

Euro-African Dialogue on Migration and Development
Thematic Meeting on Trafficking in Human Beings and Migrant Smuggling
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Trafficking in Persons and Migrant Smuggling

Information document

Introduction

This information document aims at presenting a concise overview of the two phenomena of trafficking in persons and smuggling of migrants and how they are defined by international legal instruments, underlining the main constitutive elements of the two crimes and the differences as defined in legal terms. It also endeavors to outline briefly some data on the two phenomena and recent developments relevant for the Porto Thematic Meeting.

International Legal Definitions

Trafficking in persons and migrant smuggling are serious forms of crime that affect every country in the world. According to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)¹, trafficking in persons is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Art. 3).² Three constitutive elements are necessary to define the crime of human trafficking: The act, the means and the purpose. All three elements must be present for an offence to be classified as trafficking in persons.

The TIP Protocol addresses the issue of consent indicating that even though a person may have expressed some form of consent, that expression becomes irrelevant if any of the means spelled out in Art. 3 (b) of the Protocol have been used. In the case of children, the recruitment, transport, transfer, harbouring or receipt of a child for the purpose of exploitation is to be considered trafficking regardless of the means used (Art. 3 (c)).

The *Protocol against the Smuggling of Migrants by Land, Sea and Air* supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), defines migrant

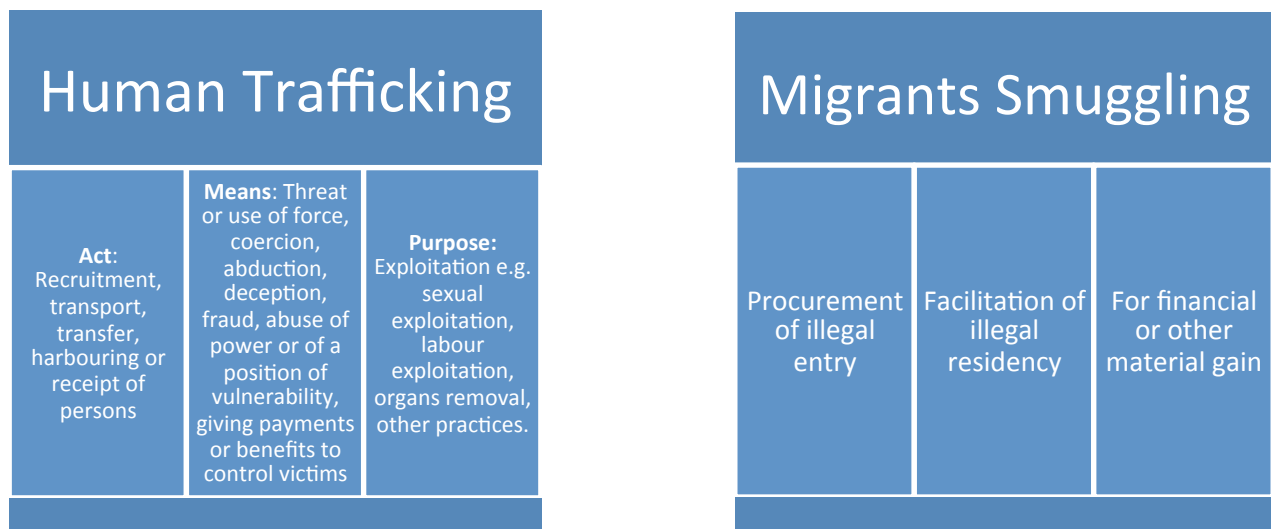
¹ *United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNTOC)*, UNODC, New York, 2004.

² *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, UNDC, New York, 2004.



smuggling 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”³ and requires States to criminalise conducts “enabling a person to remain in a country where the person is not a legal resident or citizen without complying with requirements for legally remaining by illegal means”, as well as to establish as aggravating circumstances acts that endanger the lives or safety or entail inhuman or degrading treatment of migrants (Art. 6). The constitutive elements of the crime of migrant smuggling are: The procurement of illegal entry or the facilitation of illegal residence of a person into or in a country of which that person is not a national or permanent resident for the purpose of financial or other material benefit.

