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SMUGGLING
OF MIGRANTS

17.

Migration and risks: smuggling networks and dynamics on the Central Mediterranean Route¹

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Abstract: This chapter seeks to provide a deeper understanding of the profiles and network characteristics of smugglers, how they support or facilitate people's journeys, as well as the role they play in protection incidents experienced by people on the move. The data analysed originate from the Mixed Migration Monitoring Mechanism initiative (4Mi) of the Mixed Migration Centre across North and West Africa. Some of the main findings are: (a) more than two thirds of the migrants surveyed in Libya and half of those in West Africa reported using smugglers on their journeys to/out of Libya; (b) in North Africa, smugglers were cited as the main providers of support (53.6%), and in West Africa they were the second most cited providers (23.5%); however, (c) smugglers are often cited as perpetrators of physical abuse, particularly in North Africa.

17.1. Background

Since mid-2017, the numbers of refugees and migrants departing from Libya's shores for Europe have decreased dramatically. Yet, efforts by European policymakers to curb irregular migration through externalizing their borders and dismantling "criminal" smuggling networks³ has led to increased competition for control of lucrative human smuggling routes. As policies become more stringent, making profits more elusive, smugglers are choosing more perilous routes, increasing their fees, and resorting to new ways to exploit refugees and migrants attempting to travel along the Central Mediterranean Route (CMR). These factors are increasing protection incidents and human rights violations faced by people on the move (Tubiana et al., 2018). Additionally, European policies focusing on the criminalization of smuggling and trafficking do not sufficiently distinguish between the two types of crime, which may further exacerbate risks for people on the move.⁴

¹ Special thanks to Roberto Forin and Bram Frouws for their review and feedback; and to the entire MMC/4Mi teams in North and West Africa for the direction and overall implementation of 4Mi, without which studies like this would not be possible. For further information about 4Mi and its methodology, visit www.mixedmigration.org/4mi/.

² Mixed Migration Centre (MMC).

³ For a review of these policies, see Golovko (2018); and MMC (forthcoming).

⁴ To describe the journeys of people on the move, this chapter draws upon the concept of mixed migration, defined in the terminology box, developed by the Mixed Migration Centre (MMC).



Box 17.1. Terminology

Human smuggling is defined as “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” (Article 3, Protocol against the Smuggling of Migrants by Land, Sea and Air). According to the 2000 United Nations Convention against Transnational Organized Crime (Palermo Convention) and its associated Protocols, the central features distinguishing smuggling from trafficking are those of consent, exploitation and transnationality. Of course, consent is not a permanent state and can change over the course of refugees’ and migrants’ journeys, underscoring the blurred lines between smuggling and trafficking. For instance, someone may experience abuse or be coerced into an exploitive labour arrangement along their journey at the hands of their smuggler.

Refugees and migrants refer to people on the move in mixed migration flows. While Libya is not a signatory to the 1951 Convention Relating to the Status of Refugees, there are, nevertheless, people in Libya who have fled their countries because of persecution, generalized violence and conflict. The office of the United Nations High Commissioner for Refugees (UNHCR) has been authorized to conduct Refugee Status Determinations in Libya since 1991 under an informal mandate that allows it to issue asylum seekers with letters of attestation and register them as “Persons of Concern” (POCs). POCs are people coming from eight specific countries/ethnic groups who are in need of international protection, including Eritreans, Ethiopians of Oromo ethnicity, Iraqis, Palestinians, Somalis, Syrians, non-Arab Sudanese, and Yemenis. The “POC” status, however, is not always recognized by Libyan authorities. In this chapter, the term “refugees and migrants” encompasses POCs.

Mixed migration refers to cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking, and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors, people in mixed flows have different legal statuses as well as a variety of vulnerabilities. Although entitled to protection under international human rights law, they are exposed to multiple rights violations along their journeys. Those in mixed migration flows travel along similar routes, using similar means of travel – often travelling irregularly and wholly or partially assisted by migrant smugglers.

Principally, smuggling of refugees and migrants to and through Libya takes place along two routes. The western route is used predominantly by West Africans, most often through the northern part of the Niger, but also through Mali and southern Algeria, to Libya’s south-western border. The eastern route is used predominantly by East Africans via the Sudan and Chad to Libya’s south-eastern border. In all cases, smuggling corridors contain a series of subroutes that rapidly adapt to the changing risks and economic costs. The Economic Community of West African States (ECOWAS) 1979 Protocol Relating to Free Movement of Persons, Residence and Establishment in theory allows citizens of the 15 Member States of ECOWAS to freely move within the bloc’s territory; however, in practice, border crossings involve numerous difficulties. Riskier routes have made smugglers more essential to refugees and migrants attempting the journey. According to a 2016 joint EUROPOL–INTERPOL report (EUROPOL, 2016), it is almost compulsory to use smugglers to travel along the CMR to Europe. There are some reports of refugees and migrants increasingly choosing smugglers over regular public transport, particularly due to the enforcement of measures to counter irregular migration (such as Law 2015-36 against smuggling adopted in 2015 in the Niger). While such migration is not technically irregular within the ECOWAS bloc, movement in the region often happens in an undocumented fashion, as migrants do not cross borders at official crossing points, or because they do not have the required travel documents.

Although research is available on the dangerous journeys that refugees and migrants undertake to move along the Central Mediterranean Route, as well as on the protection incidents they face along the way, particularly in Libya (see Sanchez, Chapter 18 of this volume), little is understood about the role of smugglers who facilitate these crossings (UNHCR and MMC, 2020). Moreover, few accounts are available from smugglers' own perspectives. Using data from the Mixed Migration Centre's (MMC's) Mixed Migration Monitoring Mechanism initiative (4Mi),⁵ this chapter sets out to provide a deeper understanding of the profiles and network characteristics of smugglers, how they support or facilitate people's journeys, as well as the role they play in protection incidents experienced by people on the move. By providing some insight on the smuggling sector, this chapter seeks to inform broader policy responses, beyond the current focus on criminal justice, aimed at better upholding the human rights of people on the move.



