smuggler. This might be because smugglers

tend to use more hidden routes which seek to circumvent checkpoints, thereby avoiding contact with authorities who might detain migrants.

For those who used a smuggler, robbery was more frequently reported by respondents interviewed in Niger (46% vs 29%) and physical violence more often cited by those interviewed in Mali (37% vs 25%).

Figure 7. Have you personally experienced any of these incidents on your journey?

Among those who used smugglers



In terms of gender, a higher proportion of women who used a smuggler reported having experienced bribery/extortion, robbery, physical violence and sexual violence compared to men who used a smuggler.

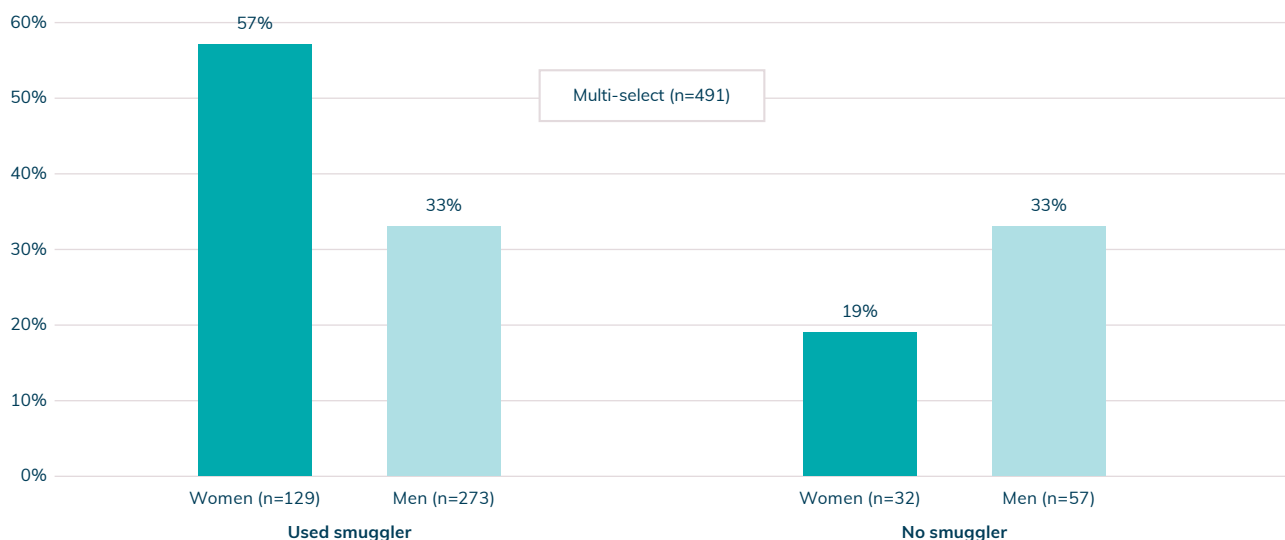
The most striking differences between groups were seen in terms of the experience of bribery/extortion.

Whereas men reported extortion at the same rate regardless of smuggler use (33%), women who used a smuggler said they had experienced extortion much more frequently (57%) than women who did not use a smuggler (19%),⁴¹ and further study is needed to better understand this variance.

41 Though these results should be interpreted with caution due to the small sample size of respondents who reported a dangerous location and did not use a smuggler.

