



ILLEGAL IMMIGRATION AND HUMAN TRAFFICKING: WHAT IS THE RELATIONSHIP?

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ABSTRACT

The world did not know stability until after World War II, where the international community experienced a type of reassurance. However, the Arab and Maghreb countries more clearly suffered from the phenomenon of colonization, which resulted in many people migrating to other countries that enjoyed stability and security.

However, the situation began to tighten due to the rising number of immigrants. Countries had no choice but to enact laws and set conditions that limited immigration to them. From here, illegal immigration began to make its mark on reality, through which various countries tried to limit it from a legal perspective. But the escalation witnessed by illegal immigration, being an organized crime, had repercussions on the irregular migrant himself, resulting in exploitation that reached the extent of human trafficking.

Keywords: World War II, colonization phenomenon, displacement, migrants, illegal immigration, legislation, organized crime, irregular migrant, human trafficking.

INTRODUCTION

Europe suffers significantly due to crimes and issues related to immigration, especially illegal immigration. The European Police Agency has revealed the existence of four mafia conglomerates engaging in organized crime across the continent, adding in its reports that human smuggling and illegal immigration are among the most threatening to the old continent, describing them as dangerous and profitable trades. (Noor & Al-Mubarak, 2014, pp. 72-73)

The United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in November 2000, disclosed international cooperation to prevent, deter, and punish trafficking, involving roughly three to four million women and children annually, who are forced into prostitution or labor around the world. Before this agreement, there was no unified and internationally recognized concept of 'human trafficking'. The concept introduced in this agreement includes three main aspects:

- The recruitment of people, the transportation or transfer of people, the use or harboring of trafficked persons.
- The use of illegitimate methods such as force, abduction, fraud, or deception.
- The intent of the operation(s) being sexual exploitation, servitude, forced labor¹ (Sadiq, 2011, p. 53), or slavery (Mubarak, 2010, p. 13).

The protocol, which was ratified in January 2004 as part of this convention, can be considered the first international legal instrument to combat human trafficking, a trade that has predominantly affected women. (Rakash & Mishri, 2014, p. 163)

In this context, the former UN Secretary-General Kofi Annan emphasized in one of his articles that undocumented illegal immigrants are most vulnerable to exploitation by boat owners or people smugglers across borders (Tayebi, 2009, p. 72).

The protocol related to the suppression of migrant smuggling by land, sea, and air complements the United Nations Convention against Transnational Organized Crime, aiming to prevent such crimes

1- Forced labor, as defined in Article 2 of the International Labour Convention on Forced Labour signed in Geneva in 1930, is: "Any work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily,"



through cooperation between the states parties while protecting the rights of smuggled migrants (Noor & Al-Mubarak, 2014, p. 111).

A study conducted by the Refugee Studies Center in 2006 added that migrants crossing the Mediterranean are victims of human trafficking. Human smuggling activity intensified after World War II in poorer countries and has evolved over the last two decades, which have seen a staggering increase in the number of people looking for work opportunities. Many of these attempts to cross the Mediterranean using unsafe means are often fraught with danger, carried out by international organized gangs including experienced individuals, with some of the smuggled migrants being women and children who fall victims to exploitation and mistreatment for life (Zarrouk, 2014, p. 26). Thus, the concept of human trafficking was initially defined concurrently with the concept of illegal immigration, where this simultaneity revealed that illegal immigration often turns into human trafficking.

1. THE CONCEPT OF HUMAN TRAFFICKING

The phenomenon of secret immigration is often linked to organized crime, based on it being a criminal phenomenon when backed by certain groups that use violence primarily for their criminal activities and aim for profit. This can be on a national scale or may extend beyond internal borders to become transnational, having similar connections with organizations in other countries (Fouka, 2014, p. 133), as happens in the Mediterranean region.

Thus, illegal immigration is the second manifestation of the crime of trafficking in persons and exploiting prostitution. History notes the Chinese Triads as some of the most famous organizations involved in this criminal activity, specializing in smuggling migrants to the United States (Al-Breezat, 2008, p. 80).