Box 17.2. Data

Data from this study come from 4Mi, which is MMC's flagship data collection project. The 4Mi project comprises a unique network of field monitors situated along frequently used routes and in major migratory hubs, and aims to offer a regular, standardized, quantitative and globalized system of collecting primary data on mixed migration. 4Mi monitors conduct in-depth surveys with men and women over 18 years of age, on the move, as well with smugglers. The data they collect provide insight into the roles played by smugglers in movement decision-making processes and along the mixed migration journey. It is important to note that 4Mi is based on non-randomized sampling, and as such cannot be considered statistically representative of all smugglers and all people moving within, to and through North and West Africa. Moreover, smuggling activities by their nature are difficult to document, and understanding the scale of the irregular movement of people is therefore a challenge. In particular, the clandestine and irregular nature of population movements, the sensitivity of information shared by the smugglers, and the possible involvement of government officials, non-State actors and armed groups are some factors that contribute to the complexity of analysing smuggling activities. Thus, MMC does not attempt to provide estimates of refugee, migrant or smuggler stocks. Rather, the aim is to complement existing stock data from IOM and UNHCR with more in-depth information on the profiles and experiences of refugees, migrants and smugglers.

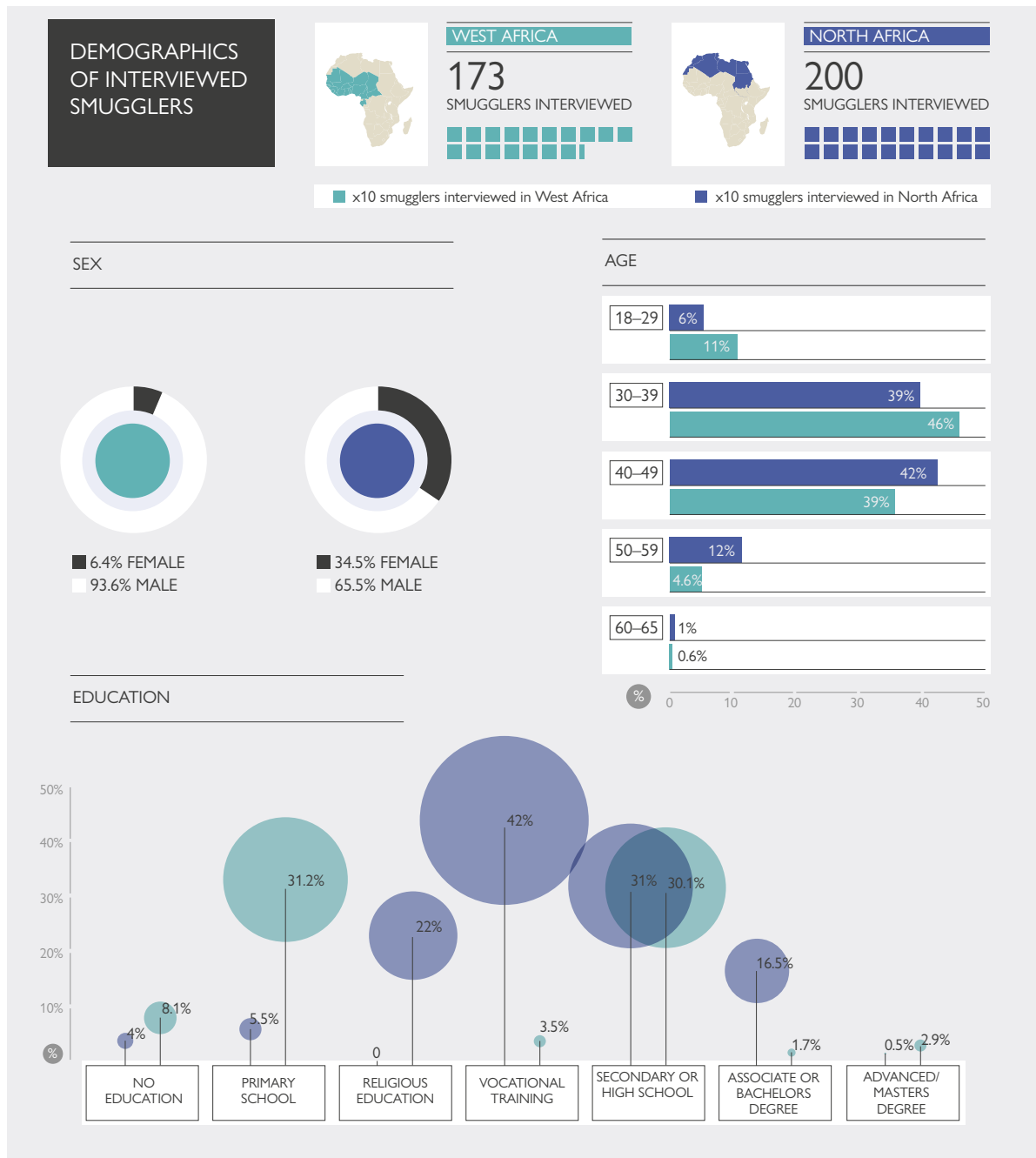
Across the two regions, 4Mi implemented two surveys – one with smugglers on their profiles, networks, and activities; and one with refugees and migrants – on their experiences with smugglers, how smugglers impacted their journeys, and whether and which protection incidents they faced were perpetrated by smugglers. The 4Mi project carried out a total of 373 interviews with smugglers in West and North Africa, including 102 in Mali, 69 in the Niger and 202 in Libya, between May 2017 and September 2019, in a 70-question survey. Such smugglers were primarily from East, Central and West African origin countries. Thus, while smugglers in West Africa were predominantly nationals of the country in which they operated and were surveyed, the smugglers surveyed in Libya are refugees and migrants, just like the people whose movement they are facilitating. This is a key distinction as smugglers with a migrant background are likely to perceive and describe their work differently than non-migrants. These data are complemented by the 4Mi migrant survey, carried out with 13,564 refugees and migrants over the same time period in the two regions: 5,159 interviews with refugees and migrants in Libya and 8,405 interviews with refugees and migrants in Burkina Faso, Mali and the Niger. Data were triangulated by comparing the responses of smugglers with those of refugees and migrants, as well as examining the extent to which the insights obtained from the data aligned or contrasted with findings from other studies.

