HUMAN SMUGGLING IN THE TIME OF COVID-19

Lessons from a pandemic

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Introduction

The unprecedented restrictions on human movement imposed around the world to curb the spread of COVID-19 in the spring of 2020 posed new challenges and protection risks for migrants and refugees. They also cast into sharp relief the impacts of responses to irregular migration, and human smuggling, that are centred on border control, particularly on the protection risks faced by migrants and refugees on their journeys.

Political discourse construing the fight against COVID-19 as a ‘war’ quickly gained significant momentum. Restricting or halting human movement – COVID-19’s key transmission ‘tactic’ – became a key part of the ‘battle,’ with epidemiological contact tracing another crucial ‘weapon.’ Irregular and clandestine movement erodes the efficacy of these measures, making it difficult to establish a comprehensive picture of exposure or contain the spread of the virus.

In this context, it is no surprise that the military was quickly deployed in many countries to restrict the domestic movement of individuals and strengthen border controls. Migration policy and discourse, shaped by the need to control an unprecedented global pandemic, increasingly became framed through the lens of national security, accelerating pre-existing trends. In line with this, untracked human movement became the enemy of states fighting this public health disaster.

Exploring how pandemic response measures have shaped the human smuggling industry, and consequent migrant protection risks, offers an unparalleled opportunity to scrutinise the unintended consequences of responses to irregular migration and human smuggling, which are principally based on border control and interdiction of smugglers. In the wake of the most significant global shock experienced for decades, it also presents a unique chance to move away from extant response paradigms.

‘Shocks,’ or ‘critical junctures’ (often significant economic or political crises), can expand the ‘reform space’ available to policy-makers, enabling adoption of innovative approaches, and offering an opportunity to ‘do things differently’ (Capoccia, 2016; Fritz, Levy, Ort, 2014). The COVID-19 pandemic presents a shock of unprecedented geographic scope and scale, triggering calls by political commentators for policy-makers ‘not [to] let a good crisis go to waste’ (Marquette, 2020).

In the context of human smuggling, a rethink is certainly required. While human smuggling has been a policy priority across states of transit and destination since the turn of the century, the global response remains fragmented and of questionable effectiveness (Bird, 2019). The responses to human smuggling available and implemented by policy-makers have stagnated; COVID-19 could create space for innovation.

At the time of writing, this opportunity had not been acted upon. Instead, responses to human smuggling in the context of the pandemic have largely constituted an acceleration of pre-existing approaches which seek to block movement through the militarisation of borders, and reduce the supply of smugglers through interdiction.

Prior to the pandemic, the growing securitisation of the migration landscape was shown to drive migrants' reliance on smuggling networks and increase protection risks on the migrant trail. Evidence collected across 2020 points to the exacerbation of these trends by COVID-19-driven shifts in policy.¹

The pandemic has deepened economic strain in many regions, increasing drivers for migration, while the parallel closure of legal migration routes has ensured a growing proportion of migration is irregular, and smuggler facilitated. In order to understand why, it is key to delineate accurately the mechanics underpinning the smuggling market. Human smuggling is best understood as a services industry, where smugglers are service providers who, for a fee, help migrants to cross boundaries and overcome barriers, which may be geographic, political or cultural.² The harder an obstacle in migration journeys is to cross independently, the greater the demand for human smugglers. As borders became newly securitised, and human movement further restricted due to COVID-19, smugglers become yet more essential.

The COVID-19 crisis also looks set to have long-term consequences for both the perception of and protections afforded to migrants. Migrants have been stigmatised in some areas as potential carriers of the virus, with some communities actively opposing their presence. Such stigmatisation could harden into longer-lasting antipathy towards migrants that persists beyond the end of the COVID-19 crisis, potentially eroding the raft of protections afforded to migrants and refugees under international and domestic laws.

This chapter explores the impacts of COVID-19 responses on the human smuggling market, including on the vulnerabilities of migrants and refugees. This underscores the medium-term consequences for those on the move, but also shines a spotlight on the flaws in current response frameworks, and analyses whether a shift away from the blanket application of criminal justice approaches is needed.

