Differences between the smuggling in migrants and trafficking of children and adolescents

International Organization for Migration (IOM)
International Labour Office,
International Programme for the Elimination of Child Labour (ILO/IPEC)
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There is often confusion between the smuggling in migrants and trafficking in persons, and it is therefore necessary to clarify the differences between these crimes. We will begin by defining each one:

**What is it?**

**Trafficking of children and adolescents**

A crime whereby a boy, girl or adolescent is lured, transported, transferred, taken in or given refuge for exploitation purposes.

**Illegal trafficking of migrants**

A crime whereby a person is illegally moved from one country to another, for the purpose of obtaining financial or material gain.

Whenever the purpose of transporting an underage person is exploitation i.e.: labour, sexual, selling the person or their organs, illegal adoption or promoting slavery, even if it is within the same country, it is considered a case of trafficking and not smuggling. It is a business transaction involving “merchandise”, namely the person. Trafficking is therefore a crime against the person since it violates his or her basic rights.
The smuggling in migrants takes place when the latter are assisted in crossing borders with false documents or travelling through areas outside migration controls. This is commonly known as “coyotaje” or “migrant smuggling” and consists of a business transaction for a service: illegal border crossing. It is, therefore, a crime against the sovereignty of the State, both of the origin country and that of the transit and host country.

Below are some characteristics that differentiate trafficking in persons from illegal migrant smuggling:

**Trafficking in Persons:**

- The displacement may be legal or illegal
- Original or false documents may be used.
- The trafficker’s aim is to earn money or obtain some other benefit in exchange for transporting a person for exploitation purposes.
- The victim is forced or deceived; he/she does not consent.
- The victim’s movements are restricted or limited in order to subject him/her to exploitation.
- The merchandise being traded is the person.
- A crime is committed against the person being trafficked
Smuggling in migrants

- False documents may or may not be used.
- It involves irregular border crossings; the displacements may involve travelling through unauthorized areas.
- The trafficker seeks to gain money or some other benefit by facilitating a border crossing without the documents and procedures required by law.
- The displacement is voluntary; the victim gives his/her consent.
- There is no restriction of movement (in the majority of cases the smuggling ends once the border has been crossed).
- The commercial item is the border crossing service.
- The crime is committed against the State.

Aspects common to trafficking in persons and smuggling in migrants

- They are criminal activities according to the instruments of international law.
- They are often committed by very organized groups of traders and traffickers.
- They involve a trade that deals in human beings.
People involved in cases of trafficking or smuggling

Trafficking in persons and smuggling in migrants involve many people who are members of networks or highly organized criminal groups made up of:

- **A recruiter:** the person in charge of luring or finding the boy, girl or adolescent who will be displaced. It could be a person from their same town, a friend, an acquaintance or even a relative.

- **A person in charge of transporting the boy, girl or adolescent or of facilitating their transportation:** may be a local lorry driver, a person who will help him/her to cross the border or even an acquaintance or relative who takes them to their destination.

- **The exploiters:** in cases of trafficking, these are the people who offer some kind of benefit or who pay for exploiting the boy, girl or adolescent.

Alongside the smugglers and traffickers, there are many other people who may be accomplices in this activity: taxi drivers, hotel staff, public officials, who observe or detect an irregular situation and fail to intervene, or accept money in exchange for keeping quiet or producing false identity documents.

Now that you, as a migration official, know the differences between a trafficking situation and a smuggling case, as well as the people involved in them, it will be easier for you to identify them and detect these problems so that you may contribute to the struggle to eradicate them.

*Let us put a stop to the exploitation of their dreams and hopes...*
RELOCATING BOYS, GIRLS OR ADOLESCENTS FOR EXPLOITATION PURPOSES IS A CRIME

Project: “Contribution to the prevention and elimination of the commercial sexual exploitation of children and adolescents in Central America, Panama and the Dominican Republic”

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OIM Organización Internacional para las Migraciones

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