

ACT Alliance Statement on Responsibility Sharing in the Context of Addressing Smuggling of Migrants and Trafficking in Persons

Delivered at the Fifth Thematic Consultation on the Global Compact for Safe, Orderly and Regular Migration: “Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims”

Vienna, 05 September, 2017

Dear Moderators, dear Co-Facilitators

Thank you very much for this opportunity to contribute to the session. I would also like to thank Prof. Ezeilo for her excellent summary of the main themes of the discussion, as well as the interlinkages between the panels.

We have noted with appreciation the nuanced way in which the issue brief has highlighted several important issues related to the topic of smuggling and trafficking, notably including:

- The necessity to distinguish smuggling from trafficking
- The need to improve identification of trafficking survivors, noting increasing numbers of cases of forced labour
- The importance of refraining from criminalizing migrants who have been forced to use the services of smugglers
- The need for more safe and regular pathways to access territory for protection, pursuing employment, and family reunification

We also appreciate the constructive contributions that have been made by the panelists, both yesterday and today, as well as during the excellent side events, referring to and building upon the substance of the issue brief, in particular stressing:

- The counterproductive effects of the securitization of borders in causing more difficult, dangerous and expensive routes for migrants
- The need to embed holistic approaches to smuggling and trafficking in the decent work agenda – and to effectively address forced labour in supply chains
- The need to ensure a rights-based approach to assistance that considers, first and foremost, the self-defined best interests of survivors, with a particular focus on the situation of women

However, we also note that the ensuing discussions only partially reflected and constructively engaged with the policy implications provided by these important inputs. While many states recounted their efforts to implement the provisions of the UNTOC and other relevant instruments at national level, discussions about international cooperation fell somewhat short of engaging with the bigger picture of addressing the root causes of smuggling and trafficking – although many proclaimed the need to do so, in abstract terms.

In concrete terms, this reinforces the need to remind ourselves of the commitments made in the New York Declaration related to responsibility sharing - a term which, some have unfortunately suggested recently, only lends itself to the Refugee Compact and not the Migration Compact. We believe that is a

false dichotomy – given the realities that our members (and many other civil society organisations working for and with migrants and displaced people) encounter on a daily basis; whether they are youth and young adults in Honduras having been forcefully returned from the United States and Mexico, sometimes after disappearing for months and years in detention facilities, having been separated from their parents, siblings, and children, some of whom got on their journeys to provide for their families, to escape gang violence, or more frequently, for a variety of reasons including these and more; or whether they are refugees in the Middle East, who increasingly find themselves marginalized by a deliberate denial of papers, putting them at risk of destitution, if not detention and deportation, and who, as a result of their inability to prove their need for protection, are joining the ranks of undocumented migrants, those who have inadvertently violated the rights of states to govern admission, and have to suffer disproportionate violations of their own fundamental human rights in return.

Therefore, we call upon governments to share their responsibility to address the root causes of smuggling and trafficking in a human rights-based and holistic manner. We stress that it will be essential to keep this in mind next month in Geneva at the last thematic session on decent work and labour mobility, a discussion which arguably should have been designed to address smuggling and trafficking in the first place. In addition, we also encourage all stakeholders to increase their efforts to achieve a meaningful integration between the two Compacts by setting up institutional points of contact and a concrete, participatory workstream to concretely look at complementarities. This should be part of both the drafting and the implementation processes, respectively.

Thank you.