Human Rights Watch has consistently championed the importance of respecting the human rights of migrants, regardless of their migration status. Below, we have highlighted some of our most pertinent recommendations to governments and policymakers in our publications over the last several years. They are organized around some of the themes outlined in the Human Rights Council’s recent resolution A/HRC/32/L.22: *Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements*.

Smuggling and Trafficking

Incorrectly labelling “smugglers” as “traffickers” conveniently ignores reasons why asylum seekers and migrants chose to leave home—such as conflict, widespread human rights abuses, famine and economic destitution. It allows governments of countries they are trying to reach to imply that law enforcement is more important than ensuring asylum seekers can get protection and exercise their right to seek asylum and that actions such as destroying boats is a humanitarian act aimed at saving lives when in reality the objective of such policies is to prevent people from migrating irregularly across these countries’ borders.

Those who turn to smugglers are often the victims of conflict and human rights abuse in their home countries with no safe and lawful path to protection. Those who fall into the hands of traffickers, whatever the reason they left, need protection from the criminals who prey upon them. Each group is in desperate need of help – but the circumstances, needs, and rights of each group are distinct.

Smuggling and trafficking have three fundamental differences:

* Consent. The smuggled person agrees to being moved from one place to another. Trafficking victims, on the other hand, have either not agreed to be moved or, if they have, have been deceived into agreeing by false promises, only to then face exploitation.
* Exploitation. Smuggling ends at the chosen destination where the smuggler and the smuggled person part ways. In contrast, traffickers exploit their victim at the final destination and/or during the journey.
* Transnationality. Smuggling always involves crossing international borders whereas trafficking occurs regardless of whether victims are taken to another country or moved within a country’s borders.

Implementing effective border and migration controls and helping vulnerable people avoid hazardous journeys, of course, are legitimate goals if safe and orderly alternatives are provided to people seeking international protection.

In the context of the EU, we have recommended that authorities:

* Save lives at sea through sustained search and rescue operations along the main migration routes in the Mediterranean.
* Ensure that passengers on all vessels interdicted at sea that are suspected of being used for human trafficking or smuggling are disembarked at a safe location in EU territory. Vessels should not be diverted or returned to a place where passengers might be exposed to the risk of persecution, torture, or inhuman and degrading treatment, to the risk of harm from indiscriminate violence, or to the risk of chain refoulement.
* Ensure that action against smugglers and traffickers who endanger lives respects human rights, guarantees the ability of asylum seekers to seek international protection in other countries, and does not itself put passengers’ lives in danger.
* Ensure that EU anti-smuggling efforts in the Mediterranean do not leave asylum seekers in Libya with no access to protection.
* Increase safe and legal channels into the EU to reduce demand for smuggling and dangerous journeys, specifically through:
  + Increased refugee resettlement;
  + Expanded family reunification;
  + Reform of the EU Visa Code with a view to creating a Schengen humanitarian visa.

**For more information:**

* “[Smuggling and Trafficking Human Beings: Questions and Answers](https://www.hrw.org/news/2015/07/07/smuggling-and-trafficking-human-beings)” (July 2015)
* “[Dispatches: Smuggling? Trafficking? Does it Matter? Yes!](https://www.hrw.org/news/2015/07/08/dispatches-smuggling-trafficking-does-it-matter-yes)” (July 2015)
* “[Europe’s Refugee Crisis: An Agenda for Action](https://www.hrw.org/report/2015/11/16/europes-refugee-crisis/agenda-action)” (November 2015)

Unaccompanied and Separated Children

Human Rights Watch has made the following recommendations regarding specific situations of unaccompanied children:

* *Italy*: Ensure that children traveling on their own are placed as quickly as possible in suitable facilities where they can access the care and support they need and to which they are entitled under national and international law. Establish a first-arrival center specifically for unaccompanied children near all ports experiencing significant arrivals and ensure sufficient places in longer-term facilities. Create a national database and a clear system for distributing children in need to facilitate swift transfers. Ensure that unaccompanied children are able to call their families upon arrival to “hotspots,” and that they are provided access to psychosocial support in a timely manner.
  + **For more information:** “[Italy: Children Stuck in Unsafe Migrant Hotspot](https://www.hrw.org/news/2016/06/23/italy-children-stuck-unsafe-migrant-hotspot)” (June 2016)
* *Sweden*: Provide oversight and support to municipalities to identify shortcomings and improve their services for unaccompanied children. Collect detailed data on living arrangements, school enrollment, health screenings, and assessments by social workers. Give priority to asylum applications of unaccompanied children and amend the Act on Guardians to require prompt appointment of a guardian with the necessary expertise to get children the assistance they need.
  + **For more information:** “[Sweden: Migrant Children Face Barriers](https://www.hrw.org/news/2016/06/09/sweden-migrant-children-face-barriers)” (June 2016)
* *Greece*: Immediately end the practice of detaining migrant children in small, crowded, and unsanitary police station cells for weeks or months, and find space for unaccompanied children in open facilities with decent living conditions where they can receive care, counseling, legal aid, and other basic services.
  + **For more information:** “[Greece: Migrant Children in Police Cells](https://www.hrw.org/news/2016/07/19/greece-migrant-children-police-cells)” (July 2016)
* *United States*: Ensure that only in extremely rare and exceptional cases are any unaccompanied migrant children subjected to immigration detention. If detention is used at all, it must be for the shortest amount of time and in an appropriate setting where children’s needs can be addressed without causing further trauma or harm. Provide full and fair screenings of unaccompanied migrant children by a designated child welfare specialist skilled in gathering timely and pertinent information in a child-friendly and age-appropriate manner.
  + **For more information**: “[US: Surge in Detention of Child Migrants](https://www.hrw.org/news/2014/06/25/us-surge-detention-child-migrants)” (June 2014); “[We pay Mexico to catch refugees. Kids suffer.](https://www.hrw.org/news/2016/04/20/we-pay-mexico-catch-refugees-kids-suffer)” (April 2016)
* *Mexico*: Ensure that children have effective access to refugee recognition procedures, including appropriate legal and other assistance. The government should also expand the capacity of its refugee agency, including by establishing a presence across Mexico’s southern border.
  + **For more information:** “[Mexico: Asylum Elusive for Migrant Children](https://www.hrw.org/news/2016/03/31/mexico-asylum-elusive-migrant-children)” (March 2016)
* *Macedonia*: Do not detain unaccompanied migrant children. Provide all unaccompanied children with legal guardians, as required by Macedonian law, and ensure prompt and unfettered communication between guardians and the children.
  + **For more information:** “[’As Though We Are Not Human Beings’: Police Brutality against Migrants and Asylum Seekers in Macedonia](https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum)” (September 2015)