The Maghreb countries are among the most active regions for the transit of African migrants, where the Sahara Desert areas have seen an increase in the number of migrants trying to cross the Mediterranean and Atlantic to European Union countries using unsafe means of transport. This has exposed some of them to numerous dangers, and not a week goes by without news of a non-seaworthy boat sinking with all its passengers, bodies being washed up on shores, and reports of people paying substantial amounts for human trafficking (Noor & Al-Mubarak, 2014, p. 41). Not to mention, both poverty and unemployment are drivers for some Africans to cross borders in hope of entering Western Europe, resulting in many victims during these attempts (Noor & Al-Mubarak, 2014, p. 43). The disastrous situation of Africans is summarized by the Human Development Index, which is based on three variables (missing in the countries of southern Africa):

- Health level, expressed by the expected lifespan at birth.
- Level of educational attainment, expressed by the weighted average of adult literacy and school enrollment rates.
- Standard of living, expressed by the average real income (Tahay, 2014, pp. 353-354).

These factors and motives raise questions about their relationship with the phenomenon of slavery, and the extent to which they are regulated through international charters and agreements.

1.1 HUMAN TRAFFICKING AS A DISGUISED MODEL OF SLAVERY TRADE

The definition of human trafficking is not new on the international stage; it was recognized by the 1926 Slavery Convention, which stated that the trade of slavery involves all acts that entail capturing someone, detaining, or handing them over to others for the purpose of enslavement, and all acts involving the detainment of slaves for the purpose of selling or exchanging, and all acts of abandonment, whether by sale or exchange, i.e., the trafficking of slaves or their transportation regardless of the means used (Sadiq, 2011, p. 43). From another angle, human trafficking can be defined as exploiting all means of enticement including providing transportation, reception places, money, either by fraud, coercion, extortion, or violence exerted on the victim (Saqr, 2012, p. 265).

The preamble of the United Nations Convention Against Transnational Organized Crime, held in Palermo in 2000, states that the parties recognize that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive and international approach by the countries of origin, transit, and destination. This approach includes necessary measures to prevent such trade, punish the perpetrators, and protect the victims, especially ensuring



respect for their internationally recognized political rights. Considering the various international instruments that contain practical rules and provisions to combat the exploitation of persons, especially women and children (Al-Breezat, 2008, p. 80),² there is still no global document that covers all aspects of trafficking crimes, and the absence of such a document makes the protection provided to the vulnerable persons targeted by these crimes insufficient.

The protocol mentioned above in its first article complements the United Nations Convention against Transnational Organized Crime. The protocol defines in Article 3, paragraph (a), human trafficking as the recruitment, transportation, harboring, or receipt of persons by means of threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power, or a position of vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another for exploitation purposes. Exploitation includes, at a minimum, the exploitation of the prostitution of others and other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, or the removal of organs.

With this definition, we find that the protocol has expanded the scope of the crime of human trafficking in order to control this crime in all its forms.

Paragraph (b) of the same Article 3 states that the consent of the victim in this crime is irrelevant, and paragraph (c) of the same article specifies that the recruitment, transportation, harboring, or receipt of a child for exploitation constitutes human trafficking, even if none of the means outlined in paragraph (a) of this article are used, with a child defined as anyone under the age of eighteen.

Article 5 of the protocol obliges the state parties to adopt the necessary legislative measures to criminalize the acts specified in Article 3, including attempts to commit such crimes and criminal participation in them (Al-Breezat, 2008, p. 81).

Thus, joining international conventions to combat human trafficking underscores a fundamental rule that must prevail in all legal systems from a rights perspective for this case, as it is one of the significant issues for criminal justice, representing a blatant violation of human rights since human rights are indivisible. The situation calls for employing established international human rights standards as a common framework for the necessary action to curb human trafficking crimes, providing protection and support for the victims. If the rights perspective is insufficient, it is necessary to find more comprehensive criminal policies (Bakr, 2012, p. 08).

It was mentioned earlier that the Mediterranean region is the most active in terms of illegal migrant crossings, exposing this category to being victims of human trafficking gangs, with women and children making up a part of the migrants who fall victims to exploitation and mistreatment throughout their lives if they reach the shore safely (Noor & Al-Mubarak, 2014, p. 25).