Picture 1: Constitutive Elements of Human Trafficking and Migrant Smuggling



It is important to stress that the SOM Protocol provides that “migrants shall not become liable to criminal prosecution” (Art. 5). Hence the Protocol mandates that the migrants themselves must not be held responsible for the crime of smuggling by virtue of having been smuggled. What is criminalized by international legal instruments is the conduct of those who profit from the business of smuggling, for financial or other material gain, and not the people being smuggled or individuals and organizations that may be acting on humanitarian grounds.^{4 5} It is also important to note that according to article 31 of the 1951 Refugees Convention and article 19 of the Migrant Smuggling Protocol, refugees, who often have to turn to smugglers to flee prosecution, conflict or serious human rights violations, should not be criminalized or penalized for having relied on smugglers or for their illegal entry.

³ *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, New York, 2004.*

⁴ UNODC, Issue Paper - A Short Introduction to Migrant Smuggling, 2010.

⁵ At the EU level, the *Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence* defines two specific offences related to the facilitation of irregular migration: a) the intentional assistance of a person who is not an EU national, to enter, or transit across, the territory of a Member State in breach of the laws of the State concerned on the entry or transit of aliens; b) the intentional assistance, for financial gain, of a person who is not a national of a Member State to reside within the territory of a member State in breach of the laws of the State concerned on the residence of aliens. In line with the SOM Protocol, it also indicates that Member State may decide not to impose sanctions for cases where the aim of the behaviour is to provide humanitarian assistance to the person concerned.

Relation between Trafficking in Persons and Smuggling of Migrants

Trafficking in Human Beings and Migrant Smuggling may be in some cases linked to each other. Criminals may traffic and smuggle individuals using the same routes and transport methods.⁶ As highlighted in the *EU Action Plan against Migrant Smuggling*, “the two phenomena are not easy to disentangle as persons who start their journeys in a voluntary manner are also vulnerable to networks of labour or sexual exploitation”.⁷ Furthermore, smuggled migrants may be subject to serious violence and abuse during their journey. Emerging trends seem to indicate an increased vulnerability not only of migrants but also of refugees, who turn to smugglers to escape conflict or persecution.⁸ The sharp rise in the number of migrants being smuggled from African countries into the EU by boat and the dramatic increase in the number of deaths at sea has become a serious concern in public debate and policy fora. It is estimated that in 2014, almost 3 300 migrants lost their lives trying to cross the Mediterranean Sea. This represents 78% of the total amount of reported migrant deaths in the world. IOM estimated that the total number of migrant deaths may reach 30 000 in 2015. While this makes the issue of protection ever more complex, it is important to stress that trafficking and smuggling represent distinct crimes that are defined through different legal instruments and need to be addressed through specific actions and strategies.⁹

Elements that distinguish human trafficking from migrant smuggling

- The transnational dimension of the crime: Smuggling of migrants is transnational by definition as border crossing is one of its constitutive elements. Trafficking in persons may also happen within the borders of a state.
- Exploitation: The relation between the smuggler and the smuggled migrant is not aimed at exploiting the migrant, although episodes of exploitation may happen along the route. Exploitation is the purpose of trafficking in persons and a constitutive element of the crime.
- Consent: Migrant smuggling entails the consent of the person who is being smuggled. In human trafficking cases, exploitation and the abusive means of traffickers render consent irrelevant.

Table 2 – Elements that help distinguish trafficking in persons from smuggling of migrants

<i>Required elements</i>	<i>Trafficking in persons</i>	<i>Migrants smuggling</i>
<i>Transnationality</i>	<i>No</i>	<i>Yes</i>
<i>Exploitation</i>	<i>Yes</i>	<i>No</i>
<i>Consent</i>	<i>No/Irrelevant</i>	<i>Yes*</i>

*Cases of individuals forcibly smuggled are reported.

⁶ UNODC, *Toolkit to Combat Smuggling of Migrants*, Vienna 2010.