The closure of legal migration pathways

Between March and September 2020 an unprecedented number of countries around the world sought to close, or partially close, their borders to the entry of non-nationals, rendering all cross-border human movement illegal (with narrow exceptions, in some states, for movement deemed 'essential'). Pursuant to the Pew Research Centre, as of 1 April, 91% of the global population lived in states with restrictions on international arrivals, 39% with completely closed borders (Connor, 2020).

Countries around the world, ranging from Algeria to Greece, and El Salvador to the United States, funnelled further resources into border control, enhancing the hardware and official, often military, patrolling of borders (Snow, 2020). The widespread deployment of military to prevent irregular border crossings further militarised the broader migration landscape, as well as COVID-19 emergency responses, which in some cases arguably breached extant humanitarian practises and international law. The closure of Maltese and Italian ports to irregular arrivals,

including to NGO vessels (Reidi, 2020; Reuters, 2020), and Malaysia's turning away boats of Rohingya refugees are merely two of many such incidents (Loy, 2020).

State imposed restrictions, together with widespread fear of infection, made migrant and refugee journeys far more difficult, including for the vast numbers seeking to return home – a response tracked in previous pandemics, including Ebola (Betancourt et al., 2016). Where border closures prevented migrants and refugees returning home independently, many used the services of smugglers. Zimbabwe, among other countries, experienced a significant influx of irregular migrants seeking to return to their home countries after losing their livelihoods in South Africa due to the pandemic (Kavhu, 2020).

Restrictions on domestic and cross-border movement temporarily depressed both regular and irregular migration in many regions.³ Frontex reported that in March 2020 the 'number of detections of illegal border crossings on Europe's main migratory routes fell by nearly half' from February, and by 85% between March and April, reaching record lows.⁴

In the face of increased obstacles to smuggling operations, some networks previously focussing on human movement responded to the higher risk of such activities, as stopping human movement became prioritised at borders, by leveraging their networks to smuggle goods instead. In many contexts, goods became a secondary focus of border control, meaning the risks involved were lower. Smugglers responded to new demands for legal commodities whose supply chain has been disrupted by COVID-19 trade restrictions, or which had been rendered illegal by new state regulation.⁵ This has been reported in regions as diverse as Niger, where smugglers have confirmed switching to moving goods and fuel from Libyan cities in the south to goldfields in northern Chad in reaction to heightened interdiction risk, and Thailand, where gemstone traders have used human smugglers to move their wares (Senior organized crime analyst, Personal Communication, 14 April 2020).

However, given that the factors driving demand for human movement had not diminished, the lull was predicted, from the beginning of the pandemic, to be temporary. In line with this, across many regions, irregular migration started to increase, reaching and in some cases exceeding pre-pandemic levels, as soon as restrictions started to ease.

Illustratively, while interceptions of migrants and refugees departing from Algeria and Tunisia in March 2020 were dramatically fewer than January 2020 figures, which had been particularly high for the season, by July interceptions had once again increased (GI-TOC analysis of Algerian Ministry of defense data etc.; 2020). The economic stress caused by COVID-19, compounding the challenges faced by two faltering economies, continues to drive irregular emigration, with nationals of both countries constituting a far higher proportion of arrivals in Italy than in the previous year (UNHCR, 2020; The New Humanitarian, 2020).

Similarly, as movement restrictions in Guatemala eased in late July 2020, irregular migration towards the United States increased sharply, with both detentions of Guatemalan nationals by US Border Force, and deportations experiencing a significant spike (Road, 2020). Overall US Border Patrol apprehensions across the border with Mexico plummeted between March and April 2020, but quickly started increasing again from May onwards, exceeding pre-pandemic figures, and those of the same month of 2019, by September (US Customs, 2020).

4Mi survey data collected by the Mixed Migration Centre (MMC) between April and September 2020 regarding the impact of COVID-19 on refugees and migrants travelling across mixed migration routes in Africa, Asia and Latin America found that, in parallel to the increasing difficulties of migration journeys, 37% of respondents indicated a greater need for smugglers (rising to 44% and 46% respectively in West Africa and Latin America) (Mixed Migration Centre, 2020).