⁵ For further information about 4Mi and its methodology, visit www.mixedmigration.org/4mi/.

17.2. Profiles of smugglers and smuggler networks

The sample of smugglers is comprised of 80 women and 293 men. The smugglers ranged in age from 21 to 65 years, with a mean of 39.5 years and a median of 39 years. Smugglers from North Africa had higher levels of education attainment than their West African counterparts on average, with 42 per cent having achieved vocational education and 17 per cent a tertiary degree, as compared with approximately 3 per cent and 5 per cent, respectively, for West Africa.

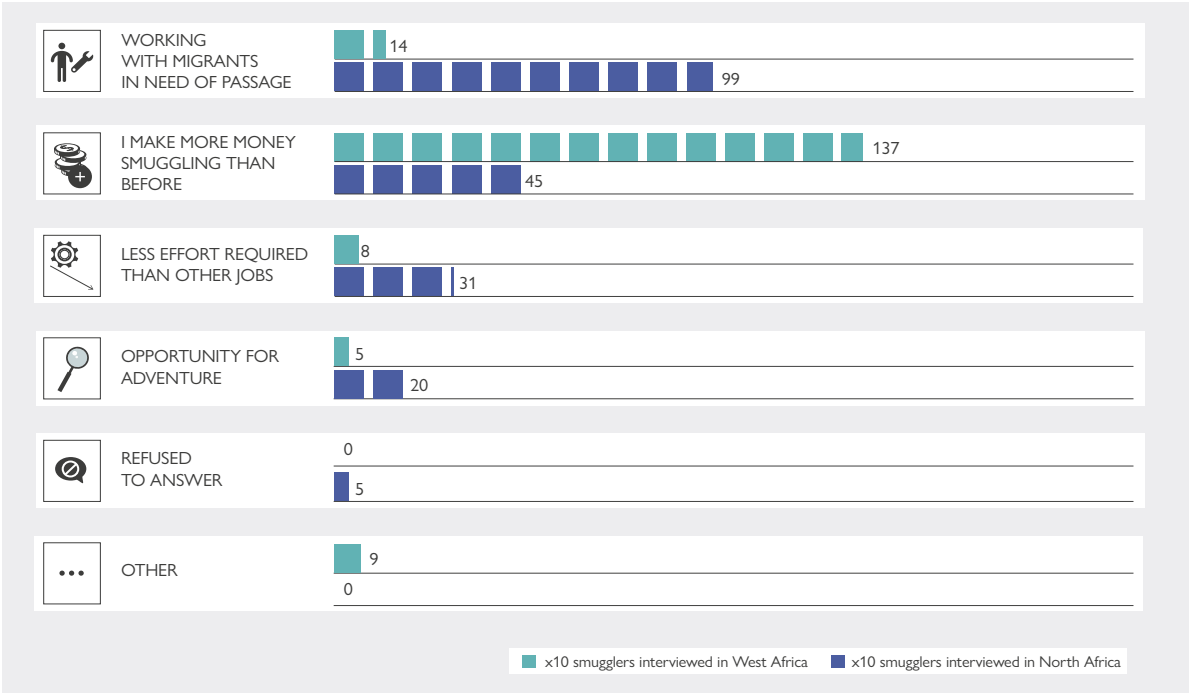
Demographics of interviewed smugglers



Note: These maps are for illustration purposes only. The boundaries and names shown and the designations used on these maps do not imply official endorsement or acceptance by the International Organization for Migration.