⁷ European Commission, *EU Action Plan against migrant smuggling (2015-2020)*, Brussels, 27.5.2015 COM (2015) 285 final.

⁸ Aziz, N. A., Monzini P., Pastore F., *The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean*, October 2015.

⁹ Among the relevant international legal instruments, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families General Assembly resolution 45/158 which entered into force on 1 July 2003. Article 68 is relevant to smuggling of migrants and related crimes.

Trends and Patterns in the Region of the Rabat Process: A Quick Look at Existing Data

This section provides a very short overview of trends and patterns in the region and is based on limited data, partly due to data gaps and partly to time constraints. The section can in no way be considered exhaustive.

Trafficking in persons and migrant smuggling are complex phenomena that are at the centre of numerous conceptual debates. Empirical research provides some insight into the two phenomena, but quantitative data is scarce and patchy and estimates on the scope of the trafficking in persons and smuggling of migrant are debated.¹⁰ While the reporting of official data on trafficking in persons has improved in the past few years, there are still countries and regions for which data on human trafficking is not available or very limited. Europe, as well as Central Asia and the Americas provide solid data to allow for detailed analyses, while Asia, the Pacific, the Middle East and Africa have significant gaps in terms of data quality and quantity.¹¹ Research on smuggling of migrants seems to have focussed mostly on Europe and North America until recently, while little data and analysis is available on the phenomenon elsewhere.¹² Efforts to improve and harmonise data collection are needed for both phenomena to develop effective policies and interventions.

Migrant Smuggling

Scope of migrant smuggling – Though smuggling cannot be recorded easily nor systematically, it is worth looking at the latest data on irregular migration at EU level. According to a recent study carried out by ICMPD, more than 280 000 people were detected illegally crossing the border in 2014 taking into consideration sea, land and air routes together. This is an increase by 164% compared to 2013. About 220 000 irregular migrants were detected at the EU sea borders in 2014. According to IOM, in the first five months of 2015, more than 100 000 migrants have arrived in Europe by boats. The majority arrived on the shores of Italy and Greece, mostly through Libya and Turkey respectively. It is not known what percentage of illegal stayers were facilitated by a smuggler, though the majority of irregular migrants detected crossing the border irregularly is believed to have been smuggled into the EU.¹³

The numbers of detections of illegal stay within the EU are much higher than the number of detections of illegal entry into the EU. In 2014 more than 440,000 migrants were found to be residing illegally in the EU.¹⁴ Smugglers are likely to serve part of this market too e.g. provision of false or forged documents.

While in the EU, significant efforts have been made in the past 15 years to improve the quality, reliability and comparability of statistical data on irregular migration, similar data for other regions are not available. A recorded trend points out that North Africa has become not only an important origin and transit region but also increasingly a destination for international migration served by smuggling networks.¹⁵

¹⁰ UNODC is testing a new methodology to improve global estimates of victims of trafficking in persons. United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2014*, Vienna 2014.

¹¹ UNODC, *GLOTIP*, *op. cit.* 2014, *ibid.* p. 19.

¹² UNODC, *Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications*, Vienna, 2011.

¹³ EC, *A study on smuggling of migrants. Characteristics, responses and cooperation with third countries*, September 2015.

¹⁴ *Ibid.* p.22

¹⁵ UNODC, *Smuggling of migrants into, through and from North Africa. A Thematic Review and Annotated Bibliography of recent publications*, Vienna, 2010, p. 6.

