Mixed Migration Centre

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

Multiple and intersecting harms:

Examining use of force in return and its detrimental impact on migrants' human rights during and after return to Senegal

Paper, April 2024

The **PROMIS Project**, funded by the Kingdom of The Netherlands, is a joint initiative between the Office of the High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, that aims to strengthen the capacities of West African countries to develop a human rights-based response to smuggling of migrants and to effectively respond to human rights violations related to irregular migration. The project covers 9 countries: Burkina Faso, Chad, Côte d'Ivoire, Mali, Mauritania, Niger, Nigeria, Senegal, and The Gambia. Through the project, OHCHR contributes to *enabling efficient protection and promotion of human rights of migrants through strengthening legal frameworks in line with international human rights standards and strengthening the application of a gender-sensitive approach to migration.*

Acknowledgements

Written by: Mackenzie Seaman and Jessamy Garver-Affeldt

Reviewed by: Jane Linekar (MMC), Roberto Forin (MMC), Robert Kotchani (OHCHR)

Layout and design: Simon Pegler

Suggested citation: MMC (2024). *Multiple and intersecting harms: Examining use of force in return and its detrimental impact on migrants' human rights during and after return to Senegal.* Available at: mixedmigration.org

Special thanks to: This project was made possible thanks to support from OHCHR and the Return and Reintegration Facility (RRF), and the fieldwork of our implementing partner Dolph-Stats Consulting. Thanks to Aminata Beye, Ahmed Aziz Dabboussi and Clémence Schweitzer for 4Mi and to Sophia Stille for additional research support. The MMC extends its gratitude to all the resource people who contributed to this study, and above all to the respondents who shared their time and stories.

Front cover photo credit: © Amaury Michaux

Key findings

This study is based on 616 quantitative surveys carried out with returned migrants in Senegal between February and May 2023, and focuses on returnees' experiences of use of force (forced returns, expulsion, interception at sea, detention)[1] during the return process. It pays particular attention to violations and abuses that are frequently reported in relation to such uses of force. The data shows that respondents often endured multiple instances of violations and abuse during their return journey to Senegal, and this appeared to compound the challenges they encountered after their return to Senegal.

The typology of return in this study was as follows: 44% reported having entered Senegal through independent means, 38% were forced returns (deportation or expulsion directly into Senegal) and 17% returned to Senegal via Assisted Voluntary Return (AVR).

Profiles, migration experience and return decision

- **Respondents' stay abroad prior to return was often short-term and irregular.** Over half of respondents (52%) reported that they were in the country from which they returned for less than six months. The vast majority of respondents in the survey reported irregular status in their country of migration prior to return (89%), as well as migrating irregularly at some point during their outward migration journey (86%).
- **The majority of respondents did not make it to their intended destination.** Sixty-eight per cent of respondents indicated that the country from which they returned was not the country they had set out to reach.
- **Challenges with legal status and conditions in the country of migration were the primary reasons for return.** Sixty-five percent of respondents indicated that they returned due to reasons related to legal status (this included people who were expelled or deported), and 40% cited reasons related to general living conditions in country of migration.
- **Respondents often were not ready to return.** Fifty-seven percent of respondents did not feel that they had a choice in their decision to return, and 57% of respondents also felt that they were not at all prepared to return. These results were the most pronounced for forced returnees, but were also cited by the majority of AVR recipients (58% and 61% respectively).

Use of force and human rights violations and abuses

- **Interception at sea was reported by 18% of respondents.** During interception at sea, violations and abuses were common. Sixty-nine percent of respondents reported at least one violation/abuse in conjunction with their interception at sea.
- **Twenty-four percent of respondents reported being expelled at least once during their return experience**. Thirty-one percent of expulsions were reported from Mauritania (31%) and 38% from Morocco.
- **Experiences of violations and abuse during expulsion were frequently reported.** Among respondents who provided additional information about their expulsion experience (n=147), nearly three-quarters (74%) reported at least one such incident in relation to their expulsion.
- **Almost half of all respondents (47%) reported experiencing detention during the return process.**
- **There was a strong correlation between detention and forced returns**. Roughly three-quarters of those deported to Senegal (72%) and of those expelled into Senegal (77%) reported experiencing detention during return. This is compared to only 30% of people who returned spontaneously or via AVR.
- **The duration of detention varied by country,** with people generally being detained for longer in Libya and Spain than in Mauritania and Morocco.

1 For the purposes of this study, 'use of force' refers to broader processes or mechanisms of migration deterrence - forced returns, expulsion, interception at sea, detention – as opposed to physical violence. See p. 9-10 for more discussion of this framing.

- **Human rights violations and abuses were commonly experienced and/or witnessed while in detention.** Among respondents who broached the topic of human rights violations and abuses in detention, 94% reported witnessing or experiencing one or more. These respondents reported experiencing six violations/abuses on average while in detention.
- The most common violations/abuses reported during detention – cited by the majority of respondents overall – were lack of food (70%), lack of water (65%), overcrowding (62%), non-physical forms of violence[2] (58%) and non-hygienic conditions (56%). Physical violence (45%) was also commonly reported.

Impact on reintegration

- **In general, respondents did not report a sense of progress since they returned**. More than 60% of all respondents – whether or not they had experienced use of force during their return – reported making no progress or regressing on key indicators – particularly in relation to meeting basic needs. However, respondents did report positive progress in terms of reconnecting with family and friends (65%) and their community post-return (48%).
- **People who had experienced use of force during return less often reported positive progress.** They more often reported they had regressed or made no progress (by 10 percentage points or more) in relation to their housing situation, becoming a part of the local community, employment/making a living, access to healthcare, access to education for their family, and continuing their own education.
- **Respondents overall reported feeling a sense of failure or shame as a major challenge upon return (69%)**. At the same time, respondents who had experienced use of force during return more frequently indicated this feeling as compared to those had not experienced use of force (76% versus 59%, respectively).
- **Experiencing use of force correlated with greater economic challenges upon return.** For example, respondents who had experienced use of force more often reported their income did not cover their needs (82% versus 62%).

2 This may include, for example, harassment, stigma and xenophobia.

Context

The migration environment for Africans on northbound routes towards Europe is increasingly hostile – marked by externalization of European migration policy via bilateral agreements and securitized approaches.[3] In North and West Africa, this can manifest in a variety of uses of force – such as expulsion, deportation, pushback or interception at sea, which frequently also go hand and hand with detention (see page 9-10 for working definitions of these processes and how they are framed within this study). This paper seeks to document these uses of force and the corresponding violations and abuses[4] to which they can lead. It then examines how such harms experienced during the return process may impact returnees' lives post-return.

Placing returns to Senegal in a wider context

Migration plays an important role in Senegal – both historically and through to the present day. Given the prevalence of use of force on northbound routes from Senegal, northbound migration is the focus of this paper. However, it is important to remember that intra-regional (often circular) migration for reasons including trade, employment in industries such as mining, agricultural pursuits or education has always been prominent.[5]

Evolving routes

Irregular journeys from Senegal towards Europe in the last decades have primarily occurred via the Central Mediterranean Route (CMR), the Western Mediterranean Route (WMR) and the Atlantic Route.[6] From the beginning of 2016 to mid-2017 when migration along the CMR had reached its peak, an average of 842 Senegalese were entering Europe through the CMR each month.[7] More recently (as well as during the early 2000s), migration towards Spain in general and the Canary Islands in particular has been prominent, meaning that Mauritania and Morocco have been key countries of transit.[8] Since the resurgence of irregular migration along the Atlantic Route beginning in 2019-2020, Senegalese have been among the top three nationalities of arrival in the Canary Islands every year. This makes it the most important route into Europe for Senegalese arrivals between 2020 and 2023, proportionally speaking.[9] Upticks in arrivals along all of these routes have inevitably been followed by corresponding efforts on the part of the EU and its members to deter migration and reduce arrivals.[10]

