

18 October 2017

ARE MIGRANTS AND REFUGEES A “VULNERABLE GROUP” IN THE CONTEXT OF HUMAN TRAFFICKING?

by Claire Healy

18 October 2017 is the 11th EU Anti-Trafficking Day. At ICMPD, we take this opportunity to analyse the linkages between migration, asylum and human trafficking, to stress the importance of the distinctions between human trafficking and migrant smuggling, and to address the vulnerabilities of migrants and refugees to trafficking.

Over the past two years, there have been significant shifts in migratory trends along the main overland and sea routes to the EU: the Central Mediterranean route from Libya; and the Eastern Mediterranean/Western Balkan routes from Turkey. Data from IOM [on refugees and migrants using these routes](#) show that the number of people from West Africa and East and Horn of Africa travelling through Libya to Italy has remained relatively stable over the past three years, with a total of 106,000 people arriving in 2017 so far, 181,000 in 2016, and 154,000 in 2015. On the other hand, there were dramatic shifts along the Eastern Mediterranean/Western Balkan routes during those same three years: just 22,000 people have arrived in Greece so far in 2017, as compared to 177,000 people in 2016 and 857,000 in 2015.

The significant increase in the numbers of people using the Eastern Mediterranean/Western Balkan routes in 2015 led to intensified interest in migration policy among the media, politicians, policy-makers and the general public across the EU. Lamentably, this increased attention did not translate into conceptual clarity and provision of accurate information, due to general confusion and inaccuracies regarding the related – but distinct – phenomena of irregular migration, forced migration (of refugees), migrant smuggling and human trafficking.

This happened for two reasons. First, for those who are not specialists in this field, it can be **difficult to fully comprehend the legal definitions of these concepts** and the distinctions between them. Second, in the context of migratory routes to the EU, as in other mixed migration contexts, **one individual migrant may fall under a number of categories**, either simultaneously or consecutively. For example, a refugee may have no option but to engage in irregular migration, using the services of a smuggler, and may subsequently become a victim of human trafficking due to her/his situation of vulnerability. This confusion is detrimental to

the design and implementation of effective migration, asylum and anti-trafficking policies, and ultimately renders migrants and refugees more vulnerable to abuses.

One major focus of ICMPD's work on anti-trafficking is to ensure that policy-makers, frontline service providers, the general public and the media are fully informed about the definitions of trafficking and related concepts, as well as about trafficking trends and [appropriate anti-trafficking responses](#). In the context of the complex mixed migration flows to the EU over the past few years, conceptual clarity, the knowledge base and appropriately designed responses are particularly crucial.

New ICMPD Research

In order to: (1) better understand migratory trends to the EU during 2015-2017, (2) specifically understand the ways in which some people migrating along these routes are vulnerable to different forms of trafficking and exploitation, and (3) conversely, understand how some people may be more resilient, ICMPD is launching a new research project this month: **Study on Trafficking Resilience and Vulnerability en route to Europe (STRIVE)**, funded by the US Department of State.

We will be conducting research in transit countries along the migration routes, some of which have become de facto destination countries: Bulgaria, Greece, Hungary, Macedonia and Serbia, and in the main destination countries Germany and Italy. With this research, we aim to establish the knowledge base in order to significantly improve policy and operational responses in the countries under study and beyond in trafficking prevention, protection and prosecution.

Trafficking, migration and refugees

Since early this year, we have been conducting separate research on trafficking risks and the anti-trafficking response, in the framework of an [EU-funded project](#): Trafficking Along Migration Routes, in Austria, Bulgaria, Finland, Germany, Greece, Macedonia, Serbia and Sweden. Based on this research, we already know that even with reduced numbers of people travelling along this route in 2017, **anti-trafficking practitioners and others are struggling to respond and to adequately protect people, especially separated and unaccompanied children**. Many asylum and migration practitioners are still unfamiliar with trafficking, and vice versa.

Our study Targeting Vulnerabilities on trafficking in Syria and its neighbouring countries showed that conflict and displacement increase people’s vulnerability to trafficking because of a lack of access to basic needs and opportunities for income generation, and due to a lack of regular status. We found that the need to use the services of [migrant smugglers](#) is also a risk in terms of trafficking and other abuses. This is because the high cost of these services may lead to exploitation and debt bondage, and also because smugglers may themselves abuse and exploit migrants in a vulnerable situation, or illegally detain them and extort money from them or their relatives.

In the course of our work, we frequently encounter confusion and misunderstanding, particularly in relation to the difference between human trafficking and migrant smuggling. Although this is clearly set out in the international legal definitions of the two crimes, the general public, the media, politicians and even those working directly with migrants and refugees all too often confuse the two, with serious implications for policy responses and practical solutions. Simply put, when the media or politicians use the term “traffickers”, very often what they actually mean is “migrant smugglers”.

