

## **ON THE CONSEQUENCES OF ILLEGAL MIGRANTS TRAFFICKING ON NATIONAL SECURITY**

**Col. (ret.) prof. Robert MORAR\* . Ph.D.**  
“Alexandru Ioan Cuza” Police Academy, Bucharest

*Risks against national security are mainly represented by transnational crime, organized crime and terrorism. In this study, the author analyses the risks and consequences of the illegal migration and illegal migrants trafficking on national security.*

**Keywords:** migration; migrants trafficking; national security; risk.

Illegal migrants trafficking is one of the most acute manifestations of cross border crime, with visible consequences on the victims of such traffic, and side effects which are difficult to assess on the long run. Apart from the fact that such type of traffic is often related to other forms of organized crime (drug trafficking, weapon trafficking, terrorism etc.), illegal migrants trafficking may be a threat against social and economic stability of the states, as well as their peace and security, by disturbing the demographic, ethnic and cultural balance, by the inability of the social protection and public health mechanisms to absorb the legal labor market, thus disturbing the rapport between the law enforcement authorities and the criminal side of the population<sup>1</sup>.

Of late, in Europe there has increasingly frequently been asserted that *illegal migration affects internal security of the EU member states*.

Criminal activities of the smugglers undermine the ability of the states to protect their own sovereignty, and consequently reduce the opportunities of the migrants to move legally and safely to other countries.

*Illegal migrants trafficking is a deadly business*. Regardless of the risks they face, migrants wish to reach developed countries, hoping to live a better life.

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\* e-mail: [robertmorar@yahoo.com](mailto:robertmorar@yahoo.com)

<sup>1</sup> Ioan Dascălu (coord.), Robert-Sorin Negoită, Adrian Iacob, Cristian-Eduard Ștefan, Costel Pelcaru, Cătălin Țone, Virgil Spiridon, Dan Bîrlă, *Criminalitatea organizată: tratat de teorie și practică judiciară* (vo.l I), Craiova, 2009, pp. 473-474.

In the destination countries for migrants, a consequence of the increase in demand for inexpensive goods and services is represented by a certain tension within the protectionist environment, which in turn leads to a greater vulnerability in exploiting legal and illegal migrants. Supplementary weak points may also occur due to enhanced competition against national workers to occupy the diminished labor market, as well as a decrease in investments for the welfare of the community. National workers can benefit from more support than foreign workers. Even so, despite the difficult conditions, the rights of the trafficked migrants and the victims of the trafficking in human beings must be observed and upheld, and the victims of the trafficking must be appropriately identified and supported.

*Illegal migrants trafficking may seriously endanger migrants' lives and health.* In the past years, there has been a worrying increase in the number of deaths among trafficked migrants. Migrants trafficking is more often approached inappropriately by law enforcement agencies. These punish illegal migration even before it is acknowledged as a crime committed against the person who suffered grave violations of the human rights, especially the ones using exploitation. Such knowledge should be more developed in the case of the law enforcers in the field of trafficking in human beings and migrants smuggling<sup>2</sup>.

Available information lead to the conclusion that the increase in the number of deaths among migrants who wish to reach Europe at sea is a blatant humanitarian problem. In 2004, ICMPD estimated that almost 10,000 de people had died in the previous ten years trying to cross the Mediterranean Sea. Similarly, in the early 90s, APDHA (Andalusia Association for Human Rights) assessed that more than 4,000 migrants drowned trying to reach Spain. Fargues claims that mortality rates on maritime routes to Spain increased in 2001, currently reaching about two persons for 100 trafficked migrants. Once controls were tightened, the routes to Europe became increasingly dangerous. Consequently, migrants traffickers produced new riskier routes. According to "United" Organization, 7,182 deaths were recorded at the European borders between 1993 and 2006. Testimonies of the migrants trafficked by ship from Africa to European coasts revealed that most ships were overloaded, the boats were ill-equipped and often not fueled appropriately. The risk of shipwrecking is still high, because the boats are often lead by passengers, who only receive elementary instructions from the smugglers.

Organizations such as UNHCR and IOM have also reported numerous cases of ill-treatment applied by traffickers during traveling, including

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<sup>2</sup> *Provocări privind protecția drepturilor omului pentru migranți* (sinteză documentară), no. 3 (38)/2009, The Ministry of Administration and Interior Publishing House, Bucharest, 2009, p. 24.

homicides where migrants, including children, were thrown overboard. The level of violence and harassment seems to have been so high that several cases of suicide were presented to the investigators working for “Médicins Sans Frontières”. In Africa, according to the information collected in interviews, traveling through the Sahara desert is extremely tough. Upon reaching Italy, the migrants often recall crossing the desert as the most dangerous part they experienced.