Morocco: migration cooperation and response

Following a surge in arrivals to mainland Spain in 2018, European attention that had been focused on the CMR began to turn to a greater extent towards West and Northwest Africa. At the end of 2018 the EU allocated €140 million to Morocco for border management, as well as €36 million in emergency funding to Spain.[11] Spain's cooperation with Moroccan authorities was marked by a shift of responsibility for search and rescue (SAR) in the Strait of Gibraltar from Spain to Morocco, making it easier to disembark people in Morocco instead of Spain.[12] Human Rights Watch attributed the increase in usage of the more dangerous Atlantic Route[13] to the barriers raised by this cooperation on the Western Mediterranean Route.[14] At the same time, the NGO Watch the Med Alarm Phone highlighted repressive and violent measures taken against refugees and migrants in transit through Morocco, pointing to the cooperation with Spain and the European Union as an explanation.[15]

3 European Council on Refugees and Exiles (2022) EU Southern Borders: Deaths Off Spain and Morocco as Amnesty Denounces the Failure to Ensure Justice for Melilla Victims; Reuters. (2023) Spain probing African migrant voyage after reported Moroccan gunfire; Wallis, Emma. (2023) UN: Crimes against humanity committed in Libya InfoMigrants; Reuters (2023) EU's Frontex 'complicit' in forced migrant returns to Libya - HRW

4 In line with OHCHR terminology, in this study 'violations' is considered to refer to human rights breaches perpetrated by state actors whereas 'abuses' are perpetrated by non-state actors. The majority of specified perpetrators in this study were state actors; however, we use "violations and abuses" throughout to acknowledge that there were also at times non-state perpetrators (eg criminal gangs, armed groups, other returnees, people from local community) indicated. See pages 15 and 16 for this analysis. No follow-up questions about perpetrators were asked in relation to human rights breaches occurring in detention, as detention is assumed to be by state authorities. However, we maintain the usage of "violations and abuses" to leave room for the possibility that at times breaches could be carried out by non-state actors, such as others being detained.

5 MMC (2020) Migration reflections with Africa at the center: An interview with Badara Ndiaye

6 The Central Mediterranean Route (CMR) describes mixed migration flows departing from North Africa – primarily Libya and Tunisia – seeking to reach Italy. The Western Mediterranean Route describes mixed migration flows from Morocco and Algeria to mainland Spain, Portugal, the Balearic Islands, as well as the Spanish enclaves of Ceuta and Melilla. The Atlantic Route (also known as the Western African Route or the Northwest African Route) describes mixed migration flows departing from North and West African countries such as Senegal, Mauritania, and Morocco towards the Canary Islands.

7 Frontex (2023) Frontex Migratory Map

8 ibid.

9 ibid.

10 Mixed Migration Centre (2021) A Gateway Re-opens: the growing popularity of the Atlantic route, as told by those who risk it; Andersson, R. & Keen, D. (2019) Partners in crime? The impacts of Europe's outsourced migration controls on peace, stability and rights, Saferworld.

11 AP News (2019) Migrant arrivals plunge in Spain after deals with Morocco

12 The New Humanitarian (2019) As Spanish rescue policy changes, warnings over migrant drownings

13 The Spanish NGO Caminando Fronteras counted at least 778 people dying on the Atlantic Route in the first half of 2023 alone.

14 Euronews (2020) How the Canary Islands became Europe's latest migrant hotbed

15 ECRE (2019) Situation Worsens for Migrants on Western Mediterranean Route

More recently, following the resolution of a year-long diplomatic rift between Spain and Morocco in early 2022, migration focused cooperation between the two countries entered a renewed phase, which according to the Moroccan Association for Human Rights has been characterized by "repressive measures against sub-Saharan migrants…with massive arrests and transfers to different regions."[16] Such transfers at times resulted in migrants being left in remote desert locations, or detained in unhygienic conditions. Additionally, in the first quarter of 2022 alone, Morocco had detained and deported nearly 800 migrants.[17]

Heavy-handed measures on the part of Moroccan authorities have not prevented the EU from funding migration cooperation; quite the contrary in fact. Just two weeks after the tragedy at the Melilla border crossing in which scores of migrants were killed or reported missing following violent pushbacks, the EU announced a "renewed partnership on migration and tackling human smuggling networks" and in August El Pais reported that Brussels was going to give Morocco at least 500 million euros in support of its efforts to combat irregular migration for the period 2021-2027, a nearly 50% increase over its previous package.[18]

Mauritania: migration cooperation and response

While Morocco in particular has been touted as a key partner for the EU when it comes to deterring migration, Spain has also frequently emphasized the importance of Mauritania in stopping departures from its coasts.[19] Spain has a long history of migration cooperation with Mauritania; already in 2003 the two countries had signed a readmission agreement that allowed for the return not only of Mauritanian citizens, but also of third country nationals who were deemed to have transited Mauritania. There is also a substantial security aspect to this cooperation, with Spanish personnel and assets supporting patrolling by land, air and sea in Mauritanian territory. In 2021, this collaboration resulted in 300 sea patrols and more than 400 mixed land patrols; this type of cooperation dates back to 2006.[20]

Previous MMC research documented instances in which migrants were intercepted at sea and then expelled from the country, left without support at the Senegal and Mali borders. Key informants spoke of these expulsions taking place following only cursory medical attention despite migrants often having spent several days at sea in open boats, and without any official assessment related to rights or status, an assessment that research by Human Rights Watch has also supported.[21] While IOM DTM does not give numbers for expulsions from Mauritania to Senegal, its flow monitoring in 2022 indicates that this is a recurrent phenomenon, with "many ECOWAS citizens forcibly returned" at Rosso, the main border crossing point between Senegal and Mauritania.[22] Giving some sense of the scale of expulsions from Mauritania more broadly, from February 2021 to January 2022 when IOM provided numbers of migrants forcibly returned from Mauritania to Mali at the Gogui border point, the average was 186 per month.[23]

Cooperation going forward

Building on this longstanding cooperation on migration, there has recently been a new and increased emphasis on partnerships between the EU and North and West African countries, with a particular focus on securitization measures.[24] In this regard, in March 2023, the EU launched its Action Plan for the Western Mediterranean and Atlantic Routes which aims to prevent irregular migration from Morocco, Mauritania and Senegal through increased bilateral cooperation. The Action Plan explicitly foresees the possibility of more patrolling as it aims to:

> *"Identify, through a Frontex targeted assessment of the situation in the Atlantic and Western Mediterranean, to be carried out in close cooperation with concerned Member States, needs for reinforced support to partner countries on the route through possible joint operations, aerial and maritime surveillance, capacity building, as well as with improved situational awareness for Member States at the external borders."*[25]

16 Mixed Migration Centre (2022) Quarterly Mixed Migration Update Q2 2022
17 ibid.
18 Martín, M. (2022) Marruecos recibirá 500 millones de la UE para que controle sus fronteras El País; European Commission (2022) Joint press release: European Commission and Morocco launch renewed partnership on migration and tackling human smuggling networks; Garver-Affeldt, J. (2022) Let's talk about Qatar. But let's not stop there
19 Spanish Government (2022) In Mauritania, Grande-Marlaska reinforces a migration policy "that saves lives"; European Commission (2023) Press briefing by Ylva Johansson, European Commissioner, on the EU Action Plan for the Western Mediterranean and Atlantic routes
20 Mixed Migration Centre (2022) Quarterly Mixed Migration Update Q1 2022; Mixed Migration Centre (2021) op. cit.
21 Mixed Migration Centre (2021) op. cit.; Human Rights Watch (2021) Human Rights Watch Submission to the Africa Regional Review on Implementation of the Global Compact for Safe, Orderly and Regular Migration
22 DTM Senegal (2022)
23 DTM Mali (2021)
24 Statewatch (2022) Statewatch | EU: Tracking the Pact: Plan for Frontex to deploy "vessels, surveillance equipment, and carry out operational tasks" in Senegal and Mauretania
25 European Commission (2023) Migration routes: Commission proposes new Action Plan for the Western Mediterranean and Atlantic routes (europa.eu)