As legal pathways shrink and the obstacles to independent irregular migration grow (due to enhanced border control), a growing proportion of migrants are forced to move irregularly, and require the help of smugglers to do so (Reitano and Bird, 2018). Consequently, they will have to endure the heightened protection risks associated with more clandestine *modi operandi*.

Growing demand for human smuggler services

Smuggling markets react quickly to increased demand. The March 2020 closure of the Benin-Niger border in response to the COVID-19 pandemic significantly increased human smuggling activity in the region. Before March, a small smuggling industry helped irregular migrants refused entry at official border crossings. Following the border closure, the market quickly adapted to cater for increased demand by local Nigerian and Beninese migrants wishing to cross the border. Profits from this expansion have been re-invested in enhancing transport infrastructure, cutting the journey times by adding motors to the pirogues traditionally used for smuggling activity. Similarly, the increase in irregular maritime departures from Algeria noted above was, in late 2020, accompanied by heightened investment in infrastructure (boats with expensive imported engines), and levels of organisation (with simultaneous departures of 30 boats).

The specific context of COVID-19, and in particular the proliferation of domestic movement restrictions, has meant that heightened demand is coupled with difficulties in accessing a smuggler – 43% of refugees and migrants surveyed by the MMC reported increased difficulties accessing smugglers, with Latin America the only region where respondents reported this less frequently (Mixed Migration Centre, 2020). In some contexts, including Niger, heightened focus on interdicting smugglers in the context of the pandemic can also present obstacles to migrants' obtaining their services.

As in any services industry, the price of smuggling services is determined by supply and demand market dynamics. Consequently, as demand for smuggling services grows and supply (or access to supply) is restricted, prices are driven upwards. Further price inflation is triggered by the increased risk faced by smugglers operating in an environment made increasingly hostile to migrants by COVID-19 – the higher price reflects the increased risk of detection and sanction.

These dynamics can be tracked in Northern Mali, where smuggling operations drastically decreased between March 2020 and September 2020. This decrease was in part due to the temporary counter-COVID-19 movement restrictions imposed by the Coordination of Azawad Movements (CMA), a coalition of armed groups which has consolidated support across much of this area, including Timbuktu and Gao, two smuggling transit points on the journey northwards to Algeria and Niger. But predominantly due to the uptick in security at the Mali-Algeria border, where smugglers reported a significant spike in surveillance and patrolling by Police Border Guards, Gendarmerie Gardes Frontières units, and military patrols. When smuggling resumed in September 2020, prices paid by migrants travelling from Timbuktu in Mali to Algeria had doubled, with the increase attributed by those on the ground to the heightened border security. (After a few months prices returned close to pre-pandemic levels, as border restrictions eased, facilitating the smuggling of people, but also fuel, lowering fuel prices and therefore smuggling prices.)

The price increase is in line with global trends tracked by the Mixed Migration Centre, which found that half of migrants and refugees surveyed in September 2020 noted an increase in smuggler fees since the beginning of the pandemic. In line with the supply and demand dynamics outlined above, price increases were most widely reported in areas where respondents had most identified an increased need for smugglers, particularly where this was coupled with reported difficulties in accessing smuggling services.⁶

Increased risk for migrants

Changes to smuggling mechanics

Environments which become more hostile to migration enhance the protection risks faced by migrants and refugees in both transit and destination (Carling, Gallagher and Horwood, 2015; Reitano and Bird, 2018; Tinti and Reitano, 2016). This occurs due to the changing dynamics of the migrant-smuggler relationship, but also because of widespread erosion of migrant and refugee rights enabled by growing anti-migrant sentiment.

While the price increases reported above will in some cases translate into heightened profits for smugglers, it also makes movement financially unfeasible for some migrants. Migrant populations in forced immobility – either as a result of increased law-enforcement efforts, unaffordable smuggler prices, or otherwise – have been found to be at high risk of trafficking (Columb, 2019). Adding another layer of risk, in the context of a pandemic, stationary migrant populations (including the millions of migrants in camps around the world) living in migrant-reception centres and camps characterized by high-density accommodation and poor sanitation are highly vulnerable to contagion.