Therefore, there is no general agreement on the concept of human trafficking because this concept has meanings that vary by spatial and temporal context. Nonetheless, human trafficking can be defined as the unlawful practice of transferring, converting, or displacing humans from their original location to other places, whether within a single country or internationally, in an unlawful manner, resulting in the use of deceit, force, or the threat of using it, and more importantly, resulting in exploitation or material profit (Mubarak, 2010, p. 16). This means that a critical link in the process of human trafficking is the deception of illegal immigration.

As we can conclude from the above about the crime of human trafficking, slavery itself is a form of human trafficking. The difference lies in that the process of enslavement involves the sale and purchase of persons and transferring their possession to the buyer as a right to dispose of property, a practice previously performed by peoples. In contrast, modern-day human trafficking is a collection of criminal acts committed using criminal methods intended to disrupt and strip the victim of free will, aiming for a criminal result that leads to unlawful exploitation (Sadiq, 2011, pp. 49-50). The forms of this latter vary from the removal of human organs, which has become a very profitable trade following

2- For example, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, 2000.



scientific advances in the medical field (Al-Sharafat, 2012, p. 114), to selling children through intermediaries for adoption (Al-Muhtar, 2007, p. 37).

1.2 HUMAN TRAFFICKING IN LIGHT OF INTERNATIONAL AGREEMENTS

Human trafficking is considered the modern and contemporary face of slave trade as previously mentioned. It also represents a facet of the slavery phenomenon, which constitutes a blatant violation of human rights and freedoms (Matari, 2018, p. 543). The first form of human trafficking was the slave trade, followed by the trade of white slaves, sexual trade, or trafficking of women for sexual exploitation. In this field, we refer to the first international convention to criminalize human trafficking, which was the International Agreement for the Suppression of the Traffic in White Slaves, known as the International Agreement for the Suppression of White Slave Traffic, in 1904. This was followed by the Geneva Convention in 1926, and then the International Convention to Prevent the Forced Labor of Humans in 1930. Subsequently, the amended protocol for the criminalization of slavery by the United Nations was introduced in December 1957 (Mubarak, 2010, p. 12).

The United Nations Convention against Transnational Organized Crime has focused on human trafficking within this framework, considering it a form of organized crime that transcends national borders. According to paragraph 1 of Article 5 of the Convention, an agreement made with one or more persons to commit a serious crime, for the purpose of directly or indirectly obtaining financial or other material benefits, can include crimes with tangible but non-monetary objectives, such as the receipt or exchange of pornographic materials by members of child pornography rings or the trafficking and sexual exploitation of children (Matari, 2018, pp. 543-544). Meanwhile, the protocol attached to the Convention, which deals with trafficking in persons, defines it based on its three combined elements, although each element could constitute a criminal act in itself (Sadiq, 2011, p. 52).

The protocol to prevent, suppress, and punish trafficking in persons, especially women and children, criminalizes the following actions:

- Attempting to traffic persons, especially women and children.
- Participating in the trafficking of persons, especially women and children.
- Organizing or directing persons to commit the crimes specified in Articles 3 to 5.

Therefore, the mere act of attempting, participating, or organizing and directing is sufficient to constitute the crime of trafficking in persons, and the emphasis on women and children indicates that those engaged in this trade target this group due to their vulnerability and the significant profits that can be derived from exploiting them.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography also requires states to protect the rights and interests of child victims and to cooperate internationally to ensure children's protection from sexual exploitation (Matari, 2018, p. 544).

The Council of Europe Convention on Action against Trafficking in Human Beings in 2005 defines human trafficking as: "the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the 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, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (Sadiq, 2011, p. 44)."

Based on these international texts, the Algerian legislator has intensified the penalties for the crime of human trafficking, classifying it as a felony, particularly in light of the prescribed punishment (Matari, 2018, p. 544). This approach incorporates the definition from the Council of Europe Convention into the core of the penal code (Article 303, 2009)³.