Figure 8. Experience of extortion

Among people who reported dangerous locations

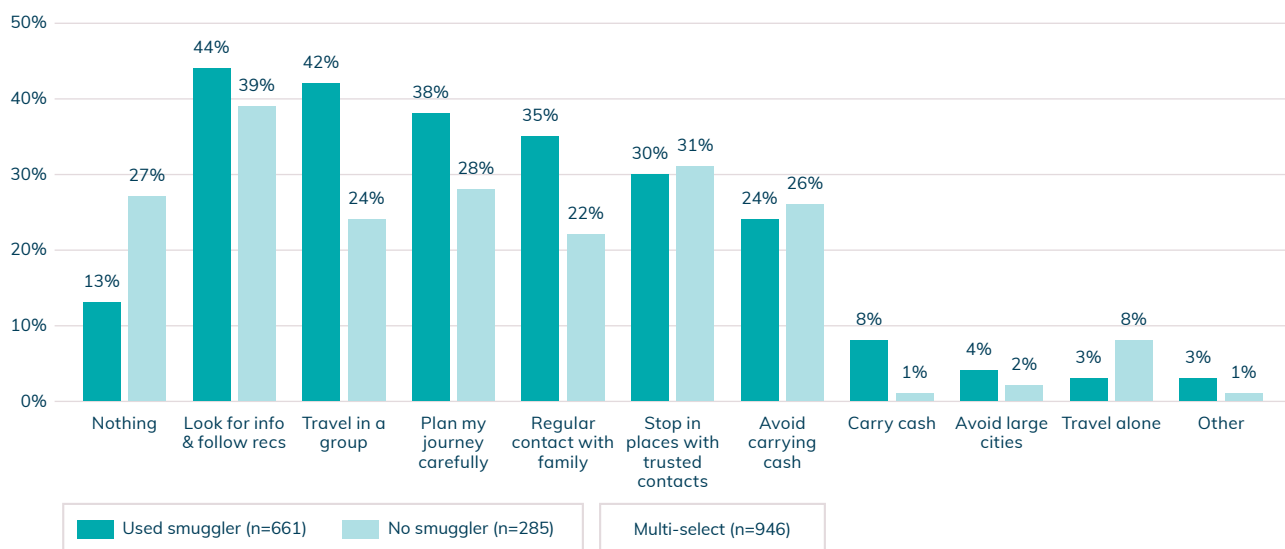


Protecting oneself against abuse and crime

People who used a smuggler reported taking precautions against abuse and crime more often, and said that they did 'nothing' to protect themselves from abuse and crime on their journey (13%) less often as compared to those who did not use a smuggler (27%),

and they more frequently reported a variety of other protection tactics as compared to people who did not use a smuggler. These included traveling in a group, carefully planning the journey and keeping in regular contact with family.

Figure 9. What do you do to protect yourself from abuse and crime on the journey?



Women more often reported taking measures to protect themselves as compared to men. This was the case whether or not they used a smuggler.⁴² Higher proportions of women who used a smuggler indicated that they had taken a variety of concrete actions than

did men who used a smuggler: traveling in a group (55% vs 36%), carefully planning the journey (50% vs 32%), stopping in places with trusted contacts (40% vs 25%) and not carrying cash (30% vs 20%).

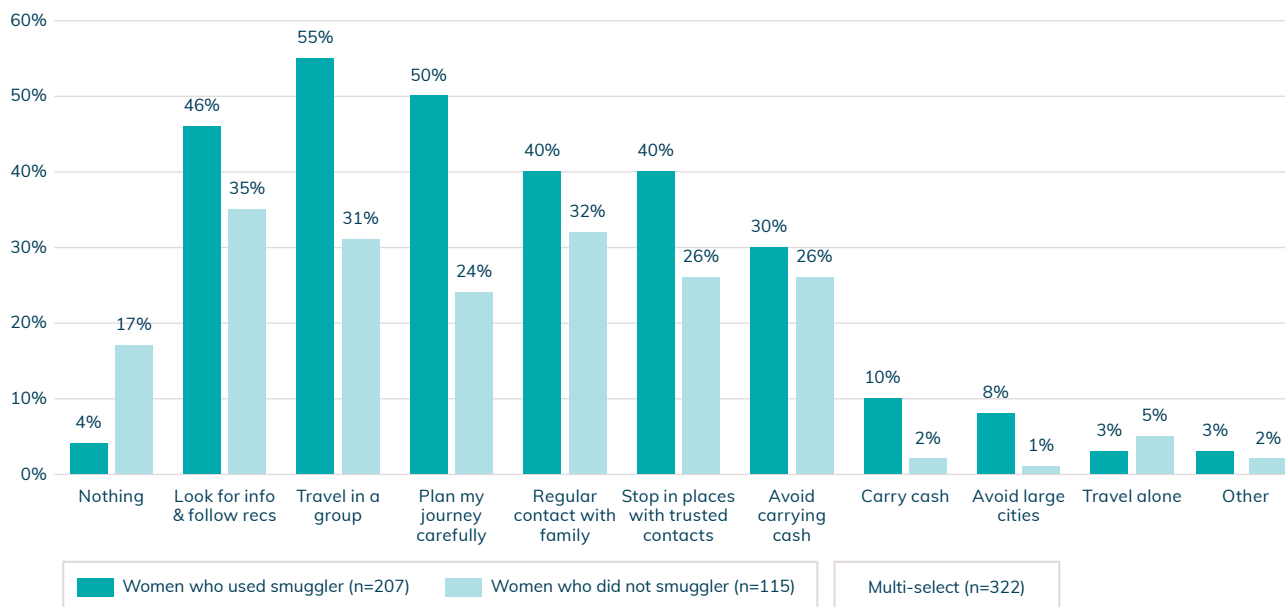
⁴² Amongst those who used a smuggler, men more often reported taking no protective measures (18%) compared to women (4%). Likewise, men who did not use a smuggler also more often said they had done nothing to protect themselves (34%) compared to 17% of women who did not use a smuggler.