As more migrants are unable to pay for their journeys at the outset, this engenders growth in pay-as-you go structures, where migrants work along the journey to pay the smuggling fee, increasing their vulnerability to exploitation. Research shows that ‘pay as you go,’ and particularly ‘travel now, pay later schemes,’ where migrants work along the journey to pay off debt to smugglers for previous travel, make migrants extremely vulnerable to labour or sexual exploitation, often at the hands of trafficking networks.⁷

The risks associated with the smuggled journey itself also increase in contexts where there is greater state focus on preventing movement. Smugglers moving further underground to evade detection in more hostile operating environments have been repeatedly tracked to take riskier routes or use more dangerous transport mechanics, such as sealed lorry containers, or even smaller boats, with catastrophic consequences for migrant safety (Reitano and Bird, 2018).

An early harbinger of these consequences was the asphyxiation of 64 Ethiopian men on 24 March 2020 in the container of a goods lorry in which they were being smuggled across the border from Malawi into Mozambique (GI-TOC, 2020). This occurred four days after the Mozambican government imposed strict border controls to prevent any unnecessary movement of people in response to the pandemic (Agence de Presse Africaine, 2020). It is believed that the migrants and refugees were being smuggled along the popular southern route towards South Africa, and that the enhanced border security measures will drive other smugglers moving significant numbers of migrants and refugees across the border to adopt similar, extremely risky, approaches.⁸

Similarly, following the border closure with Libya, and in order to avoid enhanced presence of Nigerien military and Tebu militia, smugglers in Niger reported using more clandestine routes to enter Libya, which carry greater protection risks for migrants and refugees. This includes the route taken through Chad, usually used only as a last resort given the myriad risks presented by military, bandits and traffickers. This heralds further increase in fatalities – in May the bodies of 20 Nigerien migrants believed to have been returning home from Libya were found in the desert kilometres from Madama, a border settlement on the north-eastern frontier of Niger, after the smugglers’ vehicle had broken down. The smuggler had reportedly taken the more circuitous route due to the growing number of interceptions of smugglers by Nigerien military.⁹

Embedding this incident in a wider global picture, 61% of migrants and refugees surveyed by MMC in September 2020 reported a shift to riskier routes by smugglers since the start of the pandemic; notably this was even higher (over 70% in Niger), in states focussing on smuggler interdiction.

Compounding the risks of the journey, the increasingly hostile environments faced by migrants and refugees in transit – driven by fear of contagion among communities and anti-migrant rhetoric – means that those who have engaged smuggling services will find themselves more reliant on their smugglers. Evidence shows that in contexts where migrants do not feel safe, they are under tighter control of their smugglers, who become their *de facto* protectors. Such migrants are consequently more vulnerable to abuse at the hands of their smugglers (Reitano and Bird, 2018).

Vulnerabilities due to increased anti-migrant sentiment

Smugglers, however, are only one of myriad actors which pose protection risks to migrants and refugees in transit and destination. Anti-migrant sentiment, fuelled by public discourse characterising migrants as carriers of COVID-19,¹⁰ increases the threat posed by this broader set of actors, including community attacks fuelled by fear and xenophobia, and abuse at the hand of state officials, the latter a group repeatedly identified as one of the key perpetrators of abuse against migrants and refugees.

Further, the growth in anti-migrant sentiment enables measures which breach refugee and migrant rights enshrined in international law,¹¹ leaving few avenues for recourse in the face of abuse. Prior to the pandemic, record forced displacement levels – reaching 79.5 million by the end of 2019 – were already putting significant pressure on international legal frameworks and commitments in place to protect the rights of those on the move, in particular of refugees (UNHCR, 2020). Myriad states, arguably in breach of their obligations to interpret their commitments under international treaties ‘in good faith’ were already responding to such displacement levels by implementing a range of measures to impede access to asylum, and subjected irregular migration to a wide range of criminal and repressive sanctions (Corten and Klein, 2011; Fitzmaurice, 2014). The pandemic has offered an opportunity for policy-makers seeking to limit extant protections to push through controversial measures, masked in emergency rhetoric.