Routes – Routes tend to change rather quickly based on a number of factors including law enforcement strategies. On the contrary, hubs can grow in importance over longer periods of time and become nodes connecting changing routes by virtue of their reputation as a market place for smuggling services. Recent research indicates that it is possibly the hubs that shape the routes.¹⁶ Currently the main sea route into the EU is the Central Mediterranean, with 170 664 migrants detected at the sea border in 2014 (277% increase compared to 2013). The second important sea route is the Eastern Mediterranean, with 44 057 detected migrants at the sea border in 2014 (272% increase compared to 2013). The main land route is the Western Balkan route with 43 357 detected migrants at the European land borders. This route has increased by 117% over the last year. The Eastern Mediterranean route over land (crossing the border from Turkey to Greece and Bulgaria) has decreased by almost 50% over the last year.¹⁷

Profile of migrants – The vast majority of international migrants are estimated to be adult males, although a feminization process and a broadening of the range of ages and backgrounds of smuggled migrants is under way. In terms of socio-economic background, trends reported in Europe, North Africa and West Africa indicate that in addition to low-skilled persons from poor backgrounds, there is a growing number of well-educated and skilled young people among smuggled migrants and the percentage of women, as well as under-age and refugees is on the increase among smuggled populations.¹⁸

The majority of migrants detected when illegally crossing the EU border in 2014 were male (71%) and 11% were female (for the remaining 18%, the gender is unknown). Of the number of migrants illegally crossing the border, 15% were minors (83% were adults, for the remaining 2% the age is unknown). There is a lack of specific insights into vulnerable groups e.g. women, unaccompanied minors and refugees, though they seem to account for a growing proportion of the total of smuggled migrants.¹⁹

The Profile of Smugglers - There is a critical lack of information about smugglers' profiles. The potential involvement of women and minors in activities related to the smuggling of migrants is generally overlooked and should be further investigated.²⁰

Smuggling Networks - In terms of organizational structures, there is a certain consensus on the so called 'enterprise model', i.e. large numbers of smaller, flexible criminal groups or individuals that interact when necessary and profitable. The question of their link with organized criminal organizations remains controversial. However available research highlights that increasingly sophisticated networks have replaced small-scale businesses in regions where law enforcement strategies to combat the smuggling of migrants are particularly robust.²¹ The assessment of the modus operandi used by networks involved in the smuggling of migrants around the world is partial. Although North America and Europe—and to some extent North and West Africa—are relatively well covered, there is little information available about Latin America, East and Central Asia and eastern and southern Africa.

¹⁶ Ibid. p. 30-36.

¹⁷ Ibid. p. 45.

¹⁸ UNODC, 2011, *op. cit.* p. 41-42.

¹⁹ UNODC, A Global Review and Annotated Bibliography of Recent Publications, Vienna, 2011. P. 39-42.

²⁰ Ibid. p. 45-55.

²¹ Ibid. p. 67-68.

Smuggling Fees – What appears from available data is a highly segmented market that offers different packages to different target clients. Services are targeted to the financial availability of the migrants and may range from very simple services to rather sophisticated packages.²²

Social media has developed into the main means of communication for many migrants and for smugglers to advertise their services.²³

Trafficking in Persons

According to the UNODC 2014 Global Report on Trafficking in Persons, in the region covering data from Africa²⁴, some 53% of identified trafficked victims are subject to sexual exploitation, 37% to forced labour, and the remaining 10% of victims were subject to other forms of exploitation, among which exploitation in armed conflict and domestic servitude. About 70 per cent of the detected victims globally over the 2010-2012 period were trafficked cross-border, but only 27% of such cases was trans-regional, i.e. most cases of trafficking detected happen within the same region.²⁵

Western and Central Europe is the only region to detect victims from every other region in significant numbers. According to EUROSTAT, out of 14 477 victims of trafficking identified and presumed in the EU over the period 2010-2012, 2 951 were from Africa.²⁶ West African victims have been detected in 20 countries across most of Western and Central Europe. The presence of a well-organized structure is likely to be behind the flow given its relevance and endurance.²⁷ Trafficked persons from other parts of Sub-Saharan Africa have also been detected. Moreover, victims from North African countries, especially from the Maghreb, are detected in limited numbers but in different countries.²⁸ In Western and Central Europe, there is a prevalence of trafficking cases related to sexual exploitation. Most victims identified are adult women.

In Sub-Saharan Africa²⁹, domestic and intraregional trafficking are the main type of trafficking detected and account for more than three quarters of the total number of detected victims in the region. Sub-Saharan Africa reports the highest number of cases of child trafficking in the world, affecting both boys and girls in more or less equal numbers. Trafficking of children into armed combat is also detected in many countries in the region.