Human traffickers exploit people for profit, and violate their human rights. Migrant smugglers facilitate people’s irregular journey, thereby committing a crime against the State, rather than against a person. While acknowledging that in many cases, migrant smugglers may abuse the situation to gain additional profits for themselves, or even violate the migrants’ human rights, the distinction is that in essence they are providing a service that is required by the migrant or refugee, in the absence of options for regular migration.

Are migrants and refugees a "vulnerable group" in the context of human trafficking?

Nevertheless, it is essential to clarify and understand where these concepts overlap in the real experiences of individual migrants and refugees. For example, at a recent [event](#) on the Global Forum on Migration and Development’s input to the Global Compact on Migration, a debate emerged on the issue of whether “irregular migrants” can be considered a specific vulnerable group for human trafficking. While of course not all irregular migrants are vulnerable, it is clear that migrating irregularly is a factor of vulnerability to exploitation and other abuses for refugees and migrants, particularly when the services of migrant smugglers are used, as we have learned from our research, and from ICMPD’s work with national and international anti-trafficking practitioners. Having an irregular immigration status within a country of destination is also a factor of vulnerability.

So the answer to the question is that migrants and refugees are indeed specifically vulnerable to human trafficking if they are not able to travel regularly, and to live and work regularly in their country of destination. This means that **the key to preventing trafficking among these groups lies in promoting safe and regular migratory journeys, regular residence status and access to the labour market, as well as working to prevent and resolve conflicts and invest in communities of origin** for those who do not wish to migrate.

How do we make refugees and migrants less vulnerable to trafficking?

ICMPD's Anti-Trafficking Programme is working on ways to reduce this vulnerability, and to respond to cases of trafficking among refugees and migrants both within the EU and in non-EU countries. We are supporting countries to develop indicators and other mechanisms for early identification of trafficking cases, referral, protection and rehabilitation of trafficked children and adults within national and transnational referral mechanisms. We provide multi-agency training, training curricula and training of trainers and improved data collection and information exchange.

Anti-trafficking in general, and the nexus between trafficking, migration and asylum, are also key topics of cooperation in the migration dialogues for which ICMPD acts as a secretariat: the [Rabat Process](#), [Khartoum Process](#) and Continental Dialogue within the [Migration and Mobility Dialogue \(MMD\)](#) under the [Africa-EU Partnership](#); the [Budapest Process](#); the [Prague Process](#); and Mediterranean City-to-City Migration under the Mediterranean Transit Migration Dialogue (MTM). We are also sharing our expertise on combating trafficking in consultations and activities for the [Global Compact for Migration](#); the [Global Plan of Action to Combat Trafficking in Persons](#); the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT), the OSCE [Alliance Against Trafficking in Persons](#) and [Alliance 8.7](#) to implement Sustainable Development Goal Target 8.7 on eradicating forced labour, modern slavery, human trafficking, worst forms of child labour and child labour as well as in activities under ICMPD's MIEUX programme.

Finally, ICMPD is continuing to conduct robust and policy-orientated trafficking research, in order to contribute to a solid knowledge base on trafficking of refugees and migrants, as well as on the related topic of [trafficking in the context of armed conflict and forced displacement](#). On the basis of this research, we will continue to propose evidence-based policy recommendations for preventing and responding to trafficking in these contexts, and to advocate with our partners to implement these recommendations.

The views expressed in this article are those of the author, and do not necessarily represent those of ICMPD.

Useful Definitions

1. What is trafficking in persons?

Trafficking in women and men is composed of three elements: a certain act by a certain means for the purpose of exploitation.

- Act: recruitment/transportation/transfer/harboursing/receipt of persons
- Means: threat/use of force or other forms of coercion/abduction/fraud/deception/abuse of power or of a position of vulnerability/giving or receiving of payments or benefits to achieve the consent of a person having control over another person
- Purpose: exploitation (includes, at a minimum: exploitation of the prostitution of others/other forms of sexual exploitation/forced labour or services/slavery/practices similar to slavery/servitude/removal of organs)

Child trafficking is composed of just two elements: an act and the purpose of exploiting the child. When it comes to children – anyone aged under 18 years – the means are considered irrelevant.

These definitions are set out in the [UN Trafficking in Persons Protocol](#).

2. What is migrant smuggling?

Migrant smuggling, according to the [UN Smuggling of Migrants Protocol](#), is: “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”

3. What is the difference between migrant smuggling and human trafficking?

Smuggling of Migrants

vs

Trafficking in Persons

Crime against the State

vs

Crime against the person

Once-off, commercial relationship vs Longer-term, exploitative relationship

Paid for facilitation of irregular migration vs Profits from exploitation

Always involves crossing a border vs May be internal or international

Migrant consents vs No consent or invalidated consent

Contact Information

For more information please contact:

Policy Unit

International Centre for Migration Policy Development (ICMPD)
Gonzagagasse 1, 5th floor
1010 Vienna, Austria

Email: Policy_Unit@icmpd.org

ICMPD 2021. All rights reserved. Short sections, not to exceed two paragraphs, may be quoted in the original language without explicit permission provided that the source is acknowledged. Opinions expressed in this publication are those of the author(s) alone.