To provide one case study, before the COVID-19 outbreak in March 2020, President Trump made several attempts to erode the rights of migrants and refugees accorded by international law, but such attempts were often met by fierce criticism and subsequently reversed or watered down. With COVID-19 widely recognised to constitute a national security threat, emergency anti-contagion measures that similarly ride roughshod over migrant rights were subject to little public scrutiny.

In line with this, on 23 March 2020, the US Department of Homeland Security stated it would ‘return ... aliens [seeking to enter the US] to the country they entered from ... Where such a return is not possible, CBP [US Customs and Border Protection] will return these aliens to their country of origin’ (US Homeland Security, 2020). Although the measures came into effect on 21 March for an initial 30-day period, despite widespread condemnation of the order, including by UNHCR, (Lakhani, 2020) the Center for Disease Control and prevention introduced an indefinite order in October 2020 (Center for Disease Control and Prevention, 2020). Human rights organisations have repeatedly highlighted that such orders are not aligned with the rights of refugees to seek asylum, and risk potentially catastrophic harms to expelled individuals (Sawyer, 2020). Reports of irregular migrants being ejected back into Mexico only

96 minutes (on average) after entering the US also suggests that obligations to assess whether migrants can return safely are being ignored (Miroff, 2020).

Research by Freedom House, a US thinktank, found that in 80 of 192 countries surveyed, the condition of human rights had deteriorated since the start of the pandemic (Freedom House, 2020). The decline is particularly acute in struggling democracies, or repressive states, and is expected to continue as the pandemic fades. The erosion of human rights during emergencies is notoriously difficult to reverse.

The commitments made by states to respect the human rights of migrants and refugees in the 2018 Global Compacts look to be in danger of quickly being forgotten (UNGA, 2019). International and national frameworks protecting migrant and refugee rights, already under strain, may suffer long-lasting damage.

If migrants, refugees and asylum seekers lose hope that their rights will be respected and that their claims will be dealt with fairly and lawfully, fewer will engage with authorities to regularize their status. Instead, a greater proportion will remain in host countries with tenuous irregular status, forming a shadowy parallel society that is highly vulnerable to exploitation by organized crime, including trafficking networks. This trend has already been identified in countries whose asylum systems quickly became more hostile, such as Sweden which reacted to the 2015/16 ‘migrant crisis’ by amending its legal frameworks surrounding migration and asylum (Larsson, 2017).

The erosion of frameworks in place to protect the rights of migrants and refugees therefore increases the vulnerability of those on the move not only at the hands of the smugglers facilitating their movement, but to a range of criminal operators in transit and destination, most commonly human trafficking networks.

Rethinking the response?

Responses to the smuggling industry can be divided broadly into two categories – those focusing on supply, and those addressing demand.

Policy-makers have typically prioritised the former, and the COVID-19 pandemic appears to have tipped the balance yet more firmly in their favour.¹² The focus of these supply-side responses is on deterring smugglers from operating by heightening enforcement and increasing the risk of interdiction and prosecution. These are underpinned by the criminalisation of human smuggling, and consequent adoption of a criminal justice response.

A more nuanced understanding of the human smuggling marketplace recognises both the operation of criminal networks with a high degree of organisation, and of structures more accurately perceived as community enterprises with low organisation in contexts where alternative livelihoods are limited. This broad range of operators calls into question whether criminal justice measures are always appropriate.

Human smuggling was criminalised under international law by the UN Protocol against the Smuggling of Migrants by Land, Sea and Air which came into force in 2004, and constitutes one of three Protocols supplementing the United National Convention on Organized Crime (UNODC, 2000). The Smuggling Protocol is inherently attached to the UNTOC, and should not be read – as it often is – in isolation. One key danger of doing so is that it dilutes the focus of the Protocol on organised crime.