Apart from the fact that they need to face thirst, starvation and hypothermia, migrants also have to defend themselves against smugglers’ organized gangs. The trips often end in tragedy: dozens of abandoned wrecks, trucks found in the desert, etc.

Similar information can be found in the specific literature which accounts for the experiences of migrants who attempt to cross the US-Mexican border. Once operation “Gatekeeper” was launched in 1994, the main objective of the American immigration authorities was to intensify controls which would deter many migrants in their attempts to cross the border, due to physical difficulties and the increase in financial and psychological costs of the travel. According to Scharf<sup>3</sup>, this policy led to a substantial increase in the number of deaths at the border. The available figures show that five out of ten people may die on the travel, especially those from remote areas. Recently published studies show that there is an increase in the human cost of the migrants smuggling, as drug cartels are also involved in such trafficking. The reports of the law enforcement officials and migrants’ testimonies reveal the fact that most migrants suffer from serious psychological and / or physical abuse – including torture and death – during their travel. Sexual abuse inflicted upon women is almost systematic.

*Trafficked migrants can become extremely vulnerable to HIV/AIDS infestation*, according to the type of migration and its circumstances. There are generally four key links connecting migration to the spread of HIV/AIDS:

- local multi-social networks of migrants create opportunities to develop wider sexual networks.
- mobility and transitoriness may encourage people or make them vulnerable to a high risk sexual behavior.
- mobility makes people more difficult to help by intervention (preventive education, distribution of condoms, HIV testing and counseling, post-infection treatment and care).
- migrants communities are often socially, economically and politically outcast, considering both their legal and protection rights, and regarding discrimination and xenophobia.

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<sup>3</sup> Daniel Scharf, *For Humane Borders: Two Decades of Death and Illegal Activity in the Sonoran Desert*, 38 Case W. Res. J. Int’l L. 141, 2006.

Such connections show that mobile populations are more susceptible to exposure to infection, and are less likely to have access to medical care and treatment, and to a support network when they are ill or dying.

In the published surveys on safe mobility and HIV: II (PNUD, 2007), it is shown that mobile populations may be more vulnerable to insecure sexual practices, due to<sup>4</sup>: isolation, discrimination, language and culture barrier, separation from regular sexual partners, desire for intimacy, comfort and gratification in a stressful environment, the feeling of anonymity, the dynamics of selling and buying sex, the lack of access to health and social services, including information on condoms, the lack of power in negotiating sex, including transactional sex.

Migrants are sometimes stigmatized as disease carriers. It is therefore important to underline the fact that migration does not necessarily expose people to HIV infection; rather, HIV infection depends on the conditions under which the migration takes place.

The specific literature has little information on *the social costs of migrant smuggling*, except for the situation in Africa. Most migrants leave with their family's savings and loans from friends, which makes migration a long-term investment. Moreover, during the travel, they ask for more money to cover the incumbent expenses. This amount is often very high, representing the savings of a family across years. As such, in the past decades the geography of migration has changed, and the geography of the humanitarian issues recently associated with illegal migration (poverty, exploitation, segregation and abuse) is also changing. Many migrants give up the travel, caught between traffickers' economic requirements and the fear of being apprehended and deported by the authorities.

Smugglers play a very important role in shaping a population of migrants. In many cases, traffickers steal migrants' money, forcing them to pay more than they agreed upon, or else they will be abandoned<sup>5</sup>.

Many migrants are then forced to return home to a situation which is worse than it was when they left, or are compelled to stay abroad, under an illegal status. These situations, along with the deaths, arrests and diseases among migrants make the social costs of illegal migration from Africa significant. The higher the risk to migrants' lives, the higher the social costs for their community.

*Illegal migrants trafficking is a source of threats for the national security*, considering its damaging effects on the main Romanian social fields: demographic, the labor market, underground economy, increase in crime.

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<sup>4</sup> *Toolkit to combat smuggling of migrants*, UNODC, 2010, p. 19.

<sup>5</sup> Cristian-Eduard Ștefan, *Traficul de copii și crima organizată*, in *Poliția Română* no. 12 (822)/2006, p. 20.

This category of persons face the risk of becoming a threat for public order, as their precarious state make them prone to committing crimes.

The attempt to use the Romanian territory as a space of maneuver for illegal migration and illegal migrants trafficking causes negative effects on both social climate, public order and economic situation, and the interests of Romania, by hindering the official actions to ease the traveling of Romanian citizens in the communitarian (as well as other) space.

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