

# GUIDELINES HRC



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## **Presentation of the Committee**

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the world. Its role is to address situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva. The last regular session held from September 12th 2022 to October 7th 2022 and the last special session held on November 24th 2022.

Human rights are rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, was the first legal document to set out the fundamental human rights to be universally protected and its 30 articles continue to be the foundation of all international human rights law.



## **Topic 1 : Managing the Integration of Climate-Induced Refugees: Strategies for Resettlement and Adaptation**

**A climate refugee** is a person forced to leave his or her country because of a climatic disaster, or more precisely because of global warming.

The "climate refugee" is thus included in the term "environmental refugee". A 1985 report by the **United Nations Environment Programme (UNEP)** defines a climate refugee as someone forced to leave their home temporarily or permanently, due to an environmental disruption (natural or man-made) endangering their existence or seriously affecting their quality of life. As highlighted by this definition, the word climate refugee refers to an emergency climate situation. In fact, since prehistoric times, our ancestors have always migrated according to the seasons in order to hunt or pick their food. Thus, migration linked to environmental transformations is ancestral.

However, the category of "climate refugee" underlines intensification of **extreme climatic disasters**. Indeed, the term "refugee" indicates that they are in imminent danger of death if they do not flee from their homes. So, even though migrations due to the environment are ancestral, the word "climate refugee" is more recent and refers to the increasing number of climatic disasters directly or indirectly related to climate change and that are threatening a growing number of lives across the globe. Some researchers argue that climate change does not in itself cause migration, but rather exacerbates difficult living conditions combined with environmental disasters.



According to the International Organization for Migration (IOM), climate-related disasters could displace around **250 million people** by 2050. Regions at risk include sub-Saharan Africa due to drought, South and Southeast Asia exposed to typhoons and tsunamis, and small island states facing rising sea levels.

## What is a Climate Refugee?

There is not a legal definition of climate refugee, in fact this word is an abuse of language for various reasons. First, the term "refugee" implies leaving one's country of origin, whereas the majority of climate-related migrations today are internal displacements. Second, the term "refugee" has a precise legal definition under international law. **Article 1 of the 1951 Geneva Convention** relating to the Status of Refugees, ratified by 145 countries, defines a refugee as "a person outside his country of nationality or habitual residence, who owing to his race, religion, nationality, membership of a particular social group or political opinion, has a well-founded fear of persecution and is unable to avail himself of the protection of that country, or owing to such fear, is unable to return to it".

Some concrete consequences of this definition are that, under the Geneva Convention, refugees cannot be returned to their country of origin, unlike undocumented migrants. The founding of **the UNHCR (United Nations High Commissioner for Refugees)** by the UN in 1950, has accelerated the recognition of the situation of refugees. The 145 signatory countries of the Geneva Convention - including the countries of the European Union - have pledged to welcome and protect them. UNHCR works closely with governments by advising and supporting them, so they meet their responsibilities.

For states, a refugee is a person who has applied for asylum and been granted it after proving that his or her life is seriously threatened in his or her own country.

A refugee is a person fleeing war or persecution by crossing an international border. Victims of conflict who leave their homes but remain within their own country are called displaced persons.

So, since “climate refugees” have no legal definition and are not granted the same rights regular refugees have, we can say that extending the notion of refugee to the victims of climate change is an abuse of language and, as a matter of fact, we should use this word carefully.

## **What are the Principal Causes of Climate Induced Migration?**

### **Natural Disasters**

Natural disasters are the leading cause of **forced migration**. According to the Internal Displacement Monitoring Centre (IDMC) database, between 2008 and 2022, they were responsible for the internal displacement of **32.6 million people** from 148 countries and territories.

Floods are the main cause of forced displacement. **Every year 17.8 million people worldwide** could become climate refugees due to floods. One of the reasons explaining the cause of recurring floods are the rising sea levels and coastal erosion which are partly explained by climate change and human activities that are particularly threatening low-lying coastal areas.

For instance, in summer 2022, **Pakistan** had to cope with floods on an unprecedented scale, destroying homes, businesses, bridges, roads and agricultural crops, and causing numerous deaths.

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The second natural disaster causing forced displacement are cyclones, typhoons and hurricanes affecting **100 million people** between 2010 and 2021 - particularly in Asia, where tropical cyclones account for 80% of storm-related forced displacement. Over the same period, earthquakes and tsunamis increased the number of climate refugees by 10.2 million and volcanic activity by 1.6 million. Extreme drought is also a cause of migration.

## Global Warming

Climate change is the second major cause of forced migration. The effects of this phenomenon are aggravating some already existing issues such as:

- **Poverty**
- **Food insecurity:** in **Yemen**, 75% of the population depends on agriculture. Thus, floods or droughts threaten the ability of the population to meet its objectives in terms of food availability.
- **Water shortages:** droughts or other extreme weather events can reduce the water availability but also the access to water supply or can destruct the infrastructures providing water to a population.
- **Access to natural resources** essential to the survival of certain populations.

To sum it up, climate change is worsening the already difficult environmental and living conditions of certain regions and is not the only explanation for climatic migrations.

## Human Activity

Human activities such as overexploitation of natural resources (fishing, hunting, agriculture, etc.), deforestation, massive use of fossil fuels or use of chemical pollutants degrade the environment and contribute to global warming and to the increase and intensification of natural disasters.