Gender

HRW has made the following recommendations regarding the care and protection of those vulnerable to gender-based violence.

* *US*: Review and revise its policy on immigration detention of transgender women. Where such detentions are consistent with US and international law, develop and implement a clearly articulated strategy to house transgender women in safe and humane conditions that ensure respect for their human rights. Transgender women should never be held with men, or in prolonged solitary confinement.
  + **For more information:** “[Abuse against Transgender Women in US Immigration Detention](https://www.hrw.org/report/2016/03/23/do-you-see-how-much-im-suffering-here/abuse-against-transgender-women-us)” (March 2016)
* *Macedonia*: Ensure that detention conditions meet international standards, including those relating to overcrowding, water, sanitation, hygiene, including women’s specific hygiene needs during menstruation, nutrition, and access to fresh air, among others. Take steps toward ensuring that women detainees are attended to and supervised by female guards. Put an immediate stop to police abuse against asylum seekers and migrants and ensure accountability for unjustified and excessive use of force.
  + **For more information:** “[’As Though We Are Not Human Beings’: Police Brutality against Migrants and Asylum Seekers in Macedonia](https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum)” (September 2015)
* *Tanzania*: Improve identification of victims of sexual violence at Tanzanian transit refugee camps, including by increasing female staff and ensuring victims have a safe and confidential place to report rape. Rape victims should have access to post-rape care that meets World Health Organization standards, including, if needed, emergency HIV prophylaxis and contraception.
  + **For more information**: “[Burundi: Gang Rapes by Ruling Party Youth](https://www.hrw.org/news/2016/07/27/burundi-gang-rapes-ruling-party-youth)” (July 2016)

Disabilities

HRW has made the following recommendations to governments, UN agencies, donors, and humanitarian groups regarding displaced people with disabilities:

* Before a humanitarian emergency occurs, consult people with disabilities, especially organizations led by them, to see how the response plan can be more inclusive. Promote meaningful involvement of persons with disabilities and their representative organizations in the design, implementation, monitoring, and evaluation of preparedness and response programs and drawing from their leadership, skills, experience, and other capabilities by ensuring their active participation in decision-making and planning processes including in appropriate coordination mechanisms.
* Provide appropriate financial and other support so that the rights and needs of persons with different types of disabilities are addressed in humanitarian efforts. Appoint persons with different types of disabilities to camp management committees to better ensure that their concerns are represented and acted upon.
* Collect data disaggregated by age, gender and disability, and analyze such data so that the rights and needs of persons with disabilities are addressed in humanitarian response. The confidentiality and privacy of persons with disabilities should be respected in data collection processes.
* Provide separate access or adopt other measures to overcome obstacles to access to humanitarian assistance to persons with disabilities. Provide adequate, appropriate, and rights-respecting medical care, including mental health care, counseling, and psychosocial support to persons with disabilities. Enhance accessibility to medical facilities.
* Ensure the physical environment in displacement camps, including basic necessities, housing, schools, and medical facilities are accessible to persons with disabilities and that the architecture and layout of camps responds to the needs of persons with disabilities. This can be facilitated by including persons with different types of disabilities in camp planning and evacuation plans. Provide persons with disabilities equal access to information about camp services such as medical care, food distribution and evacuation plans, through easy-to-understand materials or other relevant communication methods.
  + **For more information**: “[Displaced and Disabled: ‘Don’t Leave Us Behind’](https://www.hrw.org/news/2016/05/26/displaced-and-disabled-dont-leave-us-behind)” (May 2016); “[Leave No One Behind](https://www.hrw.org/news/2016/05/19/leave-no-one-behind)” (May 2016)