Women who used a smuggler also more frequently said they took protective action against abuse and crime than women who did not use a smuggler. This was seen

prominently across a variety of categories.

Figure 10. What do you do to protect yourself from abuse and crime on the journey?

Amongst women



Overall, people interviewed in Niger more frequently said they had taken actions to protect themselves during their journey (89%) as compared to people interviewed in Mali (76%). In Mali 82% of respondents who used a smuggler said they had taken action compared to 69% of people who had not used a smuggler.

Respondents in Niger who used a smuggler more frequently reported looking for information and recommendations (51%), planning the journey carefully (44%) and stopping in places with trusted contacts (38%) as compared to those respondents in Mali who used a smuggler (32%, 27% and 16%, respectively). On the other hand, those interviewed in Mali more often indicated that they had avoided carrying cash (32% vs 19% in Niger).

Needs in assistance and information

Respondents' experiences en route to the point of interview were not a deterrent to migration. When asked whether they would have started this journey knowing what they know now, 92% of both those respondents who used a smuggler and those who didn't

said that they would indeed do so.

Assistance received en route

42% of respondents who used a smuggler said they received assistance along the way, compared to 22% of those who did not use a smuggler. The types of assistance they received did not differ substantially, with food, water, and shelter factoring in most prominently.⁴³ Local population/volunteers, fellow migrants and "others"⁴⁴ were often cited as providing assistance, with only slight variance between those who used a smuggler and those who did not.⁴⁵

There was a somewhat larger variance in terms of support provided by NGOs; **whereas 14% of those who used a smuggler said they received assistance from NGOs, this was the case for only 3% of those who did not use a smuggler.** This may be because, as previous MMC research has indicated, smuggler use corresponds to the passage through locations deemed dangerous by respondents.⁴⁶ As this implies exposure to challenges and abuses, and respondents who have cited dangerous locations are likely to have greater vulnerabilities, they may seek out or be targeted by NGO or UN assistance.

43 What kind of assistance did you receive? Used smuggler: food - 74%, water - 64%, shelter - 62%; did not use smuggler: food - 63%, water - 53%, shelter - 53%.

44 "Others" typically referred to family, friends or smugglers.

45 Used a smuggler: local population/volunteers (46%), fellow migrants (45%), others (28%). Did not use a smuggler: local population/volunteers (44%), fellow migrants (39%), others (25%).

46 Mixed Migration Centre (2021) [op.cit.](#)

People interviewed in Niger more often reported having received assistance than people interviewed in Mali.⁴⁷ For people interviewed in Niger who had used smugglers, assistance from NGOs and the UN was more often reported than by respondents interviewed in Mali, though still at relatively modest proportions.

Of those interviewed in Niger who used a smuggler and received assistance (n=210), 18% reported that assistance came from NGOs and 9% reported it came from the UN. In contrast, of those interviewed in Mali who used a smuggler and received assistance (n=70), only 3% reported that assistance came from NGOs, with no mentions of the UN.