It is worth underscoring that in addition to border externalization often expressed through use of force – an approach that can push migrants to return or cause them to be returned even before reaching European borders – the EU is also seeking to ramp up returns of migrants directly from its territory to countries of origin. In January 2023 the European Commission launched its operational strategy for more effective returns, calling for an increase in returns of migrants from the EU in general.[26] The Action Plan for the Western Mediterranean and Atlantic Routes specifically aims to "enhance returns from EU Member States to partner countries," and foresees doing so with the support of Frontex.[27] This echoes a theme of internal strategy which has been articulated in several recent Council of the European Union Action Files focused on Mauritania and Senegal. Both of these documents emphasize the need for increased cooperation on readmission of nationals from these countries irregularly in the EU.[28]

Returns to Senegal

It is difficult to estimate the number of Senegalese migrants returning to Senegal, and the lack of data on the population of returnees was noted by several key informants. According to a local civil society actor working with returnees in and around Dakar:

> *"We don't have precise information. In Senegal, there is the problem of censuses, statistics. The state does not manage this. People leave and disappear, there is no follow-up."*[29]

Beyond uncertainty in regard to overall numbers and profiles, researchers and practitioners alike have specifically highlighted the substantial knowledge gap in relation to people who return to Senegal spontaneously.[30] Likewise, research undertaken to prepare for data collection for this study (both secondary data review and conversations with key informants) uncovered little information about forced returns to Senegal, and experiences of use of force before entry into Senegal are also under-researched.

The most consistent and comprehensive numbers available on returns to Senegal are from the International Organization for Migration (IOM) in relation its Assisted Voluntary Return (AVR) program. Since 2017, this program (working in conjunction with the Senegalese government and local partners) has assisted some 8,761 people to return to Senegal and has supported the reintegration of more than 5,000 people. The majority of returnees to Senegal who participate in the AVR program return from Niger and Libya (i.e. from migration attempts along the Central Mediterranean Route).[31] Given the importance of migration towards Spain in the Senegalese context, this lack of data on returns from WMR and Atlantic route countries en route to Spain represents an important gap. This study therefore seeks to broaden knowledge with a greater focus on migration directed towards Spain, and by representing the experiences of people who have returned spontaneously and through deportation and expulsion. Additionally, it seeks to shed light more generally on experiences of use of force during return, even beyond forced return directly to Senegal.

Methodology

This analysis was based on data from 616 quantitative surveys carried out with returned Senegalese migrants in Senegal between February and May 2023. Questions were posed around the following themes: profile and demographic information; drivers and influencers of migration; experience in last country of migration; return journey - decision and conditions; return experience – challenges; return experience – reintegration; assistance since return; remigration/future plans; human rights during the journey. The project was implemented with support from the UN Office of the High Commissioner for Human Rights (OHCHR) and the Return and Reintegration Facility (RRF).

26 European Commission (2023) Press point by Ylva Johansson, European Commissioner, and Mari Juritsch, Return Coordinator at DG Migration and Home Affairs of the European Commission, on the operational strategy for more effective returns
27 European Commission, op. cit.
28 Council of the European Union (2022) Senegal – Strengthening cooperation with Frontex (published by Statewatch); Council of the European Union (2022) Mauritania – Strengthening cooperation with Frontex (published by Statewatch).
29 Interview with local civil society actors carried out on 23 November 2022 as part of scoping/field preparation exercise prior to data collection.
30 Rodriguez, A. (2019) Research in Brief: Exploring assumptions behind 'voluntary' returns from North Africa Refugee Studies Centre, Oxford.
31 International Organization for Migration (2022) ASSISTANCE TO VOLUNTARY AND HUMANITARIAN RETURN 2017- JUNE 2022

Data collection was carried out in urban, semi-urban and rural sites in and around Dakar, Mbour, Saint-Louis, Kolda and Tambacounda. These sites were selected and access to a diverse range of returnees was achieved through a rigorous scoping exercise and field preparation process that included conversations with more than 70 resource people. These included community and religious leaders, heads of community youth councils, members of communal and regional migrant associations, leaders of returned migrant associations, personnel from Bureaux d'Accueil, d'Orientation et de Suivi (BAOS),[32] social workers, fishermen and fishmongers (due to linkages with maritime migration), activists and staff of NGOs and CSOs.

Map 1. Locations of 4Mi interviews

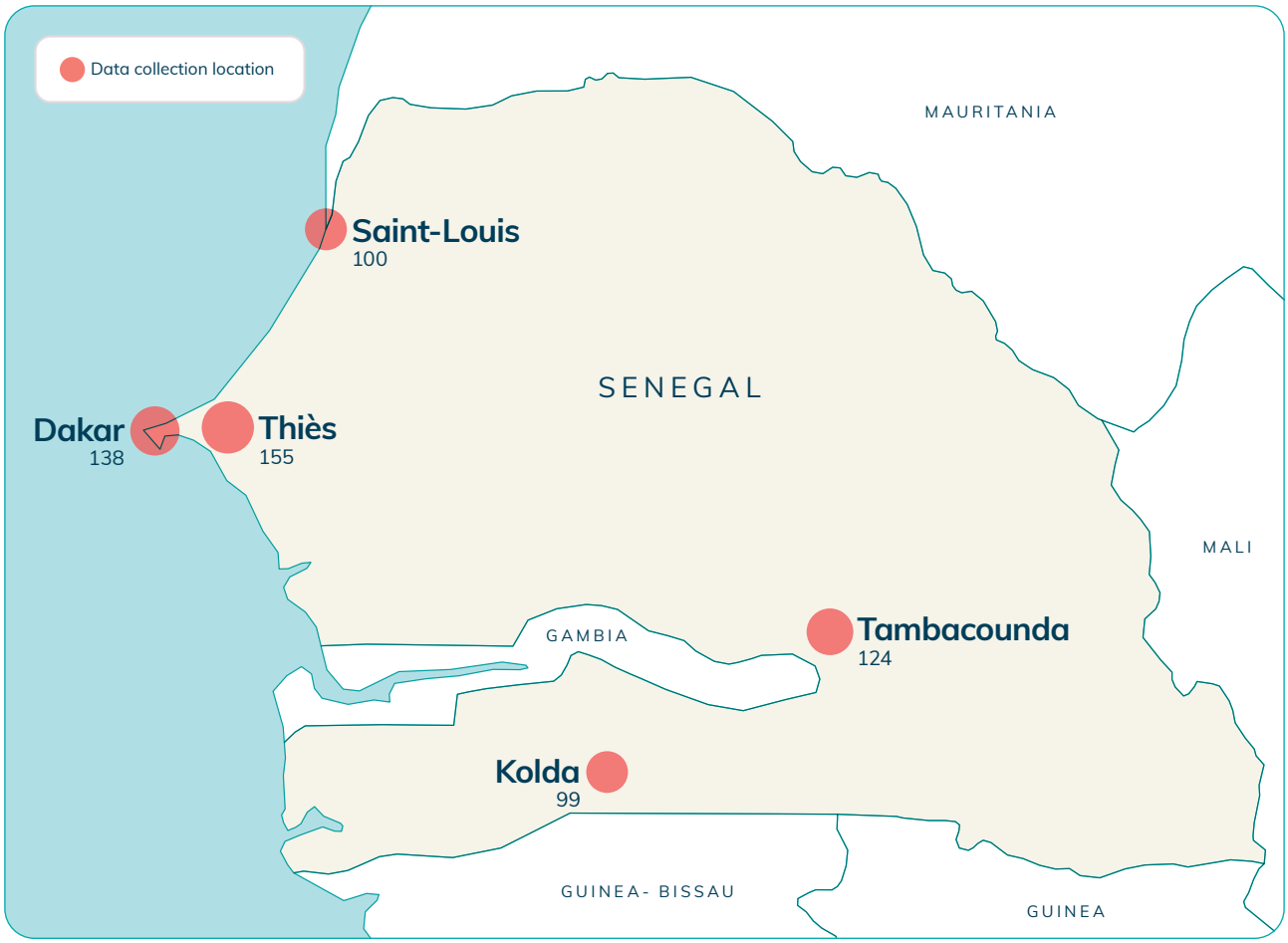


Table 1. Respondents by location

Province / Region	Women (n=56)	Men (n=560)	Total (n=616)
Dakar	4 (7%)	134 (24%)	138 (22%)
Kolda	4 (7%)	95 (17%)	99 (16%)
Saint-Louis	7 (13%)	93 (17%)	100 (15%)
Tambacounda	35 (63%)	89 (16%)	124 (20%)
Thiès	6 (11%)	149 (27%)	155(25%)