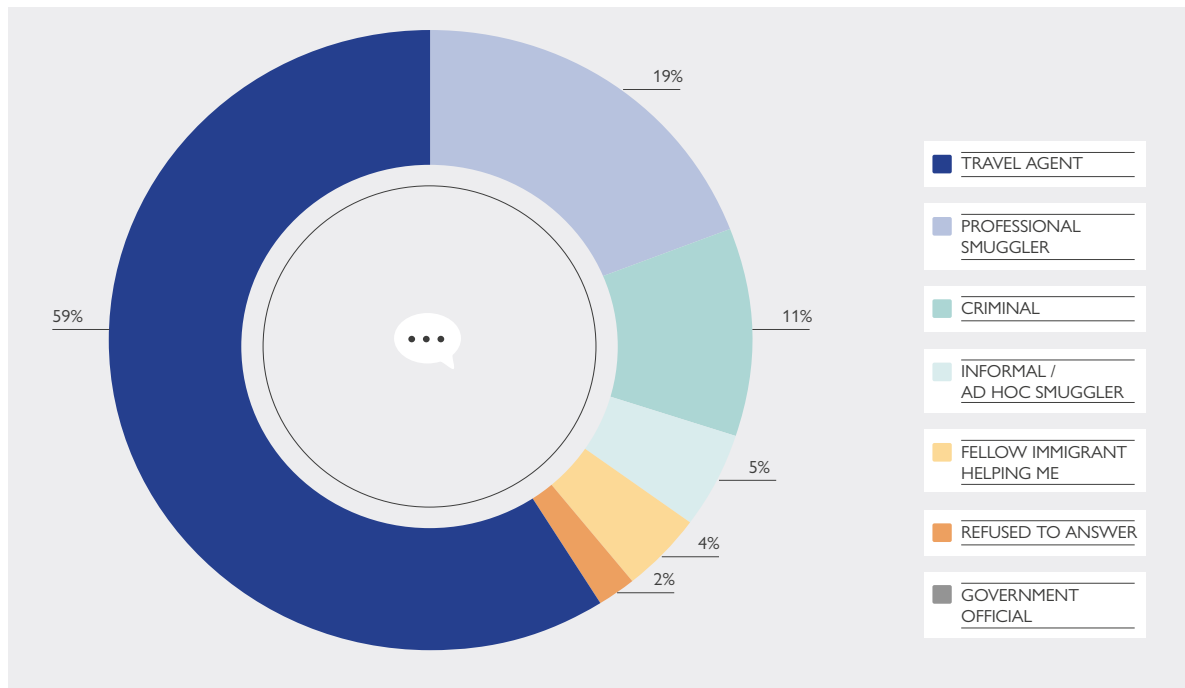
The reasons that smugglers cited for engaging in the sector differed between smugglers interviewed in West and North Africa. While those in North Africa cited “working with migrants in need of passage” as their primary reason (49.5%), West African respondents largely cited the opportunity to make more money than in their previous employment (79.2%). Smugglers surveyed in North Africa are to a large extent comprised of refugees and migrants themselves, who have undoubtedly experienced the difficulties of the journey, and they may be more likely to perceive or frame their motivations in terms of responding to the needs of other people on the move. The motivation emphasized by smugglers operating in Libya aligns with the fact that they self-identify as “providers of a service to people who wish to travel”. Moreover, such smugglers described themselves as “transporters” and “connecting men and women”. When referring to those who used their services, smugglers in West Africa used language such as “clients” or “passengers”. While smugglers emphasize the services they provide, it can, however, not be neglected that refugees and migrants surveyed Libya cited smugglers as the most frequent perpetrators of physical and sexual abuse.

Figure 17.1. What was the primary reason you started smuggling?



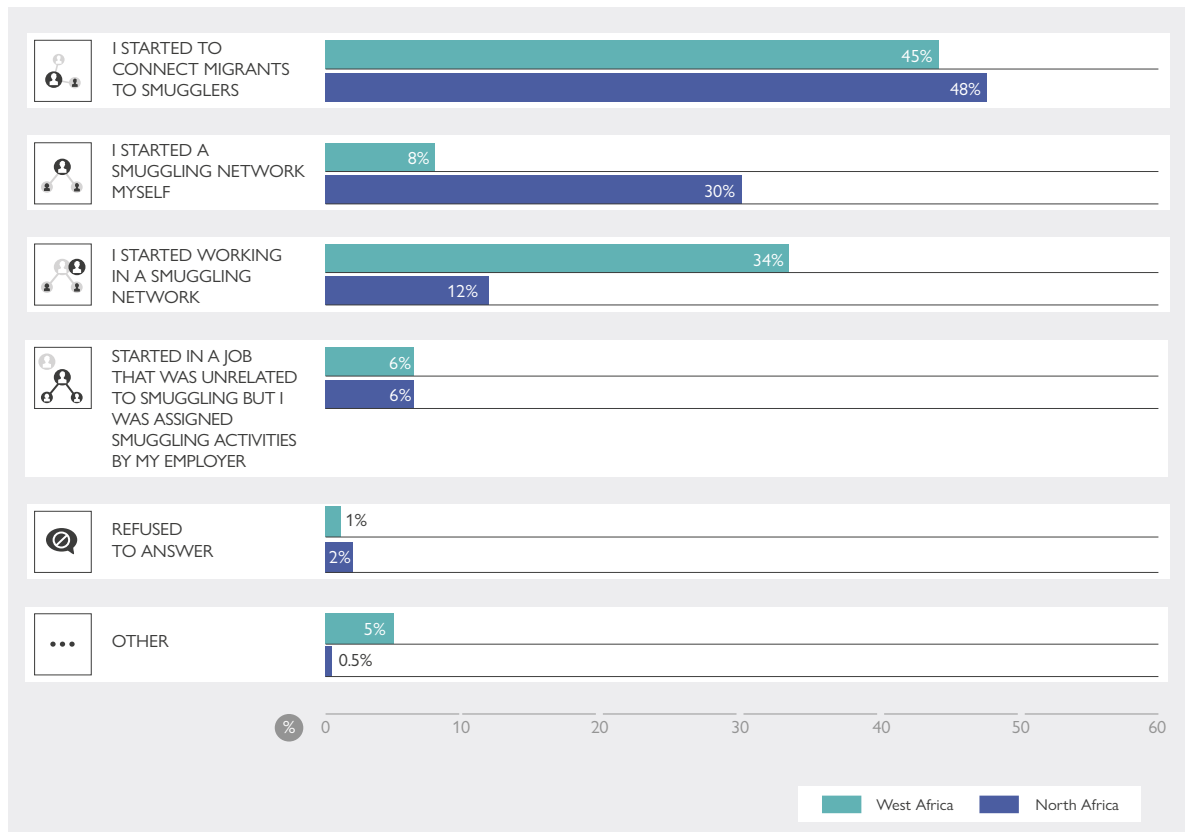
The motivation emphasized by smugglers operating in Libya as “providers of a service to people who wish to travel” aligns with refugee and migrant perceptions of smugglers in Libya. When surveyed refugees and migrants in Libya were asked how they would describe their smugglers, 58.7 per cent described smugglers as a “travel agent”, while only 11 per cent of respondents described their smugglers as a “criminal” (Figure 17.2). These perceptions may also be linked to the varying terminology for smugglers differing across countries (*passeurs* in West Africa, and *muhareb* (مُهارب) in Libya). Such terminology used across the regions may be less indicative of refugees’ and migrants’ perceptions of smugglers and more linked to the structure of the smuggling networks themselves. For instance, *passeurs* connotes migrants being passed from one smuggler to the next, where *muhareb* connotes a smuggler of goods and people, and suggests a more organized structure of smuggling communities.