Needs for additional assistance

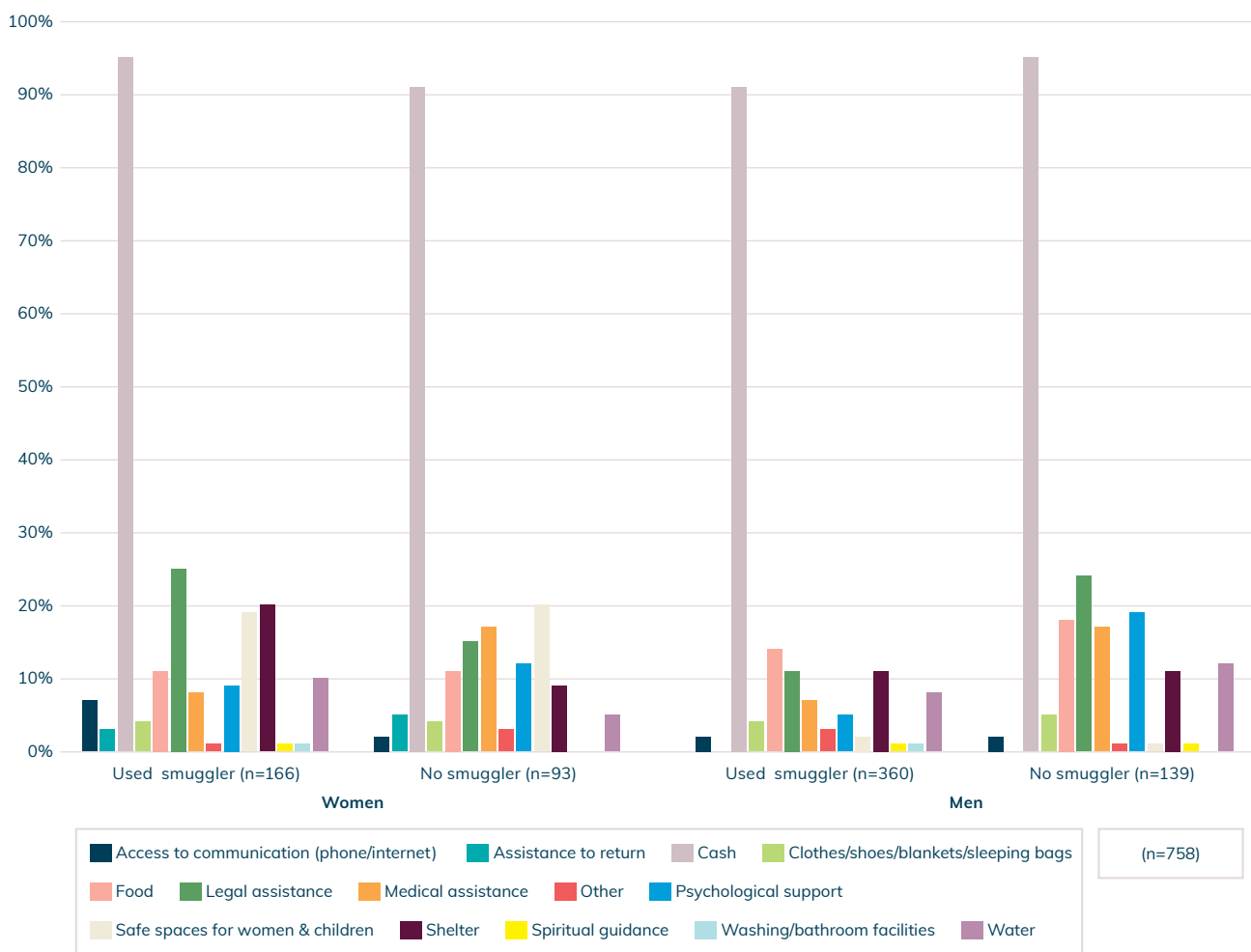
More than three quarters of respondents reported needing additional assistance now, with almost no difference between those who used a smuggler (81%) and those who did not (80%). Cash was the major need

expressed across all groups. Notably, those who did not use a smuggler more frequently reported needing medical assistance (17%) and psychosocial support (16%) compared to those who used a smuggler (7% and 6%, respectively).

Women who used a smuggler more often cited a need for legal assistance (25%) as compared to men who used a smuggler (11%) or other women (15%). They also more often said they needed shelter (20%) than women who did not use a smuggler (9%).

Men who **did not** use a smuggler also had some assistance needs that stood out. Almost a quarter (24%) of this group indicated that they needed legal assistance. They also more frequently reported needing psychological support (19%) and medical assistance (17%) as compared to men who used a smuggler (5% and 7% respectively).