32 Offices of welcome, orientation and follow-up – these offices are located throughout the country and are intended to provide advice and small project financing to returned migrants. See Diagne, O. (2021) SENEGAL: Pour une territorialisation de la politique migratoire, la DGASE met en place les BAOS (Bureaux d'Accueils, d'Orientation et de Suivi) pour les migrants, Radio Digitale Migrant Fm 102.4

Sampling was carried out through a mixture of purposive and snowball methodologies, with certain key criteria guiding respondent selection, and respondents at times referring enumerators to others who matched the criteria. The study did not include people who participate in circular migration, and respondents needed to:

- Be a Senegalese citizen of 18 years or more;
- Have resided outside of Senegal for more than one month prior to return;
- Have returned to Senegal between January 2018 to July 2022;
- Have engaged in migration that could be defined as 'migration à l'aventure' in Senegalese parlance.[33]

Enumerators were given targets for forced, spontaneous and assisted (AVR) returnees.[34] Specifically in the case of forced returns, we aimed to reach at least 100 people who had been forced directly into Senegal or and/or otherwise experienced use of force during their return journey. However, these experiences were found to be quite common in almost all data collection locations and did not need to be specifically sought out.

Initial scoping suggested that proportionally speaking female returnees were not numerous, so the MMC decided to proactively sample for women from the beginning of the data collection. As data collection progressed the proportions of AVR returnees and returnees coming back from Europe in the overall sample were lower than anticipated, and a decision was made to proactively target these groups as well.

Multiple questions in this survey dealt with challenging and potentially traumatizing issues. This was acknowledged and respondents were explicitly asked if they were comfortable to continue before being asked questions that were deemed sensitive.[35] Respondents were also informed at the beginning of the survey that they could skip any question they wanted and pause or stop the survey at any point. In the training enumerators were specifically instructed on being attentive to sensitivities and this was also emphasized and practiced during simulations.

Limitations

Women make up only 9% (n=56) of the overall sample. The majority of women in the sample (n=35, 63%) were interviewed in Tambacounda. From 2017 through June 2022, women comprised 7% of the Senegalese assisted by IOM to return to Senegal, suggesting that they make up a relatively low proportion of returnees overall. Given the small sample size of women, both in general and in relation to the specific uses of force examined in this study, gender disaggregation is not undertaken in this brief.

Owing to the challenges of sampling from an unknown overall returnee population, sampling for this survey combines purposive and snowball approaches. Data is therefore not representative. Rather, the data reflects the aim to reach a diverse sample of returnee profiles present in Senegal, with a particular emphasis on type of return. This was possible thanks to a rigorous scoping and field preparation. The analysis provides insights about the experiences of a broad group of returnees, and allows for comparison within this sample.

The clear definition of concepts was an integral part of the study and was emphasized during the training of the enumerators who conducted the survey. However, the data is a result of a survey interview and subject to respondents' personal experiences and interpretations.

33 'Migration à l'aventure' is often but not always characterized by periods of irregularity, undertaken in generally risky circumstances, in the hope of realizing ones' dreams.

34 Spontaneous return refers to circumstances in which people returned to Senegal independently, through their own means. Assisted Voluntary Return refers to returns that were supported by state or international actors, generally the International Organization for Migration (IOM). Forced return refers to situations in which people were deported or expelled to Senegal (see below definitions for distinction between deportation and expulsion).

35 All follow-up questions related to use of force in the return experience and corresponding violations/abuses had refusals, and in some cases respondents expressed that they preferred to skip the entire section, thus leading to variations in sample sizes.

Working definitions

MMC and OHCHR worked together to create the following operational definitions for key concepts in the return survey and its human rights specific module, to facilitate understanding and interpretation during data collection.

Expulsion refers to being forced to leave a country by the authorities, with no legal safeguards, such as having access to justice. In West Africa, expulsions often take place in large groups, and at times to a country that is not the migrant's country of origin.

Pushbacks are proactive operations by the authorities to physically prevent migrants from approaching or crossing a border of the country they are trying to enter or being forced back out of the country immediately after crossing the border. Pushbacks usually involve the threat or use of force by border officials. This is different from expulsion because pushbacks either prevent migrants from crossing the border or occur immediately after migrants have crossed the border.

Interception at sea describes a situation in which state authorities halt a boat carrying migrants and return it to shore, even when not in distress, to prevent further movement of these migrants.

Deportation describes the forcible removal by state authorities of a migrant from the country they are in back to their country of origin or their country of legal residence following a formal process. Deportation is different from expulsion as it follows a formal legal process, whereas expulsion is carried out without legal safeguards.

Detention refers to being confined by state authorities against one's will in a place or facility which one cannot freely leave. Detention facilities are intended to keep migrants under the supervision and control of authorities in contrast to transit centers which aim to support migrants.[36]

Framing of use of force and violations and abuse within the study

This study uses a framework that distinguishes between several specific **uses of force in return** – expulsion, interception at sea and pushbacks[37] – and **violations and abuses** of human rights, whether intentionally inflicted or arrived at through neglect; this includes things like physical violence, sexual violence, detention and bribery). This framing does not preclude an interpretation that these uses of force can in themselves be violations of migrants' rights, rather it seeks to isolate specific harms which may befall migrants in the course of these processes.

This study uses the term **forced returns** to refer to those returnees who reported entering Senegal either through **expulsion** or **deportation**. While deportation can also be considered a use of force, respondents who had indicated that they had been deported were not asked follow-up questions regarding possible violations and abuse they experienced during the deportation, leaving an avenue for further inquiry in future.

Overall, it is worth noting that the number of returnees who reported deportation (n=125) was much greater than expected based on the project's initial scoping exercise; these respondents were primarily returned from Spain (n=68) and Morocco (n=29).

Detention is often an integral component of the abovementioned uses of force. In this paper it is examined in two ways; both as a violation that may be related to use of force or simply occur as part of the return journey more generally, and as a use of force in its own right which can in turn lead to other violations and abuses. According to OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders, states should be "ensuring that detention does not put migrants at risk of violence, ill-treatment or physical, mental or sexual abuse."[38] Thus it is important to measure the extent to which such incidents are happening in the context of detention of migrants.