This is misleading, and instead the Smuggling Protocol should be understood as a criminal justice instrument intended to have a limited scope: namely, to shape the response to organised crime networks involved in human smuggling. The UNTOC definition of ‘organised crime group’ is notoriously expansive:

a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. (UNODC, 2004)

However, even taking this into account, research into human smuggling has pointed increasingly towards a market which is dominated by loosely affiliated individuals, or organisations with limited hierarchy. It is arguable that many of these would not meet the criteria of the UNTOC definition, and should therefore fall beyond the scope of the criminalisation obligations in the Smuggling Protocol, and consequently under national legislative frameworks. This is not an approach which has gained significant traction to date, yet deserves greater exploration and analysis.

Conclusion

COVID-19, and state responses to the virus, bring two long-recognised correlations into sharp relief: firstly, that between shrinking legal pathways for migration and the growing need to migrate irregularly; and secondly, that between increasing investment in border control to restrict irregular migration, and the increased demand for smugglers.

These linked phenomena call into question the efficacy of existing response frameworks, and highlight that they can be counterproductive, because they may heighten demand for smugglers, and drastically increase the vulnerabilities of those on the move.

As the evidence base surrounding the structure of human smuggling operations grows, there is a growing argument that some smuggling dynamics should not be treated as forms of organized crime, rendering criminal justice responses inappropriate and calling for a fundamental pivot in responses (Achilli, Sanchez and Zhang, 2018; McAuliffe and Laczko, 2016).

Such a pivot would instead focus more on strands of responses which address the structural underpinnings of the human smuggling market, including policies and interventions which focus on the demand for help to move irregularly. These include enhancing legal avenues for movement, seeking to render smuggling services unnecessary, and addressing the original drivers for migration and displacement (Carling, 2017).

It is crucial to ensure that the pandemic does not mark a sharp decline in the protections granted to migrants and refugees in law and policy across the world, but instead that policy-makers take the opportunity to address flaws in extant counter-smuggling responses.

The widespread decimation of livelihoods and unprecedented unemployment caused by the pandemic across many regions has heightened the underlying drivers for migration, triggering increased outflows of irregular migrants as internal controls imposed at the beginning of the pandemic are relaxed.

Considering a wider array of response tools, and moving away from knee-jerk reliance on the two-pronged formula of border control and interdiction, are urgently needed in order to avoid responding to pandemic-enhanced outflows in ways that drastically increase the harms faced by the growing numbers of those on the move.

Notes

- 1 This chapter draws on data collected by the Global Initiative Against Transnational Organized Crime through its networks and civil-society partners in the field around the world.