Figure 11. What kind of assistance do you need now?



Notable differences between countries of interview were minimal. Among those who used smugglers, respondents interviewed in Mali more often cited a need for food (23%)

and water (16%) than respondents interviewed in Niger (9% and 5% respectively). However, respondents who used a smuggler interviewed in Niger more frequently

47 Note that this does not necessarily mean the assistance was received in Mali or Niger themselves; rather it could have been received anywhere along the journey up to the point of interview.

indicated a need for legal assistance (19%) compared to respondents interviewed in Mali (9%).⁴⁸

Information

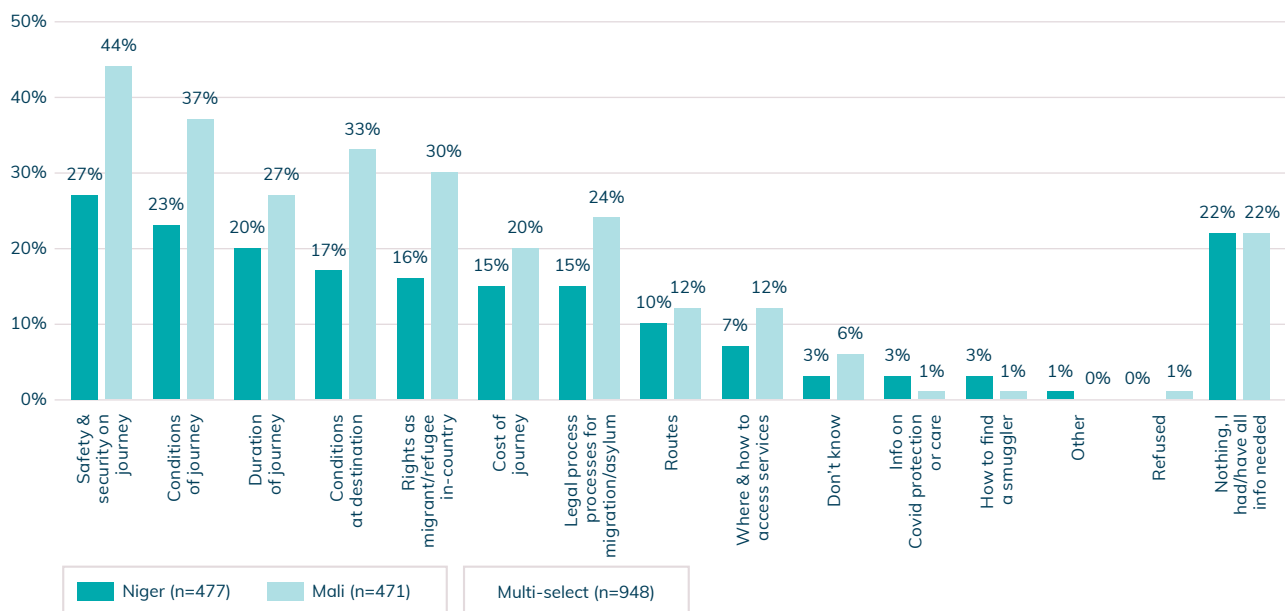
Respondents who **did not** use a smuggler more often indicated that they “had/have all the information I needed” during their journey to that point (28%) as compared to people who used a smuggler (19%).

Among this latter group, however, **smugglers are most frequently cited as the most reliable source of information about routes, destinations, costs, risks etc.**⁴⁹ This is the case both for male and female respondents. However, there was a large variance based on country of interview; whereas 41% of respondents interviewed in Niger⁵⁰ cited smugglers as the most reliable source of information, this was the case for only 8% of respondents interviewed in Mali.⁵¹

This difference may to some extent be due to the types of smuggler services respondents are using. Respondents interviewed in Niger put a greater emphasis on services such as transit across borders and dealing with authorities whereas those interviewed in Mali emphasized provision of accommodation. It may be that the former services require or facilitate the exchange of information and advice to a greater extent than does providing accommodation. Further enquiry to better understand these dynamics would be beneficial.

People interviewed in Mali more frequently expressed that additional information would have been useful across almost all categories, as compared to people interviewed in Niger.

Figure 12. What information would have been most useful that you did not receive?