3- Article 303 bis 4 of the Penal Code No. 09/01 as amended and supplemented: " Trafficking in persons is considered the recruitment, transportation, transfer, harboring, or reception of one or more persons by means of the threat of force or its use, or other forms of coercion, abduction, fraud, deception, abuse of power, or exploitation of



2. THE TRANSFORMATION OF ILLEGAL IMMIGRATION INTO HUMAN TRAFFICKING

The process of smuggling or illegal migration is considered a violation of the immigration laws of the destination country by both the victim and the smuggling gang, while human trafficking is considered a violation of the human rights of the victim by those involved in these criminal operations (Ramadan, p. 02). With the onset of the second half of the twentieth century, this phenomenon has taken on more complex forms due to its association with organized crime that crosses national borders (Al-Ahl, 2014, p. 63).

Human smuggling and trafficking have become fertile grounds for organized crime that spans continents, a truth highlighted by reports from specialized international organizations and some major countries concerned with this issue. It has touched nearly five continents, although it is more prevalent in certain countries compared to others, but it has ultimately become a global phenomenon, and no society can be considered immune to it (Mubarak, 2010, p. 09).

Both crimes are thus seen as two sides of the same coin, namely organized crime, and the overlap between them remains a subject for debate and analysis.

2.1 HUMAN TRAFFICKING AND ILLEGAL MIGRATION ARE TWO SIDES OF THE SAME COIN - ORGANIZED CRIME

The Barcelona Declaration, signed by 27 countries, allocated a significant section in its third part, titled "Partnership in Social, Cultural, and Humanitarian Areas," to the phenomenon of illegal migration. However, it is noted that this declaration emphasizes the security aspect in addressing the challenge of illegal migration, which it considers a crime classified among transnational threats. This makes the Barcelona process more akin to building security rather than trust or, more precisely (Belkheira, 2014, pp. 110-111), building a partnership. This is supported by referring to the dangerous nature of both crimes, and in the face of the rights of the illegal migrant versus respecting human rights, a frightening statistic led to the development of an African plan considering it the continent leading in the number of migrants. This strategy is based on four main points (Amrouche, 2014, pp. 223-224):

- Migration and development.
- Migration and peace, security, and stability.
- Migration and human rights.
- Migration and human resources.

Since the main and general goal of migration is to seek employment in response to unemployment in these countries, the preamble to the constitution of the International Labour Organization, established in 1919, referred to the protection of interests of "workers employed in countries other than their own." However, on the other hand, immigration laws stipulate that migrants must abide by the laws of the countries they migrate to and respect their customs and traditions (Noor & Al-Mubarak, 2014, p. 25). This organization adopted Convention No. 143 in 1975 concerning migrant workers, which came into force in December 1978. This convention focuses on illegal migration and the international efforts required combating this type of migration. It also stipulates achieving equality of opportunity and treatment between workers and citizens, among others (Darbal, 2014, p. 93). Despite this legal enumeration, unregulated migration has been a bridge between organ traffickers and their victims.

It is also observed that there is a link between organized crime and human trafficking through the definition of organized crime in the United Nations Convention against Transnational Organized Crime of 2000. Article 1 of the convention states: "For the purposes of this Convention, 'organized crime' shall mean the activities carried out by three or more persons, linked by coordinative ties or personal relationships, involving collective activities that allow their leaders to reap profits or control territories, internal or foreign markets through violence, intimidation, or corruption, with the aim of

vulnerability, or by giving or receiving money or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include the exploitation of the prostitution of others or other forms of sexual exploitation, exploitation of others in begging, forced labor, servitude, slavery, practices similar to slavery, or the removal of organs".



promoting criminal activity and for the penetration of the legitimate economy alike" (Bakr, 2012, p. 11).

Smuggler and trader organizations target various groups of people for their personal purposes, such as exploiting them in labor, prostitution, drug smuggling, pickpocketing, and sexually exploiting children, exploiting the natural vulnerability of women and children in these activities (Rakash & Mishri, 2014, p. 163).

