



RESPONSE TO THE SRSG'S ISSUE BRIEF #5

Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims

IN PREPARATION FOR THE FIFTH THEMATIC CONSULTATION ON THE GLOBAL COMPACT ON MIGRATION 4-5 September in Vienna, Austria

The NGO Committee on Migration strongly supports the recommendations contained in the SRSG's Issue Brief # 5 on smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims.

Since our founding in 2006, the NGO Committee on Migration has prioritized advocacy efforts promoting the protection and assistance of migrants in vulnerable situations, especially the groups most vulnerable and victimized by smugglers and traffickers: **women and children**. The urgent need for concerted international action in this regard is especially clear at this moment in history. According to the ILO, nearly 21 million people globally are victims of forced labor and trafficking. Of the victims, one quarter are children and more than half are women and girls. Press reports are fraught with stories of migrants being abused or drowned at sea at the hands of smugglers. These realities underscore the urgent need for an actionable Global Compact on Migration that will provide protection and assistance to all migrants, especially those in vulnerable situations in the context of smuggling, trafficking, and contemporary forms of slavery.

Our Committee strongly supports the SRSG's emphasis on the need to address the particular vulnerability of child migrants, especially children traveling alone. We call for **social outreach to aid and monitor vulnerable children** along migratory routes and at destination to assist in early identification and prevention of further harm. In the identification and rescue of child victims of smuggling and trafficking, as with all migration policies regarding children, we call on States to **uphold the UN Convention on the Rights of the Child by placing children's best interests above all other considerations**. To comply with clear international human rights standards, we assert that the **detention of children for immigration purposes should be prohibited**.

We also highlight the need to prevent trafficking by **addressing its drivers in countries of origin, especially those with younger populations**. According to [UNODC's Global Report on Trafficking in Persons](#) (2016), these countries tend to report higher proportions of children among trafficking victims. The report also indicates that these countries are more likely to be characterized by limited access to education, absence of solid institutions dedicated to child protection, and lack or insufficient implementation of policy against traffickers, all of which are favorable conditions for children's exploitation. In accordance with the principle of urgency for all proceedings involving children, we call for **political leadership and awareness-raising interventions to secure expedient protection and legal justice for children** on the move. To delay such action is to prolong children's deprivation of education, nourishment, and healthcare; to exacerbate related physical, mental, and developmental harms; and to increase their risk of being trafficked or exploited.

The NGO Committee on Migration supports the recommendation of the SRSB that States establish and implement **national legal frameworks to protect and assist migrants in vulnerable positions**, irrespective of migration status. We strongly agree that States need to strengthen the capacity of "front-line actors" to protect vulnerable migrants, with particular attention to age- and gender-sensitive responses. We therefore recommend that national frameworks establish mechanisms that **engage the private and financial sectors as well as local medical and social service providers in a whole-of-society approach** to the early identification of smugglers and human traffickers and to the rescue and protection of their victims.

To this end, we urge States to **actively promote and require that businesses within their jurisdictions adhere to the IOM and IOE's [IRIS Ethical Recruitment Principles and Standard](#)**. We also urge them to **engage their financial sectors in the prosecution and prevention of trafficking and forced labor** through the detection of financial flows that perpetuate the USD 150 billion-per-year industry ([ILO, Profits and Poverty, 2014](#)). We strongly support the principle that trafficked persons, victims of modern slavery, and those who provide humanitarian aid to them in the midst of their distress without financial interest should not be treated as criminals. Moreover, trafficking victims must be given **access to justice and protection systems, with firewalls protecting them from arbitrary arrest and deportation**.

Our Committee also voices strong support of the SRSB's recommendation that States "**open or diversify effective and accessible regular migration channels**, including timely family reunification, labour mobility at all skills levels, education opportunities and humanitarian admission schemes." To this list of channels, we **add protection schemes that recognize environmental degradation and climate disaster as legitimate drivers of forced displacement**, drivers for which the most common countries of destination typically bear the greatest historical responsibility. On the matter of national policies that seek primarily to deter migration by criminalizing irregular migration and keeping regular migration channels extremely restricted (even to persons seeking asylum), our Committee reinforces *Issue Brief #5* in taking the position that such policies *are, definitively*, counterproductive. We align ourselves with the [OHCHR Principles and Guidelines on Human Rights at International Borders](#), which state that such policies "serve only to exacerbate risks posed to migrants, to create zones of lawlessness and impunity at borders, and, ultimately, to be ineffective. Conversely, approaches to migration governance that adhere to internationally recognized human rights standards, serve to bolster the capacity of States to protect borders at the same time as they uphold State obligations to protect and promote the rights of all migrants."

Through the adoption of the *New York Declaration for Refugees and Migrants*, UN Member States made a commitment to prevent and combat the abuses and exploitation faced by migrants and refugees and to protect those victimized by them. The NGO Committee on Migration is committed to continuing in its collaboration with UN Member States, UN agencies, other international organization and civil society partners to fulfill this commitment in the context of gender- and age-responsive solutions that are grounded in human rights.