Figure 17.2. How would you describe your smuggler?



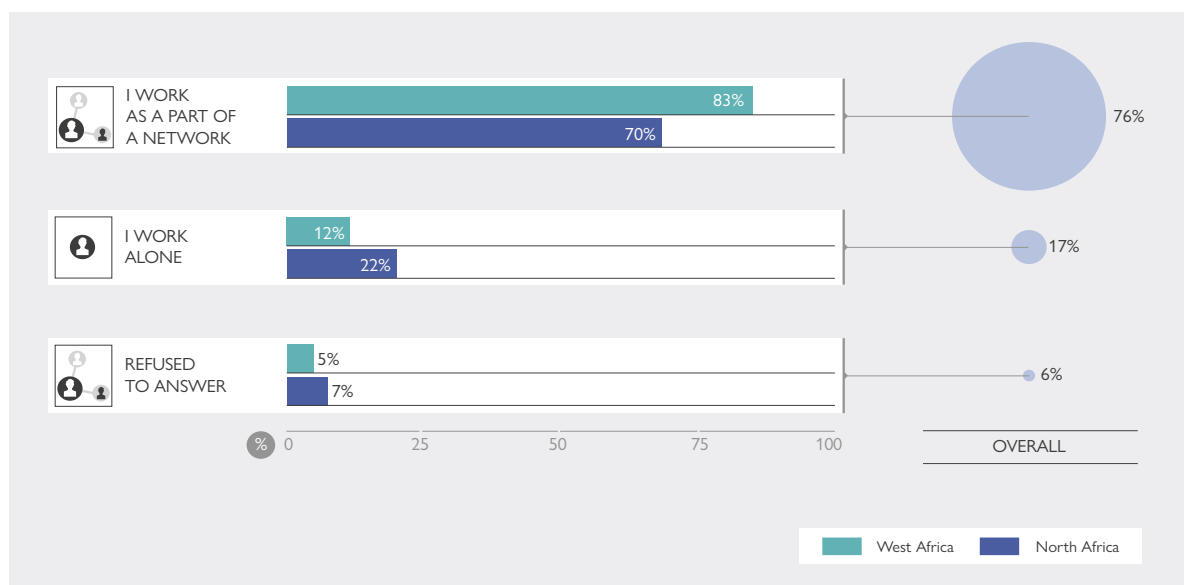
In both West and North Africa, smugglers primarily started their work after they began to connect refugees and migrants to other smugglers (45.1% and 48.5%, respectively). However, smugglers interviewed in North Africa were more likely to start their own smuggling network (30.5% versus 8.1%), and smugglers in West Africa were more likely to start working within an existing smuggling network (34.1% versus 12%).

Figure 17.3. How did you start working in migrant smuggling?



Most smugglers (70.5% for North Africa and 83.2% for West Africa) worked as part of a network, but the size and strength of these networks vary. While some smugglers noted being part of a relatively close-knit network that could coordinate travel from point of origin all the way to Europe, others highlighted reliable connections with other smugglers, but noted that they often had relatively limited knowledge of these partners. In explaining how the connections between smugglers functioned, a number of smugglers described their activities as “sort of a chain movement from one hand, one person, to the other”.⁶ When analysing network dynamics, however, it is important to note that the smugglers surveyed in Libya are predominantly from West and Central Africa. Consequently, they often have more intermediary roles within their larger networks, which would vary significantly from their local counterparts, who would have greater responsibility and influence in smuggling operations.⁷

Figure 17.4. Do you work as part of a smuggling network or alone?



17.3. Refugee and migrant perceptions of smugglers

Of the 5,159 refugees and migrants surveyed in Libya, 32 per cent reported not using any smuggler (1,638), while approximately 37 per cent (1,896) used one smuggler, and 31 per cent (1,592) used several smugglers along their journey to Libya. Of the 8,329 refugees and migrants surveyed in West Africa, approximately 46 per cent reported not using any smuggler (3,896), while 25 per cent (2,100) used one smuggler, and 26 per cent (2,180) used several smugglers along their journeys. However, these numbers are not representative and do not reveal trends over time. As border controls get stricter, particularly in Sudan and the Niger, smuggling activities evolve. It is noteworthy that almost a third of surveyed smugglers (76 of 245) cited stricter border measures as a factor in increasing demand for smuggling services from the refugees and migrants they transport.