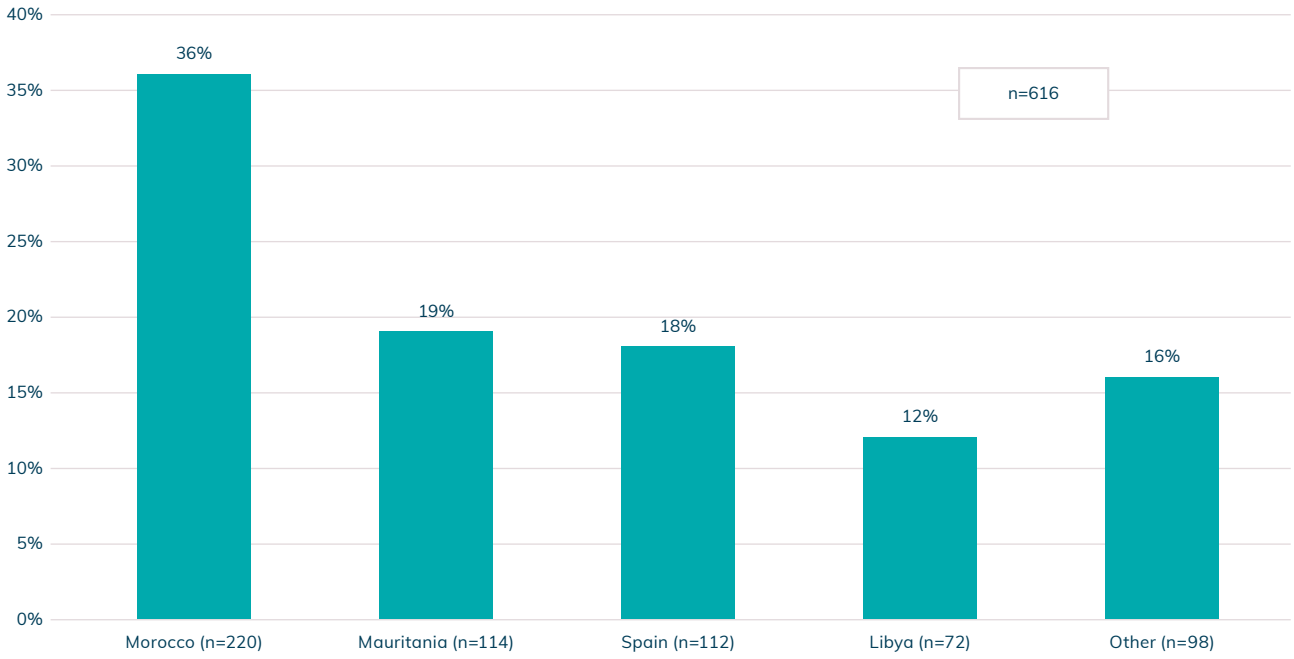
In this paper emphasis is placed on expulsion, interception at sea and detention as these are uses of force which were frequently reported by respondents and for which sizable numbers answered follow-up questions specifically focusing on violations and abuses experienced in the course of these processes.

36 In cases of detention in Libya it is likely that respondents did not always make a distinction between being detained in an official facility or in a facility being operated by non-state actors.
37 Violations and abuse related to pushback are not examined in detail in the paper because of the small sample size of those reporting this type of force (n = 29).
38 OHCHR (2014) Recommended principles and returns on human rights at international borders

Profiles, migration experience and return decision

The vast majority of respondents were men (91%) with women comprising 9% of the sample.[39] The average age of respondents was 35. Of the 616 respondents, **the majority had returned from four countries**, namely Morocco (36%), Mauritania (19%), Spain (18%) and Libya (12%).

Figure 1. What country did you return from?[40]



Spontaneous returnees – i.e. people who came back to Senegal independent of any institutional involvement – comprised the largest group of returnees (44%). They were followed by people who were forced to return – either through deportation or expulsion directly into Senegal (38%). Finally, returnees who had participated in Assisted Voluntary Return made up 17% of the sample.

Table 2. Type of return[41]

Type of return	n	Percentage
Assisted Voluntary Return	106	17%
Forced return	236	38%
Spontaneous return	273	44%

39 See Methodology and Limitations sections for more discussion of the representation of women in this study.
40 Other countries include by order of frequency: Algeria, Mali, Gabon, Côte d'Ivoire, Equatorial Guinea, Republic of the Congo, Benin, Burkina Faso, Democratic Republic of the Congo, France, Niger, Saudi Arabia, Tunisia, Argentina, Cameroon, Canada, Cape Verde, Chad, Gambia, Greece, Liberia and Nigeria. All these countries had a sample size of 20 or less.
41 One respondent answered 'other' in response to this question.

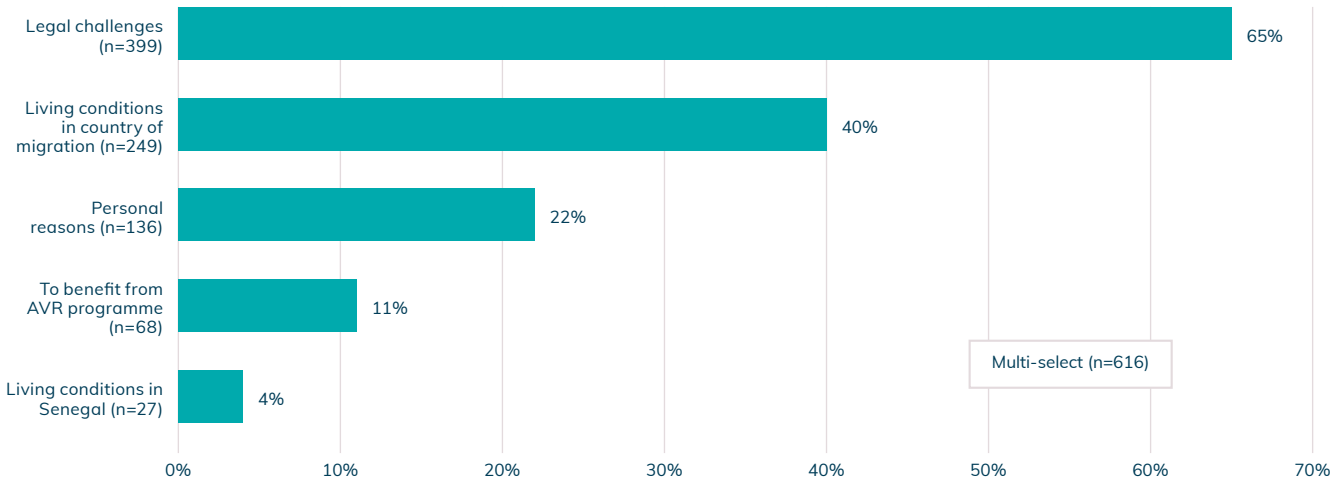
Respondents undertook the migration journey for a variety of reasons, with 43% of the sample citing more than one reason. Almost all respondents reported migrating for economic reasons (95%), followed by personal or family reasons, reported by 40% of respondents. **Many reported that this journey was dangerous or very dangerous (85%).**

Respondents' stay abroad prior to return was often short-term and irregular. Over half of respondents (52%) reported that they were in the country from which they returned for less than six months, with only one-quarter residing abroad for two years or more (26%). This may be due to the increasing crackdown on irregular migration and migrants in the wider region[42] making it challenging for migrants to reach their intended destination.

In this regard, **68% of respondents reported that they did not return from the country they had intended to migrate to.** Legal status in the country from which they returned appeared to impact whether they reached their destination, as 30% of respondents with an irregular status reached their destination compared to 46% of those with a regular status. Of the 421 respondents reporting that they did not reach their intended destination, 41% reported they did not reach their intended destination due to immigration controls and 37% because of a detention experience. Forty percent reported they ran out of money.

The vast majority of respondents in the survey reported irregular status in their country of migration prior to return (89%), as well as migrating irregularly at some point during their outward migration journey (86%). This was clearly linked to reasons for returning, with over two-thirds of respondents (65%) citing that they returned (or were returned) to Senegal because of their legal status.

Figure 2. For what reasons did you return to Senegal?[43]



Next most frequently after legal challenges, respondents reported returning due to living conditions in the country of migration (40%). More than half of these (54%) indicated it was due to difficulty in making a living. The data shows that securing a stable income was particularly challenging for those who were irregular. Among respondents who had been in the country from which they returned for more than one month, only 54% of those with irregular status reported making money compared to 75% of those with regular status.[44] Those with irregular status also more often reported earning money through casual and/or occasional work, a less stable and presumably less lucrative option.

Irregularity and precarious livelihood situations may also contribute to the fact that the majority of respondents appeared unready to return. **Fifty-seven percent of respondents indicated that they did not have a choice in their decision to return.** This was most pronounced among forced returnees, but was also true for 58% of returnees who returned with AVR.[45]

42 Arribas, J.F. (2022) Mauritania Controls Irregular Migration; ECRE (2023) Atlantic Route and Spain: PM Hails Morocco as Essential Partner Amid Critique of Too Many Concessions, Significant Decrease of Arrivals to Canary Islands – Deaths and Distress at Sea Continue

43 'Legal challenges' encompasses the following: reasons related to legal status in the country of migration / expelled / deported.