However, there were also important variances seen between people interviewed in Mali who used a smuggler and those who did not, with higher proportions of people who used a smuggler expressing need for additional information in certain areas. Safety and

security along the journey, conditions at destination and cost of journey were areas in which people who used a smuggler particularly frequently expressed a need for more information in comparison to those who did not use a smuggler.⁵²

48 Although it is worth noting that 22% of respondents interviewed in Mali who **did not** use a smuggler cited a need for legal assistance.

49 Of all sources, what has been the most reliable source of information overall? Among respondents who used a smuggler (n=595), responses were as follows: smugglers (29%), friends/family in another country (20%), returned migrants (15%), other migrants (12%), friends/family in country of departure (8%), travel agents (5%), none (4%), wider diaspora (3%), online community/network (2%), local people I met on my journey (2%), other (2%).

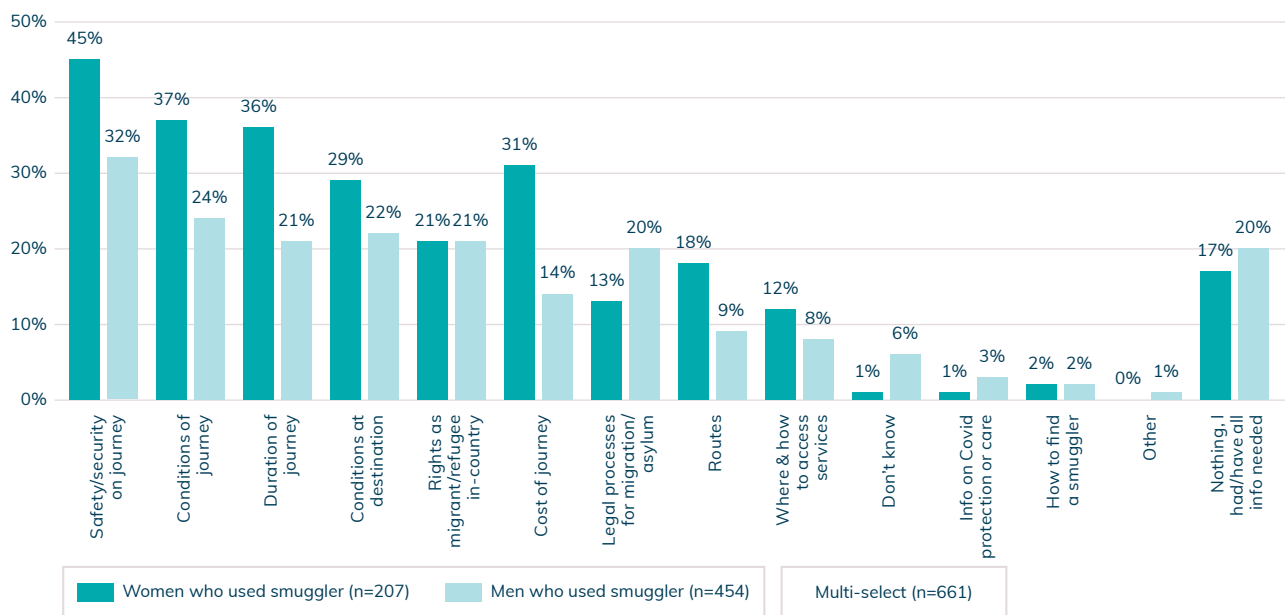
50 The top responses among respondents who used a smuggler and were interviewed in Niger (n=377) were: smugglers (41%), friends/family in another country (18%), friends/family in country of departure (8%), other migrants (7%), returned migrants (7%), none (6%), wider diaspora (5%).

51 The top responses among respondents who used a smuggler and were interviewed in Mali (n=218) were: returned migrants (29%), friends/family in another country (22%), other migrants (19%), smugglers (8%), friends/family in country of departure (7%), travel agents (6%).

52 Interviewed in Mali and used a smuggler: safety and security along the journey (51%), conditions at destination (38%), and cost of journey (26%). Interviewed in Mali and did not use a smuggler: safety and security along the journey (38%), conditions at destination (27%), and cost of journey (13%).

Figure 13. What information would have been most useful that you did not receive?