The table below illustrates the nature of human trafficking, which includes (the purpose, the means, and the act) (Mubarak, 2010, p. 10):

Purpose	Means	Act
Exploitation - Includes	Threatening with or using force and violence	Recruitment
Sexual Exploitation	Coercion	Transport
Prostitution	Kidnapping	Transfer
Exploitation as labor in all activities (forced labor)	Fraud	Providing shelter
Exploitation resembling slavery	Deception	
Organ removal	Abuse of power	
All other forms of exploitation	Exposing individuals to harm	
	Offering or paying money or material benefits	

Defining the nature of human trafficking by clarifying the act committed, the means used, and the purpose of the operation itself, as shown in the table above, in our opinion, aligns with the jurisprudential definition of human trafficking. Some jurists believe that human trafficking encompasses all legitimate and illegitimate actions that transform a person into merely a commodity or victim, managed by intermediaries and professionals across national borders, with the intent of exploiting them in low-wage jobs or sexual activities, or the like. This occurs whether the action is done with the victim's consent, coerced, or in any other form of slavery (Sadiq, 2011, pp. 47- 48). Due to the seriousness of this type of crime, the Algerian legislature has designated the public prosecutor's office as the accusing authority to initiate public lawsuits (Chamlal, 2017, p. 191).

2.2 THE OVERLAPPING RELATIONSHIP IN TERMS OF THE REALITY OF THE TWO CRIMES

Initially, it should be noted that the signing of the Protocol against the Smuggling of Migrants by Land, Sea, and Air under the decision of the United Nations General Assembly at its 55th session in 2000 was intended to enhance international cooperation in the field of international migration and development in order to address the root causes of migration, especially those related to poverty. The protocol focuses on the proper treatment of migrants and the protection of their human rights (Bouzina, 2014, p. 247). A potential issue is the mixing of refugees with migrants, where the situation of each category differs from the other.

The existing overlap between the crimes of human trafficking and the smuggling of migrants, although it facilitates the commission of human trafficking, poses a difficulty and an obstacle for justice agencies (prosecution) and for providers of social care services to victims of human trafficking. It presents a challenge in adapting behavior to determine whether the case they encounter falls within the scope of migrant smuggling or human trafficking (Bakr, 2012, pp. 62-63).

The volume of migrants in this context, the shape of the specific age pyramid, and its other features and characteristics are significantly influenced by the demographic composition of the populations in the countries of origin of migration. It should be noted that the migration process is demographically selective, typically involving young males of working age, although these characteristics have undergone some changes in recent years with the trend towards feminization of migration and the inclusion of children under 18 years old as part of the migrant category (Rakash & Mishri, 2014, p. 150). This makes them more vulnerable to falling victim to human trafficking gangs disguised behind the mask of assistance for smuggling abroad. However, the international community has taken a stance on this issue. It is important to mention here that bilateral and multilateral agreements between countries



do not exempt states from their obligations towards human rights; all agreements must be consistent with human rights requirements ([Amnesty International, 2012, p. 09](#)).

This type of migration—illegal migration—is not a recent phenomenon but has been prevalent in Europe since the 1960s, originating from Spain, Portugal, and the Maghreb region. During the period from the 1960s to the 1980s, Europe needed labor, so there were no laws criminalizing the act of illegal migration at that time. However, once it felt it had enough labor, it implemented deterrent measures to limit illegal migration ([Chaqouri & Ahmidi, 2014, p. 48](#)). This means that this phenomenon was known in the past and overlooked due to socio-economic reasons, but its exacerbation has sparked an urgent need for international intervention, from the transit, originating, or receiving countries.

Especially here, two groups of individuals involved in crimes of illegal migration can be identified. The first group commits organized crimes such as money laundering, human smuggling, and drug trafficking, and they are directly connected to illegal migration as the smugglers. The second group consists of participants in the crime who may offer assistance prior to, concurrent with, or following the original crime, whether in the form of ideation, preparation, planning, or material setup at various stages of execution. No person related to the crime of illegal migration is exempt from accusation, even if they decide against completing the criminal project ([Noor & Al-Mubarak, 2014, p. 34](#)). Clarification here is necessary to understand which category is encompassed by protection.