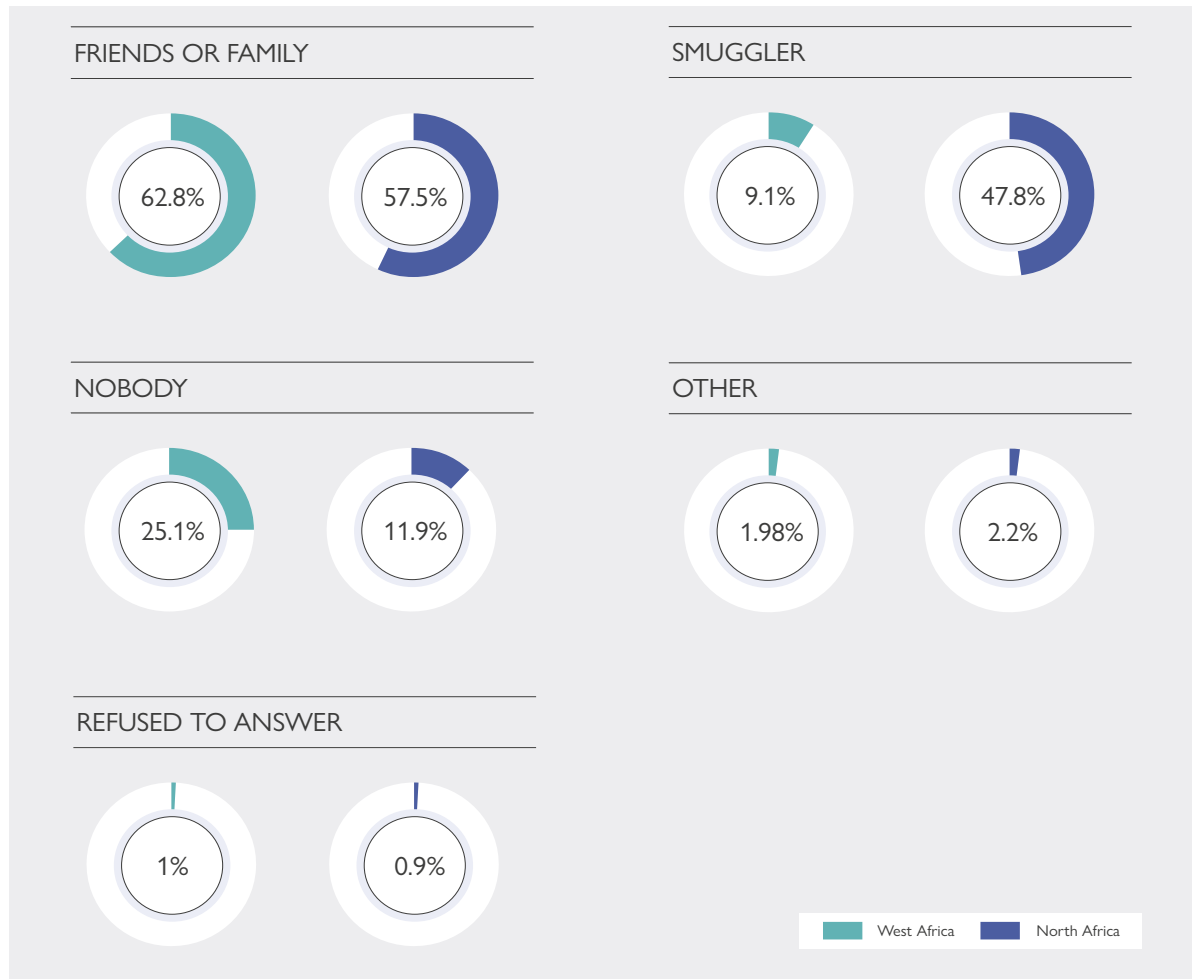
When respondents were queried about who encouraged them to migrate, those in North Africa were more often (48%) encouraged to move by a smuggler than those interviewed in West Africa (9%), who were more often encouraged to move by friends or family. Considering that the majority of respondents interviewed in Libya are West African, this difference could be attributed to a few different factors. Respondents interviewed in West Africa are more likely to include people intending to move just within the region and not requiring the services of

⁶ Interview with (male) Nigerian smuggler based in Sabha, December 2018.

⁷ See for example MMC (2020).

a smuggler, while those intending to move to Libya or onward to Europe knew from the onset they would likely need a smuggler at some point. Indeed, of the West African respondents who said that a smuggler encouraged their movement, 71 per cent reported an intended destination of Libya and/or a European country.⁸

Figure 17.5. Who encouraged you to start your migration journey?

