



Global Alliance Against Traffic in Women



UNODC

United Nations Office on Drugs and Crime



GOBIERNO DE LA
REPÚBLICA DE HONDURAS



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Side-event on the margins of consultations for the Global Compact for safe, orderly and regular migration

Human rights perspectives on the smuggling of migrants

5 September 2017 | 13.15- 14.45 | Board Room A

Concept Note

Background

Studies indicate that most migrants in irregular status will use the services of smugglers at some point during their journeys. In a global situation where international borders are harder to access and regular channels for movement are reduced, migrants are increasingly accepting the cost and risk of using smuggling channels. There are circumstances where many migrants have to rely on smuggling to flee harmful situations.

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 criminalise 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.

In the New York Declaration for Refugees and Migrants, Member States pledged to combat migrant smuggling with full respect for obligations under international law (para 35). They also recognized and committed to address, in accordance with obligations under international law, the special needs of migrants in vulnerable situations, including victims of exploitation and abuse in the context of migrant smuggling (para 23).

As Member States focus on smuggling of migrants in the context of the consultation phase of the preparation of the Global Compact on Migration, they can draw on the guidance provided in the Global Migration Group (GMG)'s Principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations and OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders.

This side-event, organized by the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) in collaboration with the Global Alliance Against Traffic in Women (GAATW) and with the sponsorship of the Government of Honduras aims to discuss **human rights perspectives on smuggling of migrants**, including effective ways to develop **human rights-based responses to the smuggling of migrants** and to effectively **identify, protect and assist migrants in vulnerable situations in the context of smuggling**.

Agenda

Chair and opening remarks

- Mr. Craig Mokhiber, Office of the High Commissioner for Human Rights

Panel

- María Andrea Matamoros Castillo, Vice Minister of Foreign Affairs and Migration, Government of Honduras
- *Representative of UNODC*
- Gabriella Sanchez, Research Fellow, Migration Policy Centre of the European University Institute
- Hassiba Hadj-Sahraoui, Medecins sans Frontieres
- Livia Wagner, Global Initiative against Transnational Organized Crime
- Kate Sheill, Global Alliance against Traffic in Women