In early October 2005, the interior ministers of the 5+5 Dialogue—Libya, Tunisia, Algeria, Morocco, Mauritania from the Maghreb side, and France, Spain, Portugal, Italy, and Malta from the European side—held a conference in Morocco to discuss the increasing illegal migration to Europe and to develop a joint plan to address the phenomenon. In this context, the Maghreb countries announced their need for more economic aid from the European Union to stop illegal migration to Europe. The Moroccan Interior Minister, Mustapha Sahel, stated: "The African countries south of the Sahara also need development assistance to provide job opportunities, so that their citizens prefer to stay in their countries rather than attempt to migrate to Europe" ([Youssef, 2011, p. 09](#)). Similar to the Rabat Declaration attended by nearly 60 African and European countries in July 2006, it was agreed to cooperate to solve the issue of illegal migration in a way that balances deterrence and respect for the rights of migrants ([Qamini, 2016, p. 235](#)).

Smuggling gangs have adopted illegal migration operations and have become criminal networks exploiting people wishing to migrate ([Noor & Al-Mubarak, 2014, p. 43](#)).

The increase and exacerbation of illegal migration, especially after the 1990s, led to the emergence of these networks that smuggle people across borders, utilizing their precise knowledge of desert routes like the Tuareg of the Sahara who are adept at navigating the paths of the Greater Sahara. They transport Africans either towards Mauritania or Algeria and then directly to Morocco, or directly towards Libya to Italy. Consequently, illegal migration has transformed certain segments of society, which were engaged in specific activities, into human smugglers by virtue of their good knowledge of the regions and border routes, both terrestrial and maritime ([Bouaziz, 2018, pp. 101-102](#)). Up to this point, determining responsibility seems straightforward, but creating obstacles in the form of conditions and restrictions for granting visas is considered by us fertile ground for activating various criminal gang activities, to use the idea of facilitating migration to another country as a means to execute their plans, especially concerning the trade in this category that becomes the center of victimization.

Therefore, closing legitimate channels for migration to young people serves as a convincing reason for this group to resort to gangs specialized in human trafficking via illegal methods. Often, these individuals are subjected to deception and fraud for the purposes of exploitation in forced labor and slavery. As a result, many women and children trying to escape poverty and need fall victims to human trafficking gangs where they are forced into vice. This crime typically takes the form of promises and enticements of lucrative jobs, and upon arrival, they are forced into prostitution to repay debts that escalate due to room rent and interest on these debts, in addition to being confined, continuously monitored, and threatened with physical harm to ensure their compliance with instructions ([Ramadan, p. 06](#)).



The issues with illegal migration include the exploitation of migrants in prostitution and human trafficking, particularly of children and females. This trade is growing rapidly and has attracted international criminal gangs and organizations. It is estimated that between 100,000 to 200,000 illegal migrants entered the European Union in 1993 through services provided by migrant smugglers and human traffickers (Rakash & Mishri, 2014, pp. 162-163).

In this context, a report from the International Criminal Police Organization emphasizes that the crimes of smuggling women for sexual exploitation are among the most dangerous crimes worldwide, affecting both the source and transit countries. Human trafficking groups from developing countries target vulnerable and poor segments of society, initially enticing them with job opportunities and unrealistically high wages, and often organize forged travel documents for their transit, only for them to find themselves forced into sexual slavery and coerced prostitution under inhumane threats and intimidation (Sadiq, 2011, p. 58).

The following report illustrates the proportion of women among those convicted in human trafficking crimes and in all combined crimes in Europe, which is detailed in the table below (Nations, 2009, p. 07):

Countries	Average Rate for All Crimes	Average Rate for Human Trafficking Crimes
France	10%	32%
Portugal	8%	23%
Romania	9%	23%
Germany	18%	21%
Netherlands	12%	18%

Some reports confirm that human trafficking supports organized crime, as the profits from human trafficking fund other criminal activities. According to the United Nations, human trafficking is the third largest criminal enterprise in the world and is considered one of the most profitable criminal activities. It is closely associated with money laundering, drug smuggling, document forgery, and human smuggling. Wherever organized crime thrives, government and its ability to enforce the law weaken (Bakr, 2012, p. 12), as indicated by the percentage space that the crime of human trafficking occupies compared to the rate of crimes committed in the table above.