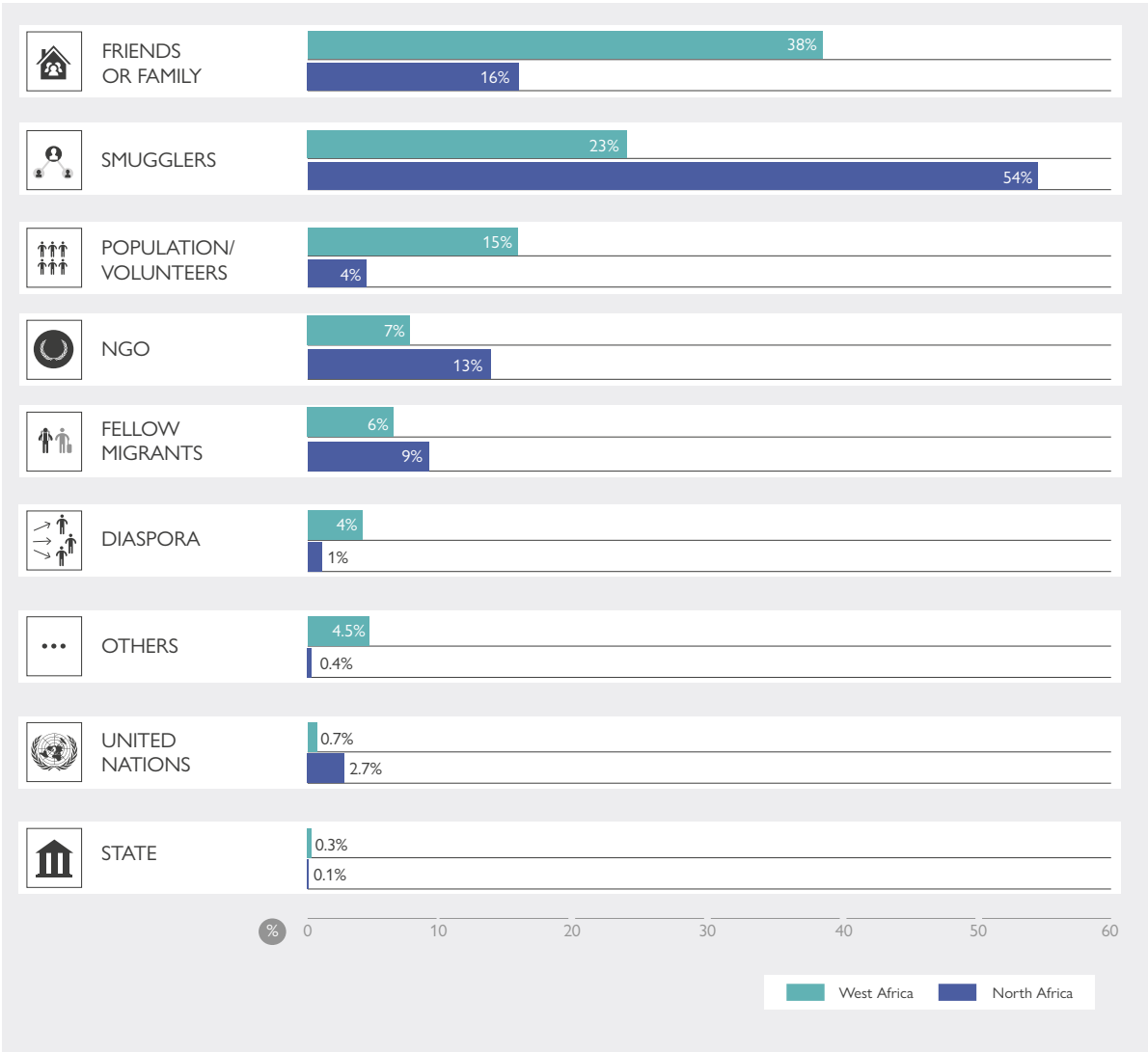


When asked about the main providers of “services”⁹ along their journeys, refugees and migrants surveyed in North Africa reported that smugglers were their main providers of services (53.6%). Smugglers were the second most cited providers of services in West Africa (23.5%), after friends and family (37.7%). It should be noted, however, that such assistance was not provided freely, but was often included in the cost of the smugglers’ fees. The high score for smugglers may be partly explained by the unauthorized nature of smuggling, which means that few if any other actors have access to these people on the move in certain locations along the route. This fact in itself contributes to the increased vulnerability of refugees and migrants during the journey.

⁸ On the West Africa 4Mi survey, this is a multiple choice question.

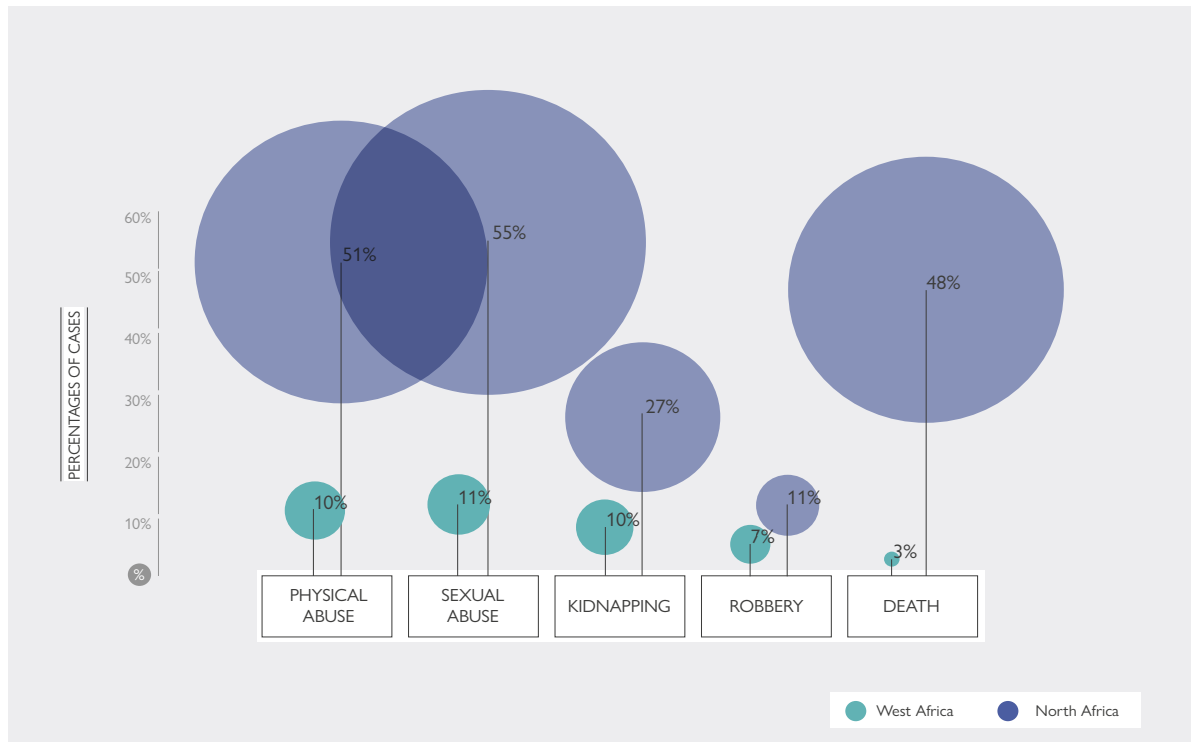
⁹ Services includes shelter, food, water, washing facilities, clothes and shoes, medical assistance, psychosocial support, legal assistance, help to access money transfer services, blankets and sleeping bags.

