

Opinion article published by the EU Observer

(<https://euobserver.com/opinion/126962>)

Confronting criminals, protecting vulnerable migrants

By Yury Fedotov

BRUSSELS, 17. Dec 2014, 17:37

Smugglers are turning the Mediterranean into a watery grave for migrants, but the resolve to put an end to this appalling crime remains sadly lacking.

It is just over a year since the 3 October Lampedusa tragedy, which saw more than 300 people drown when their unseaworthy ships sank in sight of the Italian island. At the time it seemed to many a tragedy of unprecedented scale.

It should have been a call to action, a turning point that brought states together, north and south, to address the factors driving this flight and confront the smugglers.

But it turned out to be a harbinger of more misery to come.

There is seemingly no end to reports of migrants losing their lives on desperate voyages to reach safer havens. The perilous journeys undertaken by hundreds of thousands of people, through scorching deserts and rough seas, are mostly facilitated by smuggling rings. These criminals subject migrants to unsafe conditions and abuse, and sometimes rape and torture.

Many migrants, having paid what little they had to their smugglers, are subjected to the predations of still other criminals while en route to their destinations.

We increasingly hear reports of migrants subject to kidnapping and extortion, forced to endure terrible conditions while organized crime groups seek to wring money out of their families to secure their release.

Some of these women, men and children are lucky enough to arrive at their journey's end. But their precarious circumstances can render them vulnerable to human traffickers, who exploit their need for money and lack of legal options to induce them into sexual exploitation or other forced labour.

This cannot be allowed to continue.

In December, the UN Office on Drugs and Crime joined the UN High Commissioner for Refugees, the International Organization for Migration, the International Maritime Organization and the UN High Commissioner for Human Rights in calling for action to stop the loss of life, injury, trauma and serious human rights violations affecting migrants, asylum seekers and refugees travelling by sea.

These obligations to protect, assist and conduct search and rescue apply regardless of the migration status of the persons in distress.

There are no simple solutions to this crisis – not for the impoverished and often war torn countries that migrants are fleeing, not for the neighbouring countries struggling to cope with the outpour, and not for the destination countries.

Addressing the drivers of these dangerous journeys is no one-off undertaking, but a continuous and comprehensive effort that must be sustained by adequate resources and long-term commitment.

But it is also important to emphasize that in these endeavours, we should not accept a false dichotomy between pursuing criminal migrant smugglers and protecting migrants.

States are obligated to do both by the Protocol against Smuggling of Migrants under the UN Convention against Transnational Organized Crime, which has been ratified by 141 countries. A resolution to strengthen this international cooperation was further agreed by the UN Economic and Social Council in July.

The Protocol provides a solid basis for closer coordination between countries of origin, transit and destination to deter and punish smugglers, strengthen prevention and protect the rights of migrants, while ensuring humanitarian assistance.

To improve implementation of the Protocol, the UN Office on Drugs and Crime supports a multifaceted, inter-regional approach that seeks to build up criminal justice responses in all countries along smuggling routes, as well as improve the capacity of front line officers, investigators and magistrates to identify and assist smuggled migrants and investigate and prosecute smuggling networks.

In this way we can help bring criminals to justice and ensure that responses by States uphold human rights, as well as recognize the specific protection needs of migrants, asylum seekers and refugees.

In addition to working directly with origin, transit and destination states, UNODC works with other international organizations to develop a joint strategy to ensure protection and prevent smuggling at sea, as well as with the EU, including through a new global project to address smuggling of migrants and human trafficking.

We cooperate closely with EU border agency Frontex and the Fundamental Rights Agency, and look forward to working with the European Commission in developing its plan of action on migrant smuggling.

Migrant smugglers are quick to exploit gaps, adapting and changing their routes and means of operation as needed. This is also why international cooperation is so crucial, to ensure responses in one area do not simply shift smuggling operations elsewhere, or put desperate migrants at still greater risk.

Yury Fedotov is the Executive Director of the UN Office on Drugs and Crime. 18 December is International Migrants Day