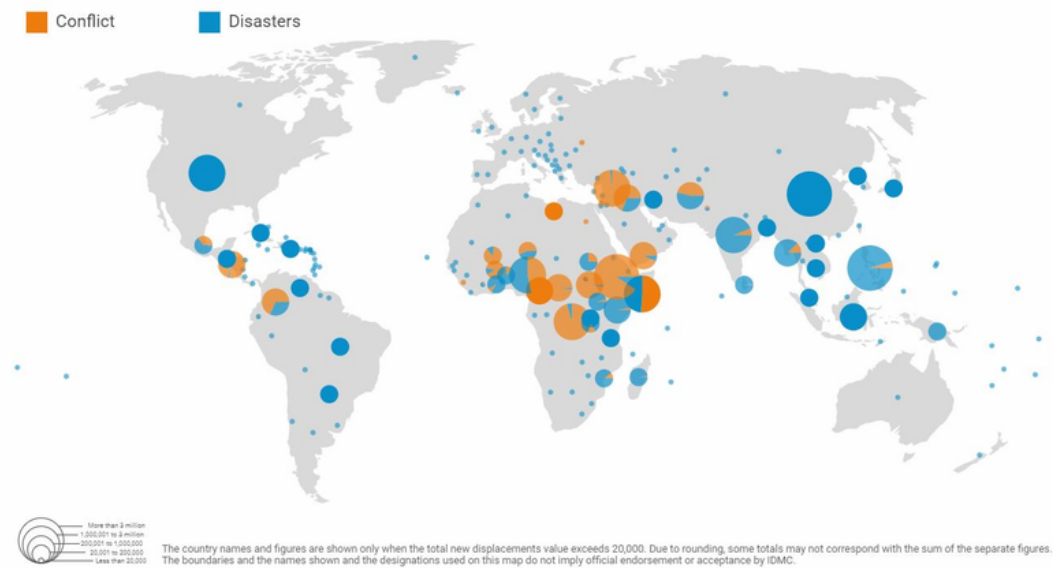
[https://cabinetnrm.com/wpcontent/uploads/2022/05/53c4756f6e\\_50164173\\_gaz-effet-serre-rechauffement-climatique-2-1536x960.jpg](https://cabinetnrm.com/wpcontent/uploads/2022/05/53c4756f6e_50164173_gaz-effet-serre-rechauffement-climatique-2-1536x960.jpg)

## Where Do Climate Refugees Come from?

According to the UN, in 2020, more than 23 million people were displaced by meteorological events. South and Southeast Asia are among the regions most affected by these population movements, due to the intensification of typhoons, floods, and cyclones in countries such as Indonesia, the Philippines, India, and Bangladesh. The African continent is particularly affected by drought and flooding. In the USA, the village of Newtok in Alaska has been forced to relocate due to melting Arctic soil and erosion. The country has also suffered fires of rare violence. In 2020, 100,000 Californians were forced to leave their homes during major forest fires. The western United States, and northern California in particular, is in the grip of violent wildfires. In summer 2021, thirteen states were affected, and more than a million hectares were destroyed. This phenomenon now occurs practically every year and is getting worse over the years.

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Very few environmentally displaced people leave their country. Most settle in towns or villages close to their place of origin, sometimes just as exposed to the risks of natural disasters. In 2020, the number of internally displaced people was twice as high as the number of refugees who had crossed a border.



<https://ach.org.uk/news-and-features/climate-change-forced-migration-biggest-refugee-crisis-yet>

## Zoom on Canada's wildfires of summer 2023

The summer of 2023 witnessed numerous forest fires in Hawaii, Greece, Tenerife and Canada where almost 14 million hectares of forest have burned, an area equivalent to the size of Greece. In 1989, the previous record year, 7.6 million hectares had burned. Last summer was a symbol of "uncertain and frightening times", to quote Canadian Prime Minister Justin Trudeau. The intensity of these wildfires once again raises the question of the influence of climate change on fire conditions.

A group of scientists brought together to measure the influence of anthropogenic changes on disasters concluded that "Wildfires are complex phenomena that are not only linked to climate, but also to vegetation, land use and human activity."



[https://beta.ctvnews.ca/content/dam/ctvnews/images/2020/9/15/1\\_5105012.jpg?cache\\_timestamp=1600164224519](https://beta.ctvnews.ca/content/dam/ctvnews/images/2020/9/15/1_5105012.jpg?cache_timestamp=1600164224519)

## **Why Does the Increase of Climate-induced Migration Represent a Challenge?**

Global warming and natural disasters have financial repercussions on the economies of affected countries, as well as household incomes. The communities hit by these situations are, in general, already vulnerable and experience difficulties to recover because of a lack of resources and sufficient government support.

Their vulnerability is a consequence of the affected countries' political and socio-economic instability so the government can't give enough support to its people. Indeed, **79% of people affected and 97% of deaths** currently linked to climate-related disasters come from developing countries.

For example, the economic losses suffered by **the Asia-Pacific region** between 2010 and 2021 amount to **\$780 billion - equivalent to 2.5% of regional GDP**.



The **integration** of these migrants (or refugees but keep in mind that it is not very appropriate to use this word because the word “refugee” has a juridic definition and refugees are granted rights while “climate refugees” have no defined rights for the moment) is also a big challenge. Indeed, hosting climate migrants also requires being able to offer them a work, social insurance, access to school for children... depending on the hosting countries. **Migrants can be stigmatized** in the hosting country, which makes their integration even more difficult.

## The Oslo Principles

**The Oslo Principles** on Global Obligations for Climate Change are a text adopted on March 1, 2015, by legal experts from different regions of the world. The Oslo Principles have been adopted to engage the responsibility of States and companies to respect their moral and legal obligations in climate matters. To respond to the emergency situation, this text urges States and companies to reduce greenhouse gas emissions in order to avoid crossing the threshold of **a 2°C rise in temperature** compared with the pre-industrial era. This agreement forces governments and businesses to reduce their emissions that do not entail specific costs, or costs that can be offset by future savings. They must also avoid starting up activities that would involve significant new emissions. These obligations are independent of different national standards which often impose lower requirements. States should also accept the jurisdiction of independent courts or tribunals that could judge the conformity of their actions with their obligations. The Oslo Principles are partly based on the principle of the right to life and on the precautionary principle meaning acting today on the basis of credible and realistic scenarios recognized by climate experts.

They are a contribution to climate responsibility and to international climate justice.

## **Zoom: A hardening European Policy On Migration, and Right-wing and Right-wing Extremist Rhetoric Gaining Momentum In National Debates**

European governments are generally responding to the rising number of asylum applications with tougher decisions. On Thursday September 28, **Germany**, which had previously refused to do so on humanitarian grounds, gave the green light to a text of the reform of the European migration system, providing for a less protective derogation regime for migrants in the event of a mass influx into a country. It took the EU-27 four years of negotiations to reach this agreement, despite Hungary and Poland's opposition to the principle of solidarity in dealing with migrants. Berlin's about-turn is in contrast to former Chancellor Angela Merkel's policy of generously welcoming migrants fleeing the war-torn Middle East (in particular to fill labor shortages in certain sectors). This about-turn was also prompted by pressure from the growing right and far right. Giorgia Meloni, Italy's far-right president, has made reducing immigration a key issue in her campaign. Following the mid-September peak in migrant arrivals on Lampedusa, a decree was passed on September 27 to facilitate expulsions in a number of cases.

This convergence towards a more restrictive policy has not prevented the most radical governments from denouncing the EU's supposed softness. In Poland, the ultraconservatives in power, elected in 2015 on the **“threat of migrants imposed by Brussels”**, have once again made migration a central theme of their campaign for the October 15 parliamentary elections.

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In **Sweden**, since the victory of the right and far right in the parliamentary elections a year ago, the coalition government has stepped up announcements aimed at **reducing arrivals and speeding up departures**, with restrictions on obtaining permanent residence permits and citizenship, the generalization of temporary residence permits, and the acceleration of returns for people under an obligation to leave the country.

In **the UK**, which left the EU in part to *“regain control”* of immigration, Rishi Sunak's government passed a law this summer denying the right to seek asylum to people crossing the Channel in rubber dinghies.

The right-wing Conservative Party will push **Rishi Sunak** to campaign for the UK's exit from the European Convention on Human Rights, accused of blocking transfers of asylum seekers. On September 26, Home Secretary Suella Braverman even called for a revision of the 1951 Geneva Convention on Refugees.

In an attempt to limit arrivals, **the EU** is promoting cooperation agreements with transit countries. By 2016, the Twenty-Seven had paid 6 billion euros to Turkey, then multiplied agreements with Morocco. It has now signed an agreement with Tunisia, potentially worth over 1 billion euros, and is considering other pacts with Libya and Egypt. Faced with the road from Turkey, Greece has tightened its legislation since 2019: illegal refoulements in **the Aegean Sea and the Evros region**; end of housing subsidies for refugees; generalization of their relegation to closed camps. As for reception facilities for asylum seekers, most of them are overcrowded.

In some countries, restrictive policies come up against the needs of the labor market, as is the case in Finland and Greece, which would like to allow the **300,000 migrants living illegally in the country** to work in the agricultural and tourism sectors, which are having difficulty recruiting.



## What Are the Next Steps in Tackling this Issue?

According to the latest World Bank report, there will be **143 million** internally displaced people in sub-Saharan Africa, South Asia, and Latin America by 2050. Although global warming is a phenomenon that can be explained by natural causes, the speed at which it is intensifying is a direct consequence of human activities on earth, which are disproportionately disrupting the climate. The Groundswell report indicates that reducing emissions and adapting countries to global warming could reduce internal climate migration by 80%. Therefore, limiting the effects of climate change seems essential to curb the intensification of destructive climatic events.

Anticipating migration could also be part of the international answer to the increase of climate-induced migrants. According to UNHCR calculations, there have been 21.5 million climate refugees every year since 2008, due to **the intensification and multiplication of natural disasters**. Projections put the figure at 260 million by 2030 and up to 1.2 billion by 2050.

**A 30 cm rise in sea level by 2050** (according to the National Ocean Service) is the main risk, since 20% of the world's population lives less than 30 km from the coast. By way of comparison, sea levels have risen by around 23 cm since 1880. Although forced displacement seems partly inevitable, it is still possible to adapt to this new scenario. The majority of climate refugees come from the poorest countries, so there is a clear need to adapt vulnerable countries to global warming.

**The 1992 Climate Convention** was the first document to acknowledge the historical responsibility of developed countries for the acceleration of global warming due to the massive emission of greenhouse gases into the atmosphere as a result of the massive use of fossil fuels.

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According to **The Carbon Project**, developed countries have emitted 966 billion tons of CO<sub>2</sub>, compared with 9.6 billion for the poorest countries.

There is a clear lack of investment to manage the increasing number of climate migrants. **COP27** stressed the “Immediate need for new, additional, predictable, and adequate financial resources to help developing countries that are particularly vulnerable [to the economic and non-economic impacts of global warming.

## Key Questions

In order to guide you in the framework of your position paper, you can use the following questions to guide your research.

- Is my country concerned by climate-induced migration? If yes, what are the main reasons why my country has to face climate-induced migration ?
- If my country concerned by climate-induced migration, are there any factors that are aggravating them (poverty, political instability, violence...)?
- Is my country affected by natural disasters that could eventually cause migrations in the future?
- If my country is concerned by climate-induced migration, do these migrations take place in the country or are the migrants crossing the borders of my country?
- Has my country taken measures to tackle the issue of welcoming climate-induced migrants (on a national or global scale)?
- Has my country ever considered establishing a legal status for climate refugees?

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- Does my country have an “open arms” policy towards migrants in general or not? How is this opinion put into practice through the policies supported by my country?
- Is my country making efforts to reduce the effects of global warming (on a national or global scale)?

## Bibliography

**This article** from Le Monde sums up the opinion of Europe towards migrations in general and underlines how Europe is converging towards a more restrictive migrant welcome policy with the rise of the far-right parties in national debates:

[https://www.lemonde.fr/international/article/2023/10/04/en-europe-une-convergence-restrictive-des-politiques\\_migratoires\\_6192338\\_3210.html](https://www.lemonde.fr/international/article/2023/10/04/en-europe-une-convergence-restrictive-des-politiques_migratoires_6192338_3210.html)

**This article** gives the definition of the “climate debt” that was part of the discussions of COP27 and recalls the Climate Convention of 1992 in which the responsibility of industrialized countries for global warming was recognized:

<https://greenly.earth/fr-fr/blog/actualites-ecologie/qu-est-ce-que-la-dette-climatique-sujet-phare-de-la-cop27>

**This article** from The Guardian was published after the massive wildfires that took place in Canada and explains the reasons behind the increase of these natural disasters that threaten people.

<https://www.theguardian.com/world/2023/nov/09/canada-wildfire-record-climate-crisis>

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**This article** gives the definition of a climate refugee recalling us the current lack of a legal framework making it difficult to use the word “refugee”.

<https://www.vie-publique.fr/fiches/274845-quest-ce-quun-refugie-climatique>

**This article** gives details on the locations from where climate refugees come from (and from where they could eventually come in the future) and the challenge concerning the establishment of a legal international status for climate refugees:

<https://www.oxfamfrance.org/migrations/vers-une-augmentation-croissante-du-nombre-de-refugies-climatiques/>

Here **the term “ecological justice”** is mentioned to refer to a possibility to create a court that could be seized for climate inaction: <https://www.vie-publique.fr/fiches/274843-existe-t-il-une-justice-internationale-climatique>

The **following article** gives details on the content of the Oslo principles and how they contribute to the potential establishment of an ecological justice system although it remains symbolic: <https://www.vie-publique.fr/fiches/274844-que-sont-les-principes-doslo-pour-le-changement-climatique>



## Topic 2 : How to Counter Human Trafficking In The Context of Migration by Strengthening International Cooperation and Legal Frameworks?

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons defines human trafficking as:

*"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal, manipulation or implantation of organs".*

The UN specialist **Maria Grazia Giammarinaro** believes that restrictive and exclusionary immigration policies, insufficient channels for regular migration and family reunification, as well as lack of regular access to the labour market for asylum seekers, refugees and migrants further contribute to an increase in the exploitation of migrants.

In fact, she states that people fleeing conflicts, emergency situations and poverty are pushed to migrate in **unsafe and vulnerable conditions** and could be exploited and trafficked during their journey, or at destination, because of their social vulnerability.

## **Current State of Human Trafficking In Migratory Flows**

Human trafficking is particularly prevalent in migratory routes leading from less developed to more developed regions, as well as in conflict zones and areas with limited economic opportunities.

It especially targets women and children, who are the most vulnerable to trafficking due to their often desperate and precarious situations.

The pandemic has exacerbated vulnerabilities, leading to an increase in trafficking risks due to heightened economic and social strains. Technology is also a tool for traffickers using it for recruitment and exploitation.

## **Why Human Trafficking In The Context of Migration Is a Raising Concern?**

Human trafficking in the context of migration has always been an issue but the use of technology is making it worse since it enables human traffickers to establish contact between each other, creating real networks that are difficult to thwart.

Migrants and refugees are particularly vulnerable to human trafficking due to inadequate protection measures: many countries along migratory routes lack adequate mechanisms to protect migrants from traffickers. This lack of protection is aggravated by weak legal frameworks on a global scale and limited victim support. Indeed, victims often face challenges in accessing help due to language barriers, fear of authorities, or lack of awareness about available resources. Lastly, trafficking incidents are significantly underreported, leading to a lack of comprehensive data to fully understand the scope of the issue.

To conclude, there is **an urgent need for strengthened international cooperation** and more robust legal frameworks to effectively combat human trafficking in migration. Strengthening international cooperation and legal frameworks is essential to effectively counter human trafficking in the context of migration for several reasons:

Human trafficking is inherently **transnational** (it involves crossing borders). Indeed, traffickers often transport victims across multiple countries, exploiting differences in legal systems and enforcement capacities. International cooperation ensures a coordinated and consistent response across borders.

Different countries have varying legal definitions and standards for what constitutes human trafficking. Since traffickers leverage these differences to operate, **harmonizing these standards** through international frameworks would help create a unified approach to tackle the issue.

## **What Is Needed to Counter Human Trafficking In The Context of Migration?**

Countries need to **tackle the issue together** to share resources and build capacity. Many countries, particularly those in transit or origin regions for trafficking, may lack the resources or expertise to effectively combat human trafficking. International cooperation facilitates the sharing of resources, expertise, and best practices, enhancing the capacities of individual countries. Trafficking networks are often complex and well-organized. International cooperation allows for joint operations and intelligence sharing, making it easier to dismantle these networks and prosecute traffickers. An international framework can help ensure that victims' rights are uniformly protected and that they have access to necessary support and resources, regardless of where they are identified.

Countries also need to address root causes of human trafficking. In fact, human trafficking is often fueled by broader issues like poverty, conflict, and political instability. International cooperation can address these root causes through development aid, political support, and other means, reducing the vulnerability of potential victims.

One of the key challenges of human trafficking is its transnational nature and the fact that migrants' smugglers and human traffickers take advantage of the differences of jurisdictions between countries to organize their networks. But traffickers also benefit from legal extraterritoriality meaning they often operate across multiple jurisdictions to evade law enforcement. International legal frameworks can help navigate these complexities, ensuring that traffickers can be held accountable regardless of where their crimes are committed. They can also establish mechanisms for monitoring and ensuring compliance with anti-trafficking laws and policies, leading to more effective implementation. A **coordinated international approach** helps in raising awareness about the dangers and signs of human trafficking, making it harder for traffickers to operate and easier for potential victims to seek help. Countries need to be particularly **proactive** in times of crisis, such as natural disasters or armed conflicts, which can exacerbate human trafficking, international cooperation ensures a rapid and effective response to protect vulnerable populations.

## **What Is The Difference Between Migrant Smuggling and Human Trafficking?**

The smuggler's intention to obtain a financial or other material advantage is a central element of the definition of migrants smuggling and migrants may feel they have little choice but to use smugglers.



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Those who use the services of smugglers are not only workers in search of better employment prospects, but also asylum-seekers seeking to escape persecution, people fleeing poverty, or others who need assistance and security but do not fall into existing protection categories. Human trafficking, on the other hand, aims to exploit the victim, through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of authority or of a position of vulnerability, or by the offer or acceptance of payments or to obtain the consent of a person having control over another person, for the purpose of exploitation.

However, some migrants may begin their journey by agreeing to be only to be deceived, intimidated, or forced into a situation of exploitation later in the process, for example by being forced to work for extremely low wages in order to pay the sum demanded by the smuggler. Migrant smuggling often places migrants at the mercy of criminal networks, which **increase their vulnerability to abuse** (kidnapping, torture, sexual abuse, and violence) at every stage of the stage of the journey. So, even though **migrants smuggling, and human trafficking should be distinguished**, migrants smuggling often leads to human trafficking since it puts migrants in vulnerable situations and in a climate of violence by being in contact with criminal network.

Smuggling of migrants all over the world, by air, sea, or land



[https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM\\_2018\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf)

## Zoom: How Human Traffickers Leverage Technology to Develop Their Network

Human traffickers often exploit technology to facilitate their operations, and to deceive migrants seeking a better life.

One such example involves the misuse of social media and online platforms to lure migrants with false promises of jobs, opportunities, or safe passage to other countries. Traffickers might create fake profiles, websites, or advertisements offering lucrative jobs or assistance with migration, preying on the desperation of individuals seeking better prospects.

For instance, traffickers might pose as recruiters or agents offering employment abroad, promising a secure journey and stable work. They might communicate via messaging apps, social media, or online forums, convincing migrants to pay fees for visas, transportation, or accommodation. However, upon arrival, these migrants might find themselves trapped in **exploitative situations** such as forced labor, servitude, or even sexual exploitation.



**HE LIED ABOUT THE  
JOB, NOW HE  
WON'T LET ME LEAVE.**

**WATraffickingHelp.org**

**HELP STOP HUMAN TRAFFICKING.  
AYUDE A TERMINAR CON LA EXPLOTACIÓN DE PERSONAS.**

National Human Trafficking Hotline 1-888-3737-888 or text 233733

 King County  City of Seattle  Port of Seattle  Sound Transit

[https://www.portseattle.org/sites/default/files/2019-01/Lied\\_English\\_English\\_11x17.jpg](https://www.portseattle.org/sites/default/files/2019-01/Lied_English_English_11x17.jpg)

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This misuse of technology highlights the need for greater vigilance and awareness among migrants about the **risks associated with online offers**. Governments and tech platforms also need to collaborate to detect and prevent such fraudulent activities, ensuring that the digital space isn't used as a tool for human trafficking and exploitation.

For example, there have been cases where migrants from countries in Africa seeking to reach Europe were lured by traffickers who advertised transportation services through social media. These traffickers would promise safe passage on overcrowded boats or other dangerous means of transportation in exchange for significant sums of money.

In some cases, migrants were **asked to communicate via encrypted messaging apps** like WhatsApp, where traffickers would provide instructions and coordinate the logistics of the journey, exploiting the anonymity and ease of communication offered by these platforms.

Law enforcement agencies and advocacy groups have been working to identify and dismantle these online networks, highlighting the role of technology in enabling such illicit activities and emphasizing the importance of online safety awareness, especially for vulnerable migrant populations.

## What Has Been Done Until Now?

### **The 2000 United Nations Protocol Against The Smuggling of Migrants by Land, Sea and Air**

The 2000 United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention **against Transnational Organized Crime** has been widely ratified.

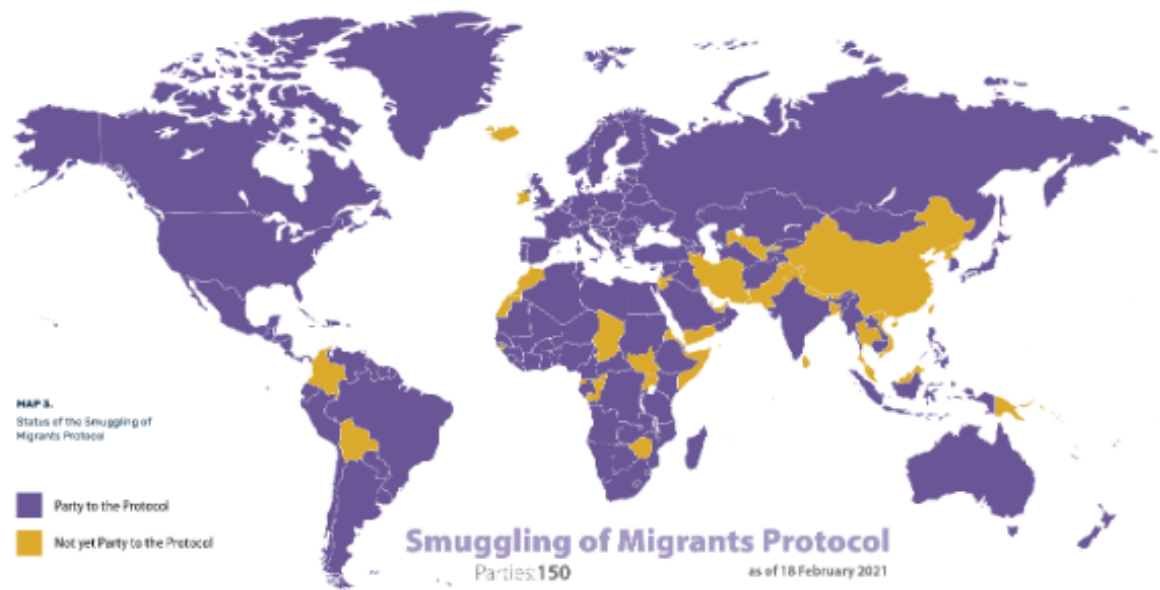
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The Protocol aims **to prevent and combat** illicit trafficking, promote cooperation between States, and to protect the rights of migrants who have recourse to smugglers. It requires States to establish as criminal offences the smuggling of migrants and the act to allow a person to remain in a State of which he is neither a legal resident nor a national without complying with the conditions necessary for legal residence in that State by illegal means, committed "intentionally and in order to obtain, directly or indirectly, a financial or other material benefit". It also requires States to make it a criminal offence to manufacture, procure, supply or possess or possession of a fraudulent travel or identity document when the acts were committed for the the smuggling of migrants and when committed intentionally and in order to derive, directly or indirectly a financial or other material benefit.

Although it has been recommended that international **migrants should not be criminalized for being in an irregular situation**, the legislation of many countries makes it a criminal offence to be in possession of fraudulent travel documents or illegal entry into the territory.

The Protocol clearly sets out States' obligations **to ensure the proper management of their borders**: "*States shall strengthen border controls necessary to prevent and detect the smuggling of migrants*". It also specifies that *States Parties shall consider "[...] strengthening cooperation between their border control services, in particular by establishing and maintaining direct channels of communication"*.





\* Source: treaties.un.org.

\*\* The boundaries and names shown and the designators used on this map do not imply official endorsement or acceptance by the United Nations.

[https://www.unodc.org/res/human-trafficking/migrant-smuggling/protocol\\_.html/som\\_map-02.png](https://www.unodc.org/res/human-trafficking/migrant-smuggling/protocol_.html/som_map-02.png)

## Sustainable Development Goals

The Sustainable Development Goals (SDGs) recognize that well-managed migration is a major contributor to sustainable development. One of them mentions to "*Facilitate migration and mobility in an orderly, safe, regular and responsible manner particularly through the implementation of well-planned and well-managed migration policies*".

## International Agenda for Migration Management

International Agenda for Migration Management proposes a **set of recommendations** for combating the illicit trafficking of human beings with the participation of all relevant stakeholders, the adoption of effective national legislation, enhanced cooperation and assistance between law enforcement agencies, strengthening efforts to raise awareness, and improve data collection and the knowledge base.

## What Is at Stake When Talking About Migrants Smuggling?

**Migrant smuggling** brings with it a range of issues, such as irregular migration, human rights violations, and border management.

It puts in danger migrants' lives and has negative repercussions on countries of origin, transit, and destination countries. It is extremely difficult to obtain information on this crime due to its clandestine and rapidly changing nature.

**Smuggling organizations are highly adaptable:** they have the ability to modify routes quickly in response to police measures aimed at countering their practices. The failure to strengthen international law and improve joint interventions to address the issue at a larger scale will result in greater loss of life, heightened tensions between States and communities, and the growth of criminal networks trafficking migrants. A number of challenges stand in the way of effective implementation of the Protocol: insufficient prevention, lack of data and research; lack of legislation, inadequate policy, weak justice responses, insufficient protection of the rights of smuggled migrants; and insufficient international cooperation.

### Zoom on the abandoned truck scandal in 2015

In 2015, a truck was found abandoned on an **Austrian highway** containing the bodies of **71 migrants**. The individuals, mostly from Syria, had suffocated inside the sealed truck. This shocking incident shed light on the extent of human trafficking operations targeting migrants seeking refuge in Europe. Investigations revealed that this was part of a larger network involved in smuggling and trafficking migrants across borders, exploiting their vulnerable situation for profit.

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In summer of 2015, hundreds of thousands of people fleeing war and starvation in Africa and the Middle East, died trying to reach refuge in Europe by land or sea. In the first six months of 2015, **more than 300,000 people flooded onto the Continent.**

In August, more than 2,500 men, women and children had drowned making the treacherous voyage across the Mediterranean in rickety boats and rafts that year, and an untold number had died trekking across the Continent. In fact, it was the largest flow of refugees in Europe since World War II reached crisis levels.

The same month, police officers found the decomposing bodies of 71 migrants who had been locked in a truck and abandoned beside a highway in Austria. They were a group of 59 men, eight women and four children from **Afghanistan, Iran, Iraq and Syria.** They got in the truck in southern Hungary and Smugglers had promised them a safe passage to Germany. A Hungarian court convicted a group of smugglers for their roles in the trafficking and deaths. Four were found guilty of homicide and other charges and were sentenced to 25 years in prison; 11 others were convicted on charges of smuggling and belonging to a criminal organization and received sentences from three to 12 years. This tragedy shocked people across the continent and beyond and influenced migration policy.

**Chancellor Angela Merkel** announced that Germany would open its borders to those clamoring to get into the country which set an open-arm policy towards migration in Germany for many years (which is no longer the case today with the rising influence of the far-right German party). In contrast, many European Union nations opposed any plan requiring them to share the responsibility of sheltering refugees and asylum seekers.

They decided instead to rely on countries like **Turkey (agreement of 2016)** and **Libya (agreement of 2017)** which are still the main gates for Middle Eastern migrants to join Europe. Thus, the EU made an agreement with Turkey to stop migrants at its border in exchange of money and considering the possibility to reduce the restrictions of visas given to Turkish people to enter Schengen area. Despite the multiplication of these agreements, some migrants still manage to cross these borders and borders became camps where migrants are stuck with no resources.

In reality, **the lack of investments and possibilities given to migrants foster the criminal organization** since migrants have no other possibility than paying smugglers who are promising them to help them cross borders in exchange of money but in very dangerous conditions.

Indeed, Hungary is one of the toughest countries to cross for migrants which explains the desperation of migrants to accept very dangerous, even if it can cost them their lives.

The tragedy also highlighted how many people, including some former refugees, had taken advantage of the crisis to enrich themselves by turning humans into cargo.

The leader of the smuggling network on trial was Lahoo Samsoryamal, a 31-year-old Afghan. He arrived in Hungary in 2013 and made his way to the top of an established network that transported groups of up to 100 people daily.

Mr. Samsoryamal's was part of a broader international network, according to prosecutors. As migrants increasingly sought to travel from the western Balkans to European Union countries, crime syndicates in each country worked in coordination.



Authorities had gotten the numbers of the smugglers and were listening to their phone calls. Those recordings revealed that everyone involved knew how desperate the situation was for those in the truck in the hours before they died.

The tragedy highlighted the risks migrants face when resorting to illegal means or relying on smugglers to reach safer regions. It also drew attention to the urgency of addressing the root causes of migration and improving legal and safe pathways for individuals seeking asylum or a better life.

## **What Are The Measures That Could Be Taken on a Global Scale?**

The complex and ever-changing nature of migrant smuggling requires comprehensive, global, and coordinated action to effectively combat smuggling networks.

The measures to be taken could include the criminalization and prosecution of smugglers ensured by legal frameworks and to no longer consider migrants who have resorted to smugglers as criminals, while ensuring effective access to asylum, protection, and assistance, including legal, psychosocial and health services.