Figure 17.6. Who was the main provider of the assistance?



That refugees and migrants cite smugglers as main providers of services is not to say that smugglers can be compared with other actors whose mandate is to provide support to people on the move, or that smugglers do no harm to refugees and migrants. When examining perpetrators of abuse (sexual/physical abuse, robbery, kidnapping or detention) along a migrant’s journey, smugglers are often cited as one of the main actors in North Africa (41%). The share is lower in West Africa (9%), although it is important to note that there is a great regional variance in the proportion of overall protection incidents attributed to smugglers (45% for the Niger versus 6% for Mali). Other reported perpetrators include groups of criminals, police and other migrants, among others. Thus, refugee and migrant data nuance smugglers’ stated motivations for participating in the sector – helping refugees and migrants in need of passage. Figure 17.7 provides the full breakdown of protection incidents reported to have been perpetrated by smugglers.

Figure 17.7. Breakdown of protection incidents reported to be perpetrated by smugglers



Additionally, as mentioned at the start of this chapter, MMC research surrounding protection incidents highlights the sometimes blurred lines between smuggling and trafficking. In some instances, when discussing their experiences with smugglers, respondents described situations of exploitation and situations in which respondents' consent was violated, which more nearly describes situations of trafficking. For instance, findings from Libya detail situations in which young women cite being forced into prostitution by their smugglers. A Nigerian woman stated:

Before we left Sabha, one of the smugglers carried us to his house to sleep till the second day. As we got [there], the man started behaving abnormally. He locked four of us ladies in one room and told us to remove all our clothes for him to see our naked bodies so that he can choose the best among us. He was using pistol gun to harass us violently (MMC, 2019).

Similar cases have been noted in certain regions of West Africa. For example, in Gao (central Mali), findings from focus group discussions revealed that some refugees and migrants are confined to ghettos, with their identities or travel documents seized and their journeys to other destinations systematically delayed, indicating a clear trafficking network where the document seizure is used to exercise control over the refugees and migrants (Golovko, 2018). An Ivorian woman interviewed in Gao reported:

I have heard that women are raped in the houses where smugglers shut migrants. I did not go through that personally. However, the smugglers took my money away by force, they took everything I had... Even if we complain to the police, there will be no follow-up, because the smugglers work with the security forces.¹⁰

¹⁰ Interview with migrant, Gao drawn from Mixed Migration Centre's *Navigating borderlands in the Sahel* (2019).

17.4. Implications for programming

- International non-governmental organizations focused on migration can identify and strengthen local civic initiatives that work towards shifting their communities away from smuggling activities. The provision of alternative livelihood activities for smugglers may reduce their involvement in the sector.
- Improve monitoring and accountability for migration programming: Continuous and ex-ante human rights impact assessments are necessary for all policies, programmes, and technical assistance measures aimed at addressing irregular migration and dismantling smuggling and trafficking networks as recommended by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Recommended Principles and Guidelines on Human Rights at International Borders (OHCHR, n.d.). Additionally, in the absence of an agreement for a national unity Government based in Tripoli, the European Union and its member States should support international and Libyan organizations that are working to monitor human rights violations on the ground, including those perpetrated by smugglers.

17.5. Implications for policy

- Move away from security and containment-focused policies: As almost a third of surveyed smugglers (76 of 245) cited stricter border measures as a factor in increasing demand for smuggling. Such policies not only increase the number of refugees and migrants using smugglers, but also may increase their exposure to protection incidents.
- Move towards increasing legal pathways for movement: Criminalizing smuggling without increasing legal pathways for mobility overlooks the fact that the demand for mobility will continue to exist. Legal channels for movement include: expanding options for circular labour mobility at all skill levels, granting humanitarian visas, creating humanitarian corridors between transit countries and Europe, increasing family reunification programmes, and developing complementary protection pathways through higher education.

17.6. Implications for both programming and policy

- Acknowledge shifting identities: The distinction between people on the move and their smugglers is less clear cut than the way it is often portrayed in public discourse and anti-smuggling policies. Smugglers surveyed in Libya are migrants, themselves, and some reported engaging in the sector as a means of funding their own travel. Additionally, smugglers have different profiles, which warrants a more nuanced policy approach that moves beyond criminalization (while some smugglers are committing sanctionable abuses, not all smugglers are reported to be committing abuses) (MMC, 2018).
- Increase data availability, access and detail: Policy and programming responses to mixed migration need to account for the complex and nuanced nature of movement processes. To date, data on migrant and smuggler interactions are not representative or exhaustive of the many and varied contexts. International agencies monitoring migration still largely collect stock data, without accounting for many of the experiences and risks of refugees and migrants on the move, particularly those who move with smugglers. More qualitative instruments should be deployed to further understand the complexity of the many facets of migration journeys. Specific thematic data gaps requiring additional qualitative and quantitative data collection include: protection concerns on shifting routes, vulnerabilities of women and children, protection incidents in the desert, discriminatory legislative frameworks and practices in countries along the route, and effects of European policies on migration in transit countries.
- Place human rights at the centre of all approaches: The human rights of refugees and migrants should be at the centre of legal practices and policy measures on smuggling, taking into account the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (OHCHR, n.d.). These principles recommend that legislative provisions be proportionate and that criminal penalties be applied, where appropriate, for offences committed against migrants at international borders.