In North Africa the trends are substantially different from West and Central African countries as most victims detected are adults.

²² Ibid. p. 94-100.

²³ ICMPD, 2015, *op. cit.* p. 36-37.

²⁴ Data is aggregated for North Africa, sub-Saharan Africa and the Middle East. UNODC, GLOTIP, 2014, *op. cit.*

²⁵ UNODC, 2014 *op. cit.* p. 38.

²⁶ Eurostat, *Trafficking in Human Beings. 2015 Edition*. Eurostat Statistical Working Papers, p. 97. Available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf [Accessed on 12/11/2015].

²⁷ UNODC, GLOTIP, 2014, *op. cit.*

²⁸ Ibid. pp. 81-86.

²⁹ Ibid. p. 65

Trafficking in Persons in West Africa

ECOWAS Member States have made efforts to improve anti-trafficking data collection. This section summarises briefly data provided in the ECOWAS Annual Synthesis Report on Trafficking in Persons (Years 2010-2012).³⁰

International trafficking takes place to a large extent within the ECOWAS region, with all ECOWAS Member States other than Cape Verde reporting on their citizens being trafficked to other Member States, and/or on citizens of other Member States being trafficked to their country. Many offenders are foreigners from the same region. Convictions for human trafficking are very low.

Outside of the region, ECOWAS citizens have been trafficked to the Middle East, Europe Turkey, Russia, other sub-Saharan African countries (e.g. Gabon, Mauritania, Congo-Brazzaville and Sudan); North Africa, USA, China, Vietnam, Malaysia, India and Asia.

The most commonly reported forms of trafficking in the region include child labour, child domestic servitude, labour exploitation in agriculture, quarries and mines, and exploitation in street hawking, as well as sexual exploitation, child soldiering, exploitation in ritual purposes, the trafficking of *talibé* children for forced begging, and trafficking of rural Liberian children for illegal adoption.

The focus of anti-trafficking policies in the region is on children and to a lesser extent, women who are trafficked for sexual exploitation. The need to address also trafficking of men is being increasingly raised as an area worth addressing.³¹

Latest Developments on Responses in the Region

Trafficking in persons and smuggling of migrants are important policy areas in the region of the Rabat process. In the Rome Declaration and in particular the Rome Programme annexed to it, approved during the 4th Euro-African Ministerial Conference on Migration and Development that took place in Rome on 27th of November 2014, international protection has become the 4th thematic pillar of the process. Emphasis has been placed on two priority topics: The link between migration and development and the prevention and fight against irregular migration and related crimes, including combating THB and migrant smuggling.³²

Furthermore, the *Valletta Action Plan* recently approved on the occasion of the Valletta Summit on Migration on 11 and 12 November 2015, identifies the prevention and the fight against irregular migration, migrant smuggling and trafficking in human beings as one of the 5 key priority domains for cooperation in the field of migration. In the field of trafficking and smuggling, the Valletta Action Plan identifies the following elements for further cooperation:

- Support in drafting and implementing appropriate legislative frameworks in line with the UN Convention against Transnational Organised Crime, UN Protocols on Smuggling of Migrants and on Trafficking in Persons;

³⁰ A new report with the latest data is in preparation.

³¹ ICMPD, *Counter-Trafficking Baseline Assessment*, developed within the framework of the FMM West Africa Project, 2014.

³² *Rome Declaration and Rome Program*, Rabat Process, Rome, November 2014.

- Preventing and addressing irregular migration and fighting organised crime, such as migrant smuggling and trafficking in human beings;
- Protection, support and/or assistance to stranded/vulnerable migrants, refugees and victims of trafficking;
- Intelligence gathering as well as information and intelligence sharing;
- Operational police and judicial cooperation;
- Communication networks between EU and African countries to support maritime surveillance and save lives at sea.