44 Respondents who were irregularly in the country from which they returned and were in this country for more than one month: n=463. Respondents regularly in the country from which they returned and in this country for more than one month: n=64.

45 In response to the question "To what extent do you feel you had a choice in returning?" 94% of people who were deported, 70% of people who were expelled, 58% of people who took AVR and 35% of spontaneous returnees selected "No choice: I was forced to return, there was no way I could do anything else.

Regardless of how respondents entered Senegal, they reported feeling completely unprepared for their return. This is despite the fact that 42% of respondents reported that they received assistance prior to departure.[46] Not surprisingly, the majority of forced returnees (72% overall, 82% of people who were deported and 60% of people who were expelled) said they were not prepared at all. Notably, however, the majority of AVR returnees (61%) and 42% of spontaneous returnees also reported feeling completely unprepared for return.

Interceptions at sea, expulsions and detention

The following three sections examine respondents' experiences of three specific uses of force (interception at sea, expulsion and detention) – and corresponding violations and abuses – during their return journey.

Interception at sea and human rights violations and abuses

Of overall respondents, 18% reported experiencing interception at sea,[47] with the majority of these respondents indicating they were disembarked in Mauritania (27%) and Morocco (55%).[48]

During interception at sea, violations and abuse were common. Sixty-nine percent of respondents reported at least one violation/abuse in conjunction with their interception at sea. While detention was most frequently cited (51%),[49] respondents also reported 'non-physical forms of violence'[50] (50%), as well as physical violence (30%).

Respondents disembarked in Mauritania (n=30) more often reported experiencing at least one violation/abuse during their interception at sea (87%) compared to the overall total of 69% (see Figure 3). They also more frequently reported detention by authorities (63%) and 'non-physical violence' (60%) as compared to respondents overall.

46 In response to the question "Did you receive any assistance in the period just before departing from the country from which you returned," 56% of forced returnees, 46% of AVR returnees and 28% of spontaneous returnees said "yes."

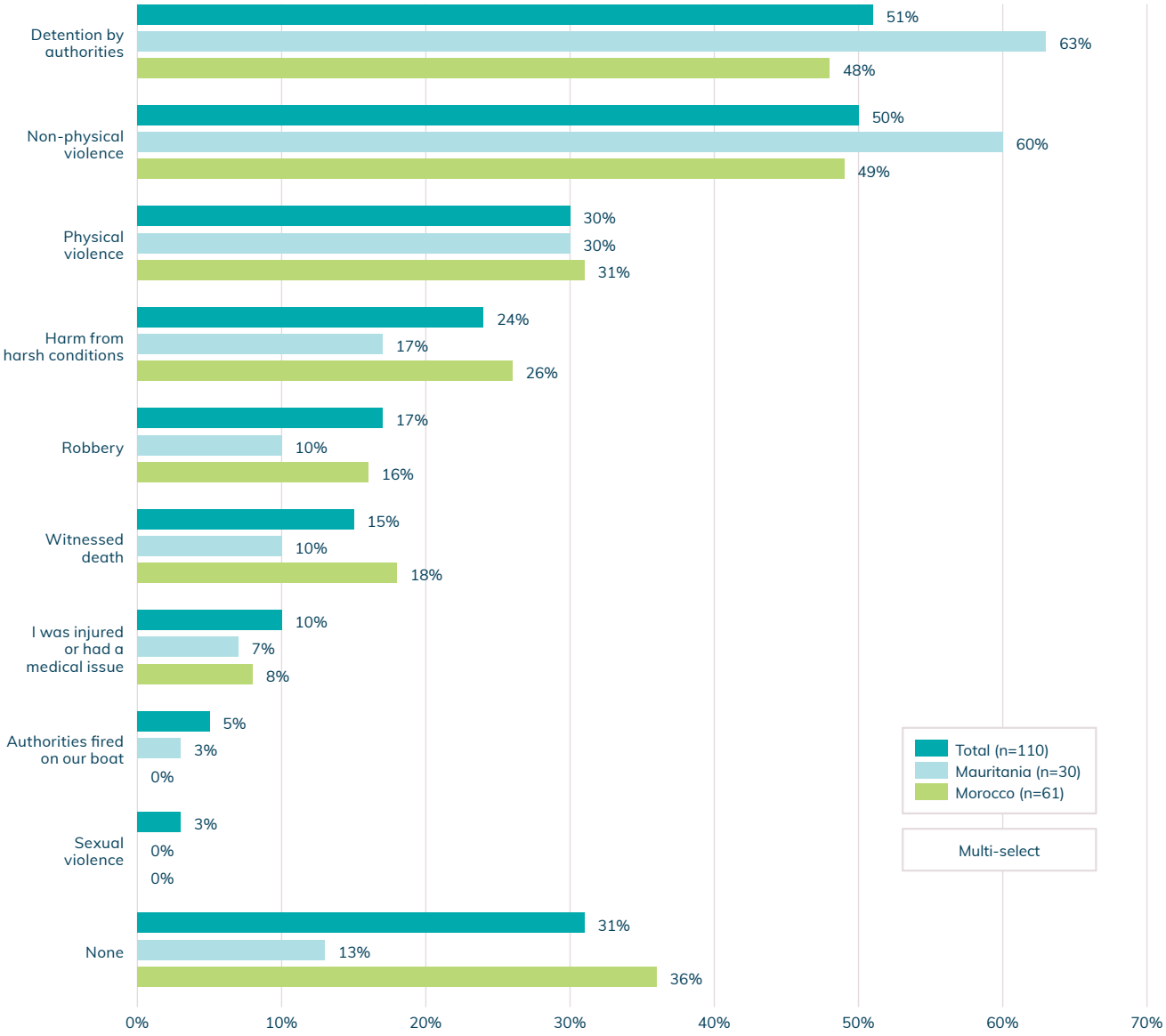
47 112 respondents reported having been intercepted at sea, but two respondents chose to not answer follow-up questions regarding their interception at sea. Thus, in this section questions on violations and abuses experienced around interception at sea are based on a sample of 110 respondents.

48 For Mauritania, n=30 and for Morocco n=61. In addition, seven respondents reporting interception at sea were disembarked in Libya and 10 in Spain. Two respondents were disembarked in Senegal. As mentioned above, two respondents refused to answer.

49 Detention is one of MMC's standard answer options for questions focusing on risks, violations and abuses migrants face en route. Thus, respondents had the possibility of selecting detention when asked follow-up questions about what happened to them in the course of expulsion, pushback or interception at sea. Respondents who indicated that they were detained in relation to these uses of force, and/or during the return journey, were also asked follow-up questions about specific violations or abuses they experienced in detention.

50 This may include, for example, harassment, stigma and xenophobia.

Figure 3. Did you experience or witness any of the following incidents during or immediately after this interception?[51]



Of the 76 respondents reporting some incident experienced or witnessed during or immediately after their sea interception, the most common perpetrators by far were military/police (70%) and border guards (70%). All other perceived perpetrators were cited by 5% of respondents or less.[52]

Following disembarkation the type of return to Senegal varied, but was often forced. Fifty-two percent of the 61 respondents who were disembarked in Morocco subsequently were returned by force to Senegal. Of the 30 respondents who were disembarked in Mauritania, almost all (93%) reported being expelled into Senegal from Mauritania.

Expulsion and human rights violations/ abuses

Expulsion was the specific use of force most commonly reported during the return experience. In total, 149 respondents (24% of the total sample) reported being expelled either directly into Senegal, into another country, or both. Expulsions were common from Mauritania and Morocco, with 31% and 38% respectively occurring from these two countries. Most were expelled directly

51 As noted, disembarkations occurred in countries besides Mauritania and Morocco but given the very small sample sizes they are not reflected individually in the graph and are just included in the 'Total.'

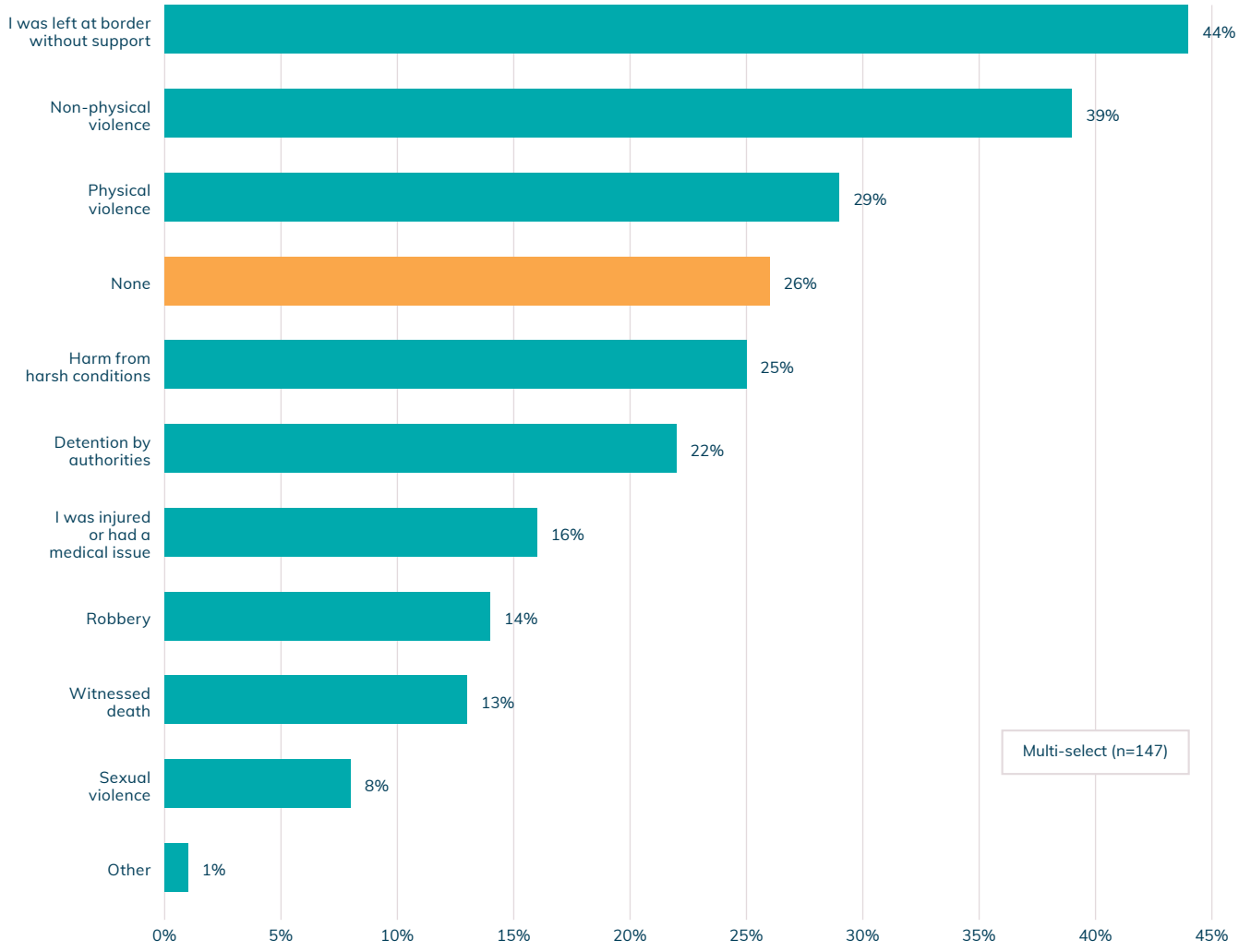
52 Other perpetrators were as follows: armed groups/militias (5%), other returnees (5%), people from local community (3%), criminal gangs (3%), none (1%).

into Senegal (63%). About one-fifth were expelled into Mauritania (18%).[53]

Violations/abuses were very frequently reported in conjunction with expulsion. Of the 147 respondents reporting expulsion and answering follow-up questions on this experience, nearly three-quarters (74%) reported at least one violation or abuse in relation to their expulsion. Being left at a border without support (44%), non-physical violence (39%), and physical violence (29%) were common.

Expulsion experiences varied somewhat by country from which respondents were expelled. Respondents being expelled from Morocco (n=56) more commonly reported non-physical violence (48%), physical violence (32%) and robbery (7%) than those who were expelled from Mauritania (n=46) (28%, 17% and 0% respectively).

Figure 4. Did any of the following incidents occur during this expulsion?



Of the 109 respondents who reported experiencing an incident during their expulsion, the most common perpetrators by far were military/police, cited by 64% of respondents. Border guards (29%) and armed groups (21%) also perpetrated some of the reported incidents.[54]

Interlinkages between detention and forced returns

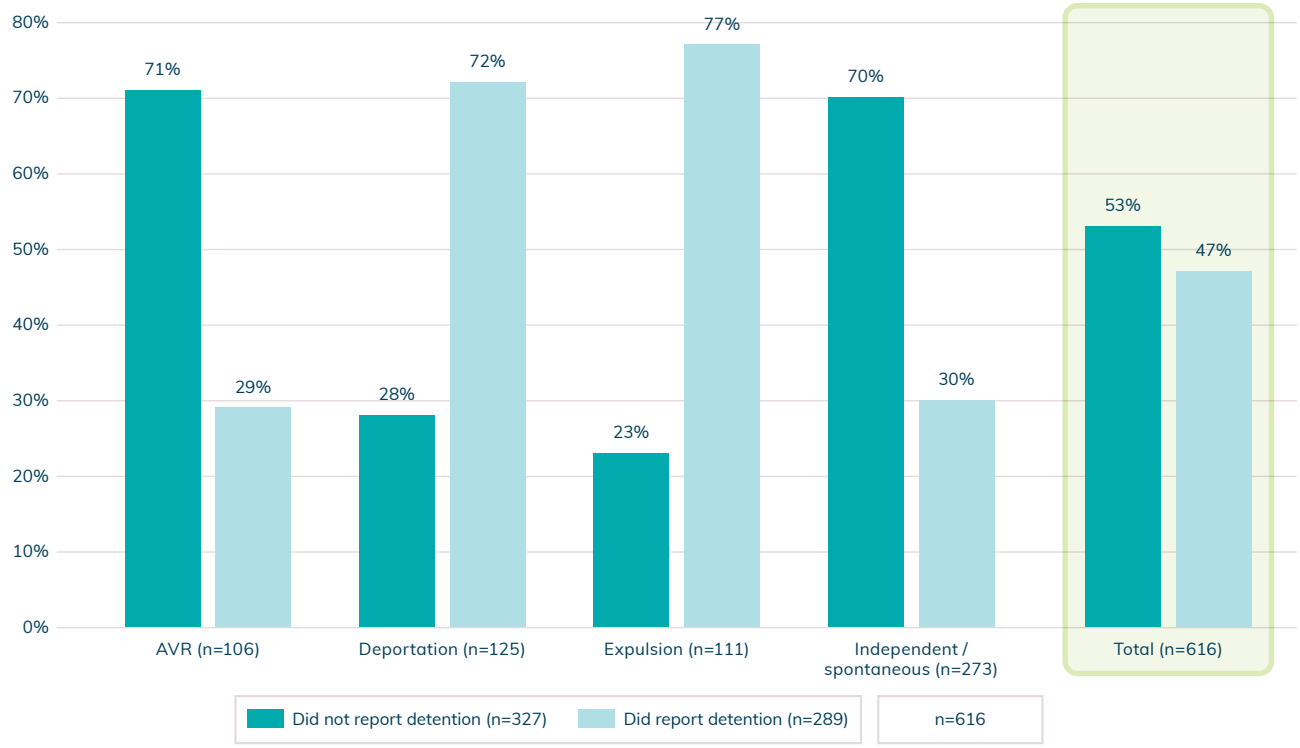
There was a substantial correlation between forced returns and detention. 75% of respondents who were forcibly returned to Senegal reported one or more experiences of detention.[55] In contrast, only 30% of those who returned independently/spontaneously or via AVR reported an experience of detention.

53 Those 27 respondents who were expelled into Mauritania later reported returning to Senegal via expulsion (n=10) or returning independently or spontaneously (n=17).

54 Other perpetrators were as follows: criminal gangs (12%), none (8%), people from local community (5%), organizations organizing the return processes (1%).

55 Twenty percent (n=125) of all respondents were deported to Senegal and 18% (n=111) were expelled into Senegal. Respondents were also able to report experiences of expulsion which were separate from their expulsion directly into Senegal.

Figure 5. Typology of return and detention experience[56]



Detention as part of the return experience

As discussed above, detention plays a prominent role in state sponsored uses of force in return – particularly forced returns, but also interception at sea[57] – and could be considered a use of force in its own right. It is therefore important to better understand the role of detention in the return experience, and the violations and abuses to which it frequently gives rise.

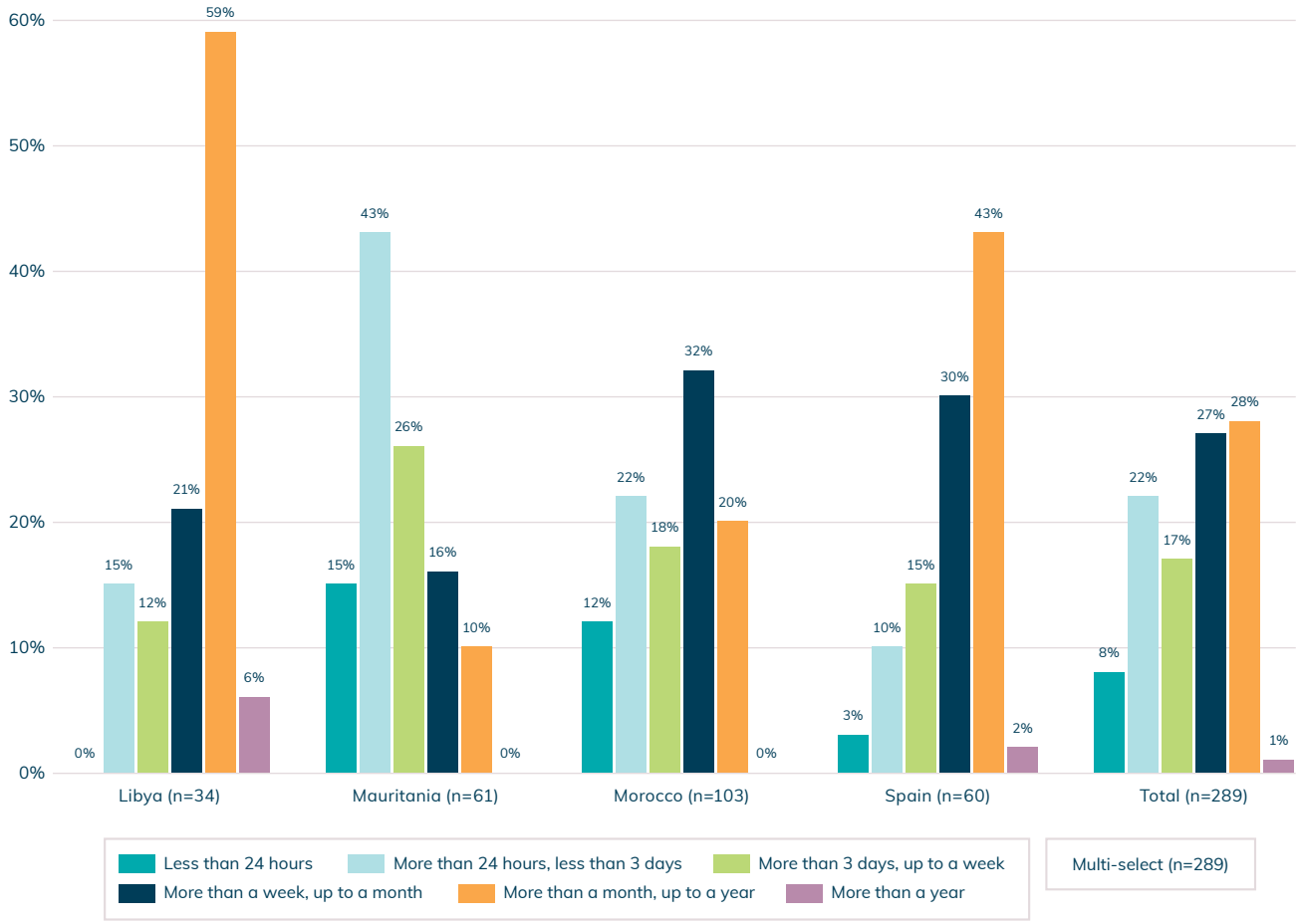
Overall, detention during the return process was a common experience for surveyed respondents. Forty-seven percent of respondents (n=289) reported one or more detention experience during the return process.[58] Of these respondents, 36% reported detention in Morocco (n=103), 21% in Mauritania (n=61), 21% in Spain (n=60) and 12% in Libya (n=34).[59] This makes sense given the majority of respondents returned from these four countries, and aligns with various reports on experiences of detention in these contexts.[60]

Duration of detention[61]

The duration of detention varied by country. Respondents who reported detention in Libya and Spain tended to report longer detention durations. For example, 59% of respondents who reported detention in Libya indicated at least one detention lasting between one month and one year, and this was the case for 43% of those who reported detention in Spain. In contrast, respondents mentioning detention in Mauritania and Morocco reported shorter periods of detention. Forty-three percent of respondents who reported detention in Mauritania indicated at least one detention of between 24 and 72 hours. This aligns with testimony from migrants indicating that Mauritanian authorities generally seek to expel them from the country very rapidly following interception.[62]

56 One respondent indicated 'other' when asked how they entered Senegal; this person did experience detention.
57 Given the small sample of respondents (n=29) who reported pushback, this process of force is not examined in detail; nonetheless 50% of these respondents reported detention in relation to the pushback.
58 This could include any one or a combination of the following: detention in relation to legal status prior to leaving country of migration; detention occurring during expulsion; detention occurring during pushback; detention occurring during or immediately after interception at sea; and detention occurring during the return journey. It should be noted that perceptions of these categories could be fluid, and at times overlapping.
59 Four respondents reported having experienced detention in both Mauritania and Morocco and thus they are counted in both countries' totals. One respondent experienced detention in both Libya and Morocco and thus this respondent is counted in both countries' totals. Two respondents experienced detention in Mauritania, Morocco, Spain and thus they are counted for all three countries.
60 Allan, S. (2021) The Canary cage: the making of deportation islands on Spain's Atlantic border Statewatch; Groupe antiraciste d'accompagnement et de défense des étranger·e·s et migrant·e·s. (2022) Morocco: Submission to the Universal Periodic Review 41st Session of the UPR Working Group November 2022 Issues Related to Migration-Related Detention and Border Enforcement Measures; InfoMigrants. (2023) At least 27 migrants found dead at Tunisian-Libyan border
61 Given that respondents were able to report multiple experiences of detention, in different countries and/or of different durations, percentages will add up to more than 100%.
62 Mixed Migration Centre (2021 op. cit.

Figure 6. Duration of detention experience by country of detention (n=289)[63]



Detention and human rights violations and abuses[64]

Experiencing or witnessing human rights violations or abuses in detention was common. Of the 141 respondents who reported detention and who answered follow-up questions, 94% reported experiencing/witnessing a human rights abuse or violation while in detention.[65]