Amongst those who used smugglers



When disaggregating by gender **among people who used smugglers, women respondents more often indicated that certain information would have been useful**, particularly in terms of safety and security along the journey (cited by 45% of women vs 32% of men), conditions of journey (37% women vs 24% men), duration of journey (36% women vs 21% men), and cost of journey (31% women vs 14% men).

Only 4% of respondents expressed a need for information on how to find a smuggler, suggesting that it is relatively easy for them to do so.

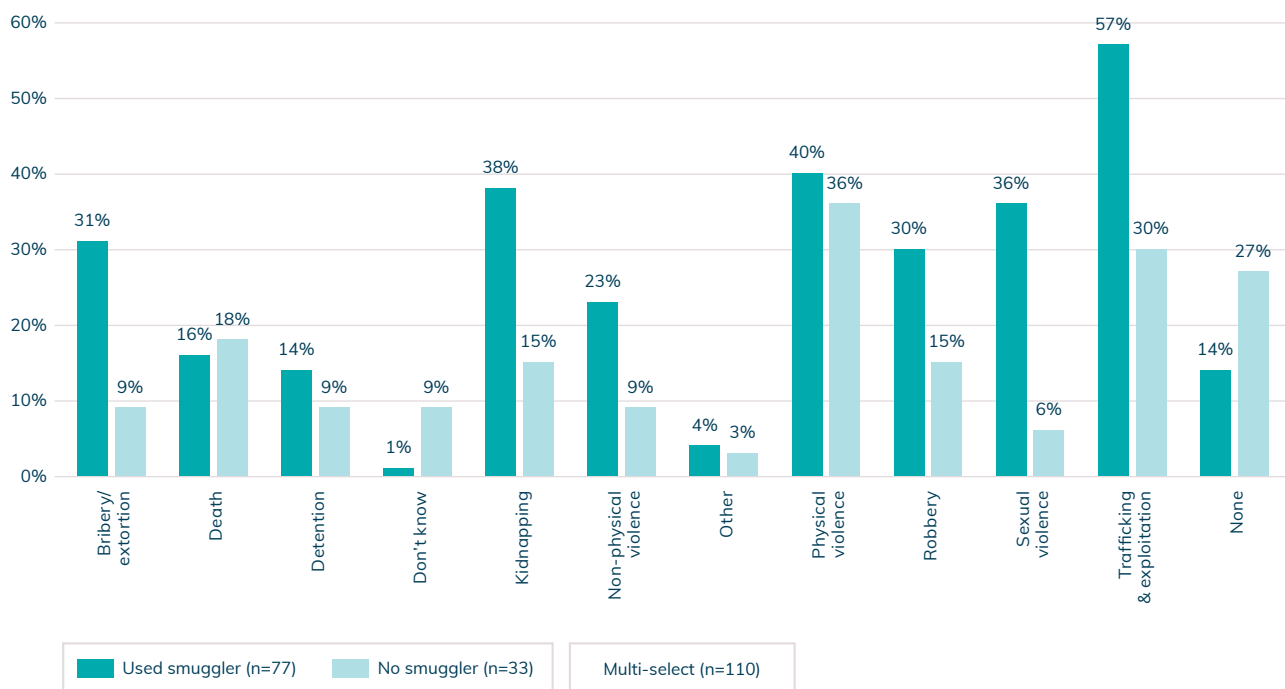
Perception of risks faced by children

Higher proportions of respondents traveling with children who used a smuggler perceived risks to children across multiple categories, as compared to respondents who did not use smugglers.⁵³ These differences were particularly prominent in relation to bribery/extortion, kidnapping, non-physical violence, robbery, sexual violence and trafficking/exploitation.

⁵³ Out of the 948 respondents who were surveyed, 110 reported traveling with children, and were consequently asked what they considered to be the main risks for children under the age of 18. The small sample sizes for these questions mean that results should be interpreted with caution, and that it was not possible to undertake further disaggregation. There were nonetheless interesting differences observed between people who used a smuggler and those who did not regarding perceived risks facing children.