Ratification of the UN Trafficking in Persons and Smuggling of Migrants Protocols

This section quickly reviews the status in terms of ratification of the main international legal instruments of reference i.e. the UN Trafficking in Persons Protocol and the Smuggling of Migrants Protocol supplementing the UN Convention on Transnational Organized Crime (UNTOC). It also offers a quick overview of some recent initiatives in the region, including the latest EU policy developments and initiatives and some new tools, such as new Regional Action Plans that may be of particular relevance for the process.

In the fight against transnational crimes, lack of adequate legislation hinders the capacity to operate effectively not only at country level, but also at regional and international level. The ratification of international legal instruments is therefore the first step to provide the necessary legal basis to fight the crimes of trafficking in persons and smuggling of migrants, whose transnational nature requires effective international cooperation.

Out of 56 countries participating in the Rabat Process, 51 have ratified and one country has signed but not ratified the UN Trafficking in Persons Protocol; 49 countries have ratified and two have signed but not ratified the UN Smuggling of Migrants Protocol. While many countries have introduced legislation criminalizing trafficking in persons, some countries in the region still lack legislation altogether or have legislation that covers only some victims or certain forms of exploitation.³³

It is not possible to provide an overview of legal instruments in the area of migrant smuggling in this report. It is worth mentioning that recently the Nigerien government has adopted a law against migrant smuggling (May 2015). The new law represents a key legislative measure in Africa targeting specifically the smuggling of migrants.

The EU response to trafficking in human beings and smuggling of migrants

At EU level, the European Agenda on Migration, adopted by the European Commission on 13 May 2015, sets as a priority to respond to the ongoing crisis and human tragedy in the Mediterranean by protecting those in need and targeting criminals which exploit vulnerable migrants. The Agenda identifies the fight against migrant smuggling as a priority in order to prevent the exploitation of migrants by criminal networks and reduce incentives to irregular migration. It also defines immediate steps to strengthen the partnership with third countries and put in place concrete measures to prevent hazardous journeys, e.g. the set up of Regional Development and Protection Programmes in North Africa and the Horn of Africa, as well as by building on the existing one in the Middle East; a pilot multi-purpose centre in Niger by the end of the year with the support of the International Organisation for Migration (IOM), the

³³ UNODC, GLOTIP, 2011, p. 12.

UNHCR and the Niger authorities. The centre will combine the provision of information, local protection and resettlement opportunities for those in need and offer assisted voluntary return options for irregular migrants; and the inclusion of migration as a component of the Common Security and Defence Policy (CSDP) missions already deployed in countries like Niger and Mali, which will be strengthened on border management. These measures are to be connected to broader political initiatives to promote stability in Libya, Syria and to help Syrian refugees in countries like Lebanon, Jordan, Turkey and Iraq.

The European Agenda on Security, adopted by the Commission on 28 April 2015, also singles out cooperation against the smuggling of migrants inside the EU and with third countries as a priority in the fight against organized crime networks.

The recently approved *EU Action Plan against Migrant Smuggling (2015-2020)*³⁴ sets out the specific actions necessary to implement the two Agendas in this area and incorporates the key actions already identified.

The fight against trafficking in human beings is an important policy area in the EU. Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, which replaces the Council Framework Decision 2002/629/JHA, sets the standards for anti-trafficking responses in the EU adopting an integrated, holistic and human rights centred approach.³⁵ The *EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)*³⁶ is to be updated in line with the Agendas.

An essential role in the field of the fight against trafficking in human beings at the EU level is played by the EU Anti-Trafficking Coordinator. Foreseen at first in the Stockholm Programme and further developed through the Anti-Trafficking Directive, the Anti-Trafficking Coordinator supports coordination and coherence among EU institutions, EU agencies, Member States and international stakeholders in the fight against human trafficking. The EU Anti-Trafficking coordinator also fosters the development of policies and instruments to address human trafficking in the EU and monitors the implementation of the *EU Strategy towards the Eradication of Trafficking in Human Beings*. In addition, the Coordinator promotes the coherence of the EU external policy against trafficking in human beings in coordination with EU institutions, EU agencies, EU Member States and all relevant stakeholders operating in this field.

Always at the EU level, the Council Conclusions adopted on 4 June 2009 invited all Member States “to participate in an informal and flexible EU network of National Rapporteurs or Equivalent Mechanisms (hereinafter “the network”) in order to improve the understanding of the phenomenon of trafficking in human beings and provide the Union and its Member States with objective, reliable, comparable and up-to-date strategic information in the field of trafficking in human beings”³⁷. The network meets every year with the support of the European Commission and fosters the exchange of reliable data and strategic information, as well as good practices in the field of trafficking between EU Member States and at the EU level.

³⁴ European Commission, *EU Action Plan against migrant smuggling (2015 - 2020)*, Brussels, 27.5.2015. COM(2015) 285 final.

³⁵ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

³⁶ European Commission, *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016*, Brussels, 19.6.2012 COM(2012) 286 final.

³⁷ *Council Conclusions, on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings*, adopted on 4 June 2009.

The EU Anti-Trafficking Coordinator takes part in the meetings of the EU network of National Rapporteurs or Equivalent Mechanisms.

ECOWAS Anti-Trafficking Efforts

In West Africa, ECOWAS Member States signed a *Declaration on the Fight against Trafficking in Persons* in 2001 and adopted regional *Plans of Action against Trafficking in Persons* since 2002. An ECOWAS Anti-Trafficking Unit (TIP Unit) has been established under the Department of Humanitarian and Social Affairs of the Commission.³⁸ The TIP Unit supports Member States in the development of harmonised policies, strategies and legal instruments. Its priorities are also enhancing transnational policy cooperation, data collection on TIP, capacity-building of national staff, and facilitating police and judicial cooperation. It liaises with National Focal Points (NFPs) and supports ECOWAS Annual Review Meetings, which are the main tool for coordination between the ECOWAS TIP Unit and the NFPs. The Meetings are aimed at monitoring and evaluation, but also entail information sharing and capacity building activities.

Most ECOWAS countries have introduced legislation and adopted action plans against trafficking in persons. In some countries the focus is exclusively on child trafficking, while provisions and measures on adult trafficking are lacking. Some protection mechanisms for victims of trafficking are in place in most Member States, however the implementation of protection measures remains limited and mostly relies upon the role of civil society.

Regional Strategies in North and West Africa

UNODC has recently adopted a strategy to strengthen the capacity of North African states to develop their response against smuggling of migrants in the Mediterranean Sea, as well as a Regional Strategy for Combating Trafficking in Persons and Smuggling of Migrants in Western and Central Africa (2015-2020). The strategy takes into account the ongoing discussions conducted in the framework of various international initiatives against trafficking in persons and smuggling of migrants including the Rabat Process. In particular, it aims at providing information on its results to support consultations and future decision-making of the Rabat Process in the two areas of trafficking in persons and smuggling of migrants.

Conclusions

The rising number of deaths of people seeking to reach Europe by crossing the desert and the sea has become a humanitarian emergency and a serious policy concern that requires joint action to be addressed. The countries participating in the Rabat Process are confronted with the challenge, and at the same time the opportunity, to define joint measures to tackle the crimes of trafficking in persons and smuggling of migrants.

In the fight against trafficking in persons, it is key to design comprehensive responses centered on human rights protection of victims and on strong partnerships that involve both State actors and civil society in a mutually supportive role. Protecting victims' rights is at the core of the fight against trafficking for all the actors involved, whether they are criminal justice authorities or service providers. Devising multi-disciplinary interventions, with the support of realistic and well-designed strategies and action plans, as well as shared operating procedures for identification and referrals, is an important step to advance on the process.

³⁸ ECOWA (forthcoming), *Annual Synthesis Report on Trafficking in Persons, Reference Years 2012-2013*.

On the front of combating migrant smuggling, it is important for States to start collaborating more closely and devise shared and coordinated criminal justice responses capable to dismantle smuggling networks. It is increasingly apparent that attention must be paid to balancing off the objective of reducing irregular migration with the protection of fundamental rights of migrants.