- 2 It is key to distinguish human smuggling from human trafficking, as they are distinct phenomena and different crimes under international law. While trafficking broadly constitutes the recruitment or harbouring of persons through coercion or deceit for the purpose of exploitation, smuggling takes places on the basis of a willing transaction between migrant and smuggler – in effect, a bilateral contract for services. Although in some cases smuggling arrangements may end in trafficking, the vast majority will not. For further discussion see: Tuesday Reitano and Lucia Bird, Understanding contemporary human smuggling as a vector in migration, Global Initiative Against Transnational Organized Crime, May 2018, <https://globalinitiative.net/wp-content/uploads/2018/05/TGIATOC-understanding-Contemporary-Human-Smuggling-1936-hi-res.pdf>.
- 3 4Mi survey data collected by the Mixed Migration Centre between April and September 2010 about the impact of COVID-19 on refugees and migrants travelling across mixed migration routes in Africa, Asia and Latin America found that 47% of surveyed refugees and migrants cited increased difficulty crossing borders as an impact of the coronavirus crisis on their migration journey. Mixed Migration Centre, update COVID-19 Global Thematic Update #1, 1 September 2020.
Impact of COVID-19 on migrant smuggling, https://reliefweb.int/sites/reliefweb.int/files/resources/126_Covid_Snapshot_Global_smuggling.pdf.
- 4 When analysing Frontex figures, it is key to note that a growing number of migrants are likely stuck in transit on their journeys further away from Europe's borders. Frontex, Situation at EU external borders in March – Detections halved from previous month, 16 April 2020, <https://frontex.europa.eu/media-centre/news-release/situation-at-eu-external-borders-in-march-detections-halved-from-previous-month-mZriqk>; Frontex Situation at EU external borders in April – Detections lowest since 2009, 12 May 2020, news release, <https://frontex.europa.eu/media-centre/news-release/situation-at-eu-external-borders-in-april-detections-lowest-since-2009-mJE5Uv>.
- 5 The rapid emergence of cigarette smuggling markets into South Africa, and alcohol smuggling markets into Namibia, following the states' banning of such products during the pandemic is one example of illicit smuggling dynamics quickly emerging to meet new demand. See: Defence Web, Smuggling of alcohol, cigarettes on the rise, 20 April 2020, <https://www.defenceweb.co.za/featured/smuggling-of-alcohol-cigarettes-on-the-rise/>; IOL, Spike in people smuggling beer, whisky into Namibia amid coronavirus crackdown, 28 April 2020, <https://www.iol.co.za/news/africa/spike-in-people-smuggling-beer-whisky-into-namibia-amid-coronavirus-crackdown-47308917>.
- 6 The proportion of respondents reporting higher smuggling fees was especially high in Malaysia (74%), Niger (68%) and Libya (65%), all countries in which it was frequently noted that access to smugglers had become more difficult (74%, 56% and 66% respectively). Mixed Migration Centre, update COVID-19 Global Thematic Update #1, 1 September 2020.
Impact of COVID-19 on migrant smuggling, https://reliefweb.int/sites/reliefweb.int/files/resources/126_Covid_Snapshot_Global_smuggling.pdf.
- 7 Recent research tracking the vulnerabilities to trafficking of irregular migrants travelling across the Sahel on their journeys towards Europe found that 83% of migrants who reported paying smugglers through 'travel now, pay later' structures were trafficked, compared to the average rate of 60% across the rest of the migrants surveyed. Arezo Malakooti, The Intersection of Irregular Migration and Trafficking in West Africa and the Sahel: Understanding the Patterns of Vulnerability, Global Initiative Against Transnational Organized Crime, forthcoming. These percentages are from a quantitative survey of 1689 randomly selected migrants across two countries (Niger and Mali).
- 8 This is not the case for the far northeast of Mozambique. This region is significantly impacted by heavy rain and a failure to maintain bridges, a situation which has cut almost all road traffic from Tanzania. It is also impacted by insurgency, particularly as the insurgents are trying to take control of Macomia and Quissanga districts. Email exchange with Joe Hanlon, academic, journalist, and editor of weekly newsletter on Mozambique, 31 March 2020; email submissions by Mozambican journalist, 1 April 2020. Email exchange with Joe Hanlon, academic, journalist, and editor of weekly newsletter on Mozambique, 31 March 2020.
- 9 This specific incident is reported in: <https://www.facebook.com/498168007057993/posts/1352274041647381/?d=n%0D>. Ongoing monitoring of human smuggling by The Global Initiative Against Transnational Organized Crime in the Sahel.
- 10 Suhret Fazlic, the mayor of Bihać, Bosnia, reportedly told the press that migrants could be dangerous as potential carriers of COVID-19. See Lorenzo Tondo, Bosnia crams thousands of migrants into tent camp to 'halt COVID-19 spread,' *The Guardian*, 27 March 2020, <https://www.theguardian.com/global-development/2020/mar/27/bosnia-crams-thousands-of-migrants-into-tent-camp-to-halt-covid-19-spread>.

- 11 Refugees, and to a lesser extent migrants, are ascribed rights both within standalone instruments, including the 1951 Refugee Convention, and in the broader international human-rights legal framework, including the Universal Declaration of Human Rights.
- 12 For example, throughout the first quarter of 2021 the UK Home Secretary, Priti Patel, has sought to push through legislative reform to prescribe life sentences for human smugglers, and the Home Office has scaled up the practice of charging migrants steering boats with criminal offences. Although COVID-19 is likely only one of the factors driving this, it is certainly a pivotal backdrop shaping this response. Jamie Grierson, Priti Patel has not secured deals with European countries over UK asylum overhaul, *The Guardian*, 24 March 2021, <https://www.theguardian.com/politics/2021/mar/24/priti-patel-has-not-secured-deals-with-european-countries-over-uk-asylum-overhaul>.

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