What is most dangerous about this situation is that human trafficking is a crime that affects the very essence of individuals, where the human being itself is the commodity and subject of this trade. It is characterized by the continuity of its criminal activity, thus classified among ongoing crimes. The factors for its emergence and spread are intertwined and linked to economic, social, and political factors, in addition to being associated with the level of development achieved at the national, regional, and international levels (Sadiq, 2011, p. 51).

The European Commission's report in this context indicates that human trafficking and illegal migration are managed by Albanian, Moroccan, and Chinese gangs, using the same routes as drug smuggling to enter European countries. Additionally, women, children, and illegal migrants are smuggled (Noor & Al-Mubarak, 2014, p. 74). For instance, migrants in some countries like Libya face severe risks, including arbitrary detention in inhumane conditions, torture including sexual violence, kidnapping for ransom, extortion, forced labor, and murder. Migrant women are particularly vulnerable to rape and other forms of sexual violence (United Nations, 2017, p. 12).

Research conducted by Amnesty International and other human rights groups has uncovered widespread violations against refugees and irregular migrants in Libya. These violations and forms of abuse, as previously mentioned, include indefinite detention under very poor conditions (Amnesty International, 2012, p. 05).

This highlights the relationship of containment that those organizing illegal migration operations exhibit, which goes beyond smuggling plans to exploitation that violates the principles of human dignity and human rights. For this reason, most joint projects between the European Union and North African countries rely on strict security agreements to tighten border controls and track smugglers (Shahawy,



2016, p. 30), not to mention providing protection for victims of human trafficking during trials, as per Algerian legislation that always aims to preserve human dignity (Al-Wahaibi, 2018, p. 11).

CONCLUSION

Illegal migration has become a top agenda item for the international community, which in this context is categorized into countries of origin, transit, and destination for migrants. Here, the consensus is that advanced European countries are the preferred destinations for migrants, regardless of their gender or age, placing developing countries at the forefront as countries of origin, specifically mentioning South Africa. The Maghreb countries such as Algeria, Libya, and Morocco are recognized as transit countries, but this has not prevented them from playing both roles, sometimes as countries of origin and sometimes as transit countries.

In this context, we appeal to the international will regarding the protection of illegal migrants on one hand, and the protection of the victims of migration who fall into the nets of human trafficking groups and gangs on the other. While we regret the finger-pointing between European countries and developing countries concerning the root causes of illegal migration, everyone is responsible in one way or another for what is reaped by the so-called 'boats of death,' not annually, but daily. The issue is not only about the extent to which Arab regimes democratize and the space they provide for freedom of expression and differing opinions, but also about the monopolization by advanced countries of various technologies and the standard of living they provide to their citizens, at the expense of the resources of developing countries under the guise of a guardian or economic partner whose concern is to provide assistance within the framework of revitalizing the economies of these countries.


In this study, we attempted to establish scientific and practical frameworks to combine the two most dangerous crimes—human smuggling and trafficking—given that the current chaos in the international arena allows for their spread, expansion, and success. Furthermore, these crimes aim to achieve the maximum possible material gains by violating human rights, despite the vast array of international and national laws on the subject, which remain ineffectively implemented as long as the causes and motives for migration persist. The prevalence of human trafficking gangs and their financial power makes them formidable, and their penetration into high decision-making positions keeps them beyond the reach of punishment.

RECOMMENDATIONS

- Tighten monitoring and security measures at various points of entry and exit, especially for transit countries.
- Enhance Maghreb-African cooperation in reducing illegal migration continuously and systematically, through establishing a database that regularly updates statistics and figures on illegal migration and human trafficking.
- Work to enhance regional and Arab cooperation within the framework of building a strong economy that fills employment gaps.
- Activate the role of international governmental and non-governmental organizations in overseeing the implementation of international and bilateral agreements, to protect those vulnerable to trafficking and victims of illegal migration.
- Consider the issue of respecting human rights and maintaining dignity, especially at detention centers, such as addressing breaches at detention centers in Libya and Spain.

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