Figure 14. Perceived risks for children en route

According to respondents who traveled with children



There could be multiple possible explanations for why people using smugglers more often perceive risk for children as compared to their counterparts who have not used smugglers. These may differ across incidents and are not necessarily mutually exclusive. For instance:

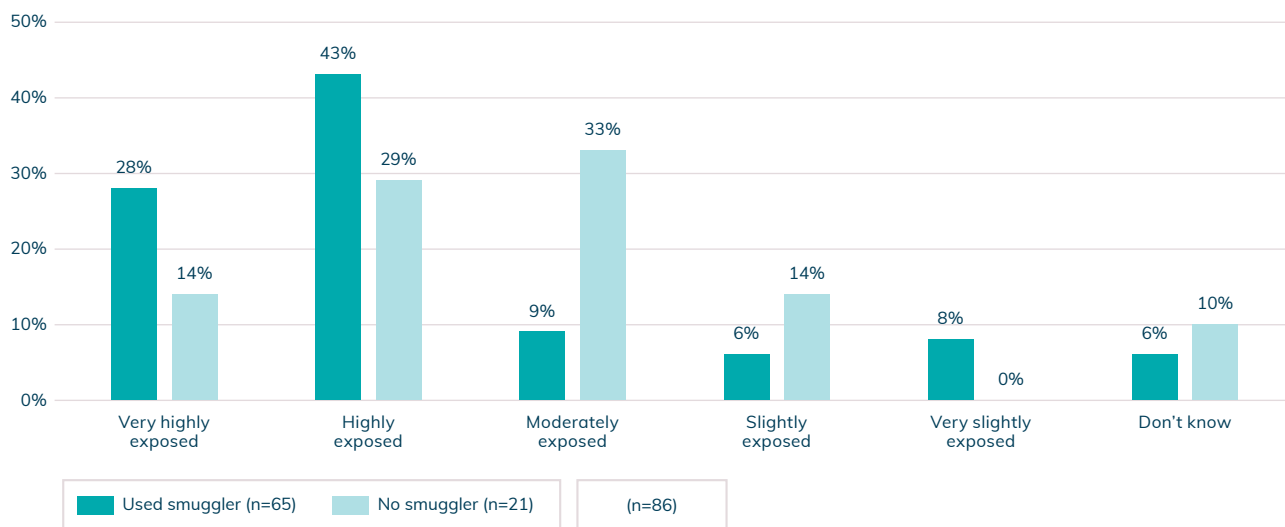
- Given that smugglers are an important source of information during the journey, it is possible that they have warned people traveling with children about possible dangers, which increases perception of risk.
- People using a smuggler may observe the behavior of their smuggler and perceive risks for children in that behavior (this may be most likely for incidents such as kidnapping and trafficking).
- Use of smugglers may correspond with greater perception of risk for a variety of reasons, which may also be interlinked:

- Smuggler use corresponds to travel through riskier locations.
- People having **experienced** incidents (perhaps particularly incidents such as bribery/extortion and robbery that are more frequently reported) may then seek out a smuggler in hopes that the smuggler will help them to avoid such abuses in future.
- People may be concerned about risks that they have **not actually experienced** and seek out smugglers to help try and mitigate those risks preemptively.

Additionally, higher proportions of respondents who used smugglers considered that children's exposure to the above dangers was high or very high (71%) compared to those who did not use smugglers (43%).

Figure 15. Extent of children's exposure to dangers en route

According to respondents who traveled with children



Conclusion

Overall, this paper reveals the complexity of the relationship between human rights and smuggling of migrants in Mali and Niger, and it underscores the importance of evidence in reaching conclusions about this nexus. While this paper contributes to a better understanding of the motivations and experiences of people using smugglers in West Africa, it also highlights further areas for inquiry. For instance, how to reconcile the correlation between smuggler use and dangerous journeys with the fact that smugglers are the least frequently cited perpetrator of abuses in West Africa, and migrants see them as providing a service and most often engage with them proactively. One possible explanation is that the use of smugglers could at times be a coping mechanism to deal with perceived dangers, and this is a dynamic that would be worth exploring further. While there is substantial scope for further research and examination, one thing is clear. Narratives that don't account for this complexity will not lead to effective policy or programming responses. In this vein, it is recommended that the reader in need of policy recommendations in this matter refers to the report on [smuggling of migrants in the Sahel](#) which is part of the series of Transnational Organized Crime Threat Assessments (TOCTA) that UNODC has produced as part of the UNISS knowledge products.



MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs hosted in Danish Refugee Council regional offices in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Geneva and Brussels.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

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