Anti-trafficking policy must not only respond to the trafficking of migrants, refugees and separated and unaccompanied children post facto, but must also urgently ensure that existing policies and practices affecting these groups do not leave them more vulnerable to trafficking. This means that in order to prevent trafficking, we need to examine the consequences of related legislation, policies and practices in the areas of border management, combating irregular migration and migrant smuggling, and asylum.

1. Unintended Consequences
The first, overriding priority of any strategy or policy to combat trafficking should be to prevent the crime from being committed in the first place. Putting in place anti-trafficking responses that only deal with trafficking cases that have already occurred is not enough. This is a central point in relation to people travelling along irregular migration routes to the EU, the majority of whom are from countries affected by conflict.

The response so far to the deaths and other rights abuses of refugees and migrants travelling to Europe has been to talk tough on migrant smugglers, as though the smugglers are the only reason that people are making the journey. The reason most people are moving is conflict and lack of possibilities for survival, and they intend to exercise their legal right to seek asylum. In fact, the reason the migrant smugglers are there is because of an essential paradox in our legislative frameworks. Applying for asylum in an EU country is legal and is a right that we are all entitled to. But the journey is illegal according to the laws and policies of the same EU countries on immigration and border control. And so the services of migrant smugglers, and dangerous, irregular migratory journeys, are necessary in order to exercise a legal right.
ICMPD’s recent research on the effects of the Syrian conflict on human trafficking shows that conflict and displacement increase the incidence of trafficking, and vulnerability to trafficking. Along the irregular migratory route to Europe, these vulnerabilities are exacerbated by the consequences of EU policies on border control, irregular migration, migrant smuggling and asylum.

The European Commission’s 2016 Report on progress in the EU Anti-Trafficking Strategy confirms that child trafficking “has been exacerbated by the ongoing migration crisis”, and Europol and Interpol’s recent report on migrant smuggling states clearly that “irregular migrants are [...] vulnerable to exploitation by criminals and criminal networks both prior to and after their arrival in the EU. They may be exposed to labour exploitation, sexual exploitation or be forced to serve as drug mules or participate in the recruitment and smuggling of other migrants.” IOM has also issued preliminary findings for its Human Trafficking and Exploitation Survey in March 2016. These worrying preliminary findings indicate that perhaps up to 10% of irregular migrants and refugees en route to the EU have been exposed to exploitation or trafficking in human beings.

So avoiding adverse consequences in terms of trafficking requires better policy coherence at EU and national level, to ensure that migration policies in general do not have unintentional effects on people’s vulnerability to trafficking and on the incidence of trafficking, particularly among irregular migrants, asylum applicants and refugees. In the current context of increased numbers of people arriving to the EU from non-EU countries along irregular routes, this is particularly pressing, yet it is also a medium- to long-term concern if we are to succeed in effectively preventing trafficking cases among migrants and refugees.

2. Why take the risk?

So if it is not “caused by smugglers”, why do people take the risk of making the journey? We hear a lot about arrivals on the European side, but what about before they leave? To better understand what is happening, I would like to share with you some of our research findings in relation to the actual situations of people whose lives are affected by immigration, border control, asylum and anti-trafficking policies, and by the fact of these policy areas often being at cross-purposes with one another. This is the situation in relation to the Syrian conflict and the related displacement in Syria’s neighbouring countries, one of the major regions of origin of people embarking on the irregular route to Europe.
Around 85% of all Syrian refugees abroad are living in just four countries. None of these are in the EU. Turkey, with a total population of around 75 million, is hosting over 2.7 million Syrian people, making it the most important refugee destination country in the world in absolute numbers. In relative terms, however, no country other than Syria itself has been affected more by the Syrian crisis than Lebanon. Over 1.1 million Syrians have taken refuge from the war in Lebanon, a country with an estimated total population of around 6 million. Another 455,000 Palestine refugees were already hosted by Lebanon before the Syrian war broke out. Refugees comprise over 25% of Lebanon’s population. There is simply no way for a country this size, with high existing levels of poverty, to deal with this situation. Neighbouring Jordan, with a population only slightly larger than Lebanon’s, hosts another 650,000 Syrian refugees, as well as refugees from Palestine and Iraq, while war-torn Iraq itself hosts almost 250,000 Syrians.

The situation in all of four of these hosting countries can be described as a crisis, and “donor fatigue” in the past three years has led to a severe lack of funding for even the most basic of humanitarian needs. It puts into perspective the idea that the European Union, comprising 28 countries with a total population of over 500 million people, and among the most prosperous regions in the world, is struggling to cope with a “crisis”. And yet, as one of our interviewees in Turkey commented, on European countries’ role in relation to the displacement of Syrians: “Rather than granting refugee rights and providing settlement, they implement more restrictive measures to protect their borders”.

The status of Syrians in neighbouring countries is temporary, none of these countries grants Convention refugee status, and making enough money to survive is either not authorised or extremely difficult. Due to the current situation, as well as the lack of prospects for improvement in these conditions in the near future, some people are considering moving on to countries outside the region, particularly EU countries. Many highly-skilled Syrians, for example, cannot find work in their field, and so they decide to travel to the EU to apply for asylum.

While they are still in Turkey, Lebanon, Jordan and Iraq, the need to pay substantial sums of money to migrant smugglers in order to move further afield is causing people to resort to risky methods of obtaining that money, rendering them vulnerable to trafficking. Because Syrian refugees have the right to seek recognition as Convention refugees in the European Union, but not to travel regularly to EU countries, they are dependent on migrant smugglers to facilitate the trip. According to a research informant in the southern Turkish port of Mersin:
“Only from Mersin, around 3,000 people leave every day. Getting in touch with a migrant smuggler has become extremely easy. They are in every coffee shop in Mersin...’ (TR38).

3. How to respond

So how can we respond? The need to travel along irregular migratory routes causes vulnerability to trafficking and other rights violations during all three stages: Before departure, in order to obtain enough money to finance the trip; during the journey; and after arrival, particularly if they have gone into debt.

The good news is that there is one way to prevent this vulnerability at all three stages: legal channels for the safe and regular resettlement of refugees. Resettling refugees means granting them the legal right not just to apply for asylum, but also to travel legally, preventing all of this from happening. Try to imagine the difference between boarding a plane and flying for a few hours to reach your destination, and spending weeks or months on a dangerous, illegal journey that can and does end in death.

The additional benefit of resettlement and other legal channels for refugees is that it can relieve the overstretched infrastructures and labour markets of the main refugee-hosting countries. Furthermore, resettlement programmes can provide access to refugee status in EU countries and other safe regions for impoverished and vulnerable people for whom the irregular migration journey is impossible or unaffordable.

So, to conclude, it does not make sense to fight trafficking with one hand, and to contribute to its incidence with the other. We must first ensure that all legislation, policy and actions, particularly in the areas of asylum, preventing irregular migration and migrant smuggling, and border management, do not increase vulnerabilities and the incidence of trafficking. Second, we need to alleviate the vulnerabilities of migrants, particularly irregular migrants, asylum applicants, refugees and unaccompanied and separated children, to becoming victims of trafficking or other exploitative practices. Finally, we must make the right to asylum a reality, by not requiring people seeking safety from conflict to risk their lives once again in order to exercise that right.

Thank you.