The measures have to take in account the accessibility of channels for legal migration (it could be through visa, waiting times, fees...) and they should address the subjects of family reunification, labor migration, access to asylum and you should try to think about concrete measures and programs to implement at a national and global scale.

With channels for legal migration comes border management procedures that have to be discussed: what will be the tools used to manage more efficiently the flow of migrants? You should maybe consider establishing bilateral and multilateral mechanisms between the different actors in charge of border management to coordinate operational activities and share information.

As mentioned before, raising awareness between migrants and other stakeholders in society on the risks associated with to smugglers and the existence of legal migration options is a big challenge.

## Key Questions

- Am I representing a country of transit, origin or destination for migrants?
- If I am representing a country of origin, what could be the reasons encouraging people to leave the country (war, political instability, lack of opportunities or resources, poverty...)?
- If I am representing a country of transit, does my country have specific agreements with countries that migrants seek to go? Does my country have the necessary resources to face the flow of migrants and to help them to reach their destination?
- If I am representing a country of destination, do I have an open-arm policy towards migrants or not?
- Is my country proactively trying to dismantle human trafficking networks?
- Is my country criminalizing migrants that have been helped by smugglers along their journey or not?

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- Has my country ratified the Protocol of 2000?
- Is my country proactively trying to obtain more data on human trafficking happening on migration roads and to share these data with the world?

## Bibliography

This **webpage of Interpol** gives the detail of the action of Interpol to counter human trafficking and migrants smuggling. Do not hesitate to click on the different propositions at the left of your screen as shown below to learn about the operations and projects of Interpol: <https://www.interpol.int/en/Crimes/Human-trafficking-and-migrant-smuggling/The-issues>



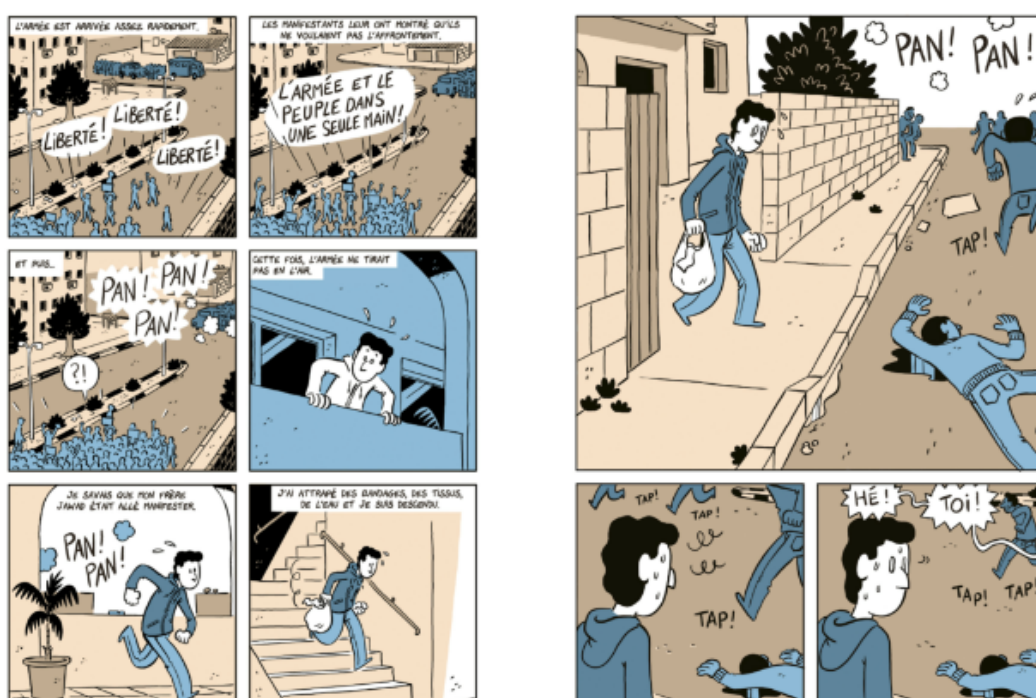
If you are feeling particularly courageous, here is the Global Study on Smuggling of Migrants released by the United Nations Office on Drugs and Crime in 2018 that contains very interesting insights if you want to deepen your knowledge on it (just keep in mind that smuggling of migrants is different of human trafficking even though they can be linked): [https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM\\_2018\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf)

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This article goes against the misconceptions about human trafficking in the context of migration concerning the data available, the impact of covid or the justice response. <https://www.weforum.org/agenda/2021/07/world-day-against-trafficking-challenging-misconceptions-about-human-trafficking-in-migration-pathways/>

I highly recommend you read "*L'Odyssee d'Hakim*" written and drawn by Fabien Toulmé. This graphic novel is based on the testimony of Hakim, a Syrian refugee that flee from his country during the "Arab spring" (a wave of protests in the Middle eastern that happened in 2011). This novel is very interesting because it gives you all the details on the journey of a refugee willing to come to Europe with all the physical, moral, and emotional difficulties that migrants have to face. This testimony is touching in showing the desperation of people seeking a better life, and in giving them a name, a face, and a history. It also highlights how the jurisdiction concerning migrants vary from one country to another and how it feeds the criminal networks and smugglers that take advantage of it.

Here is one double page of *L'Odyssee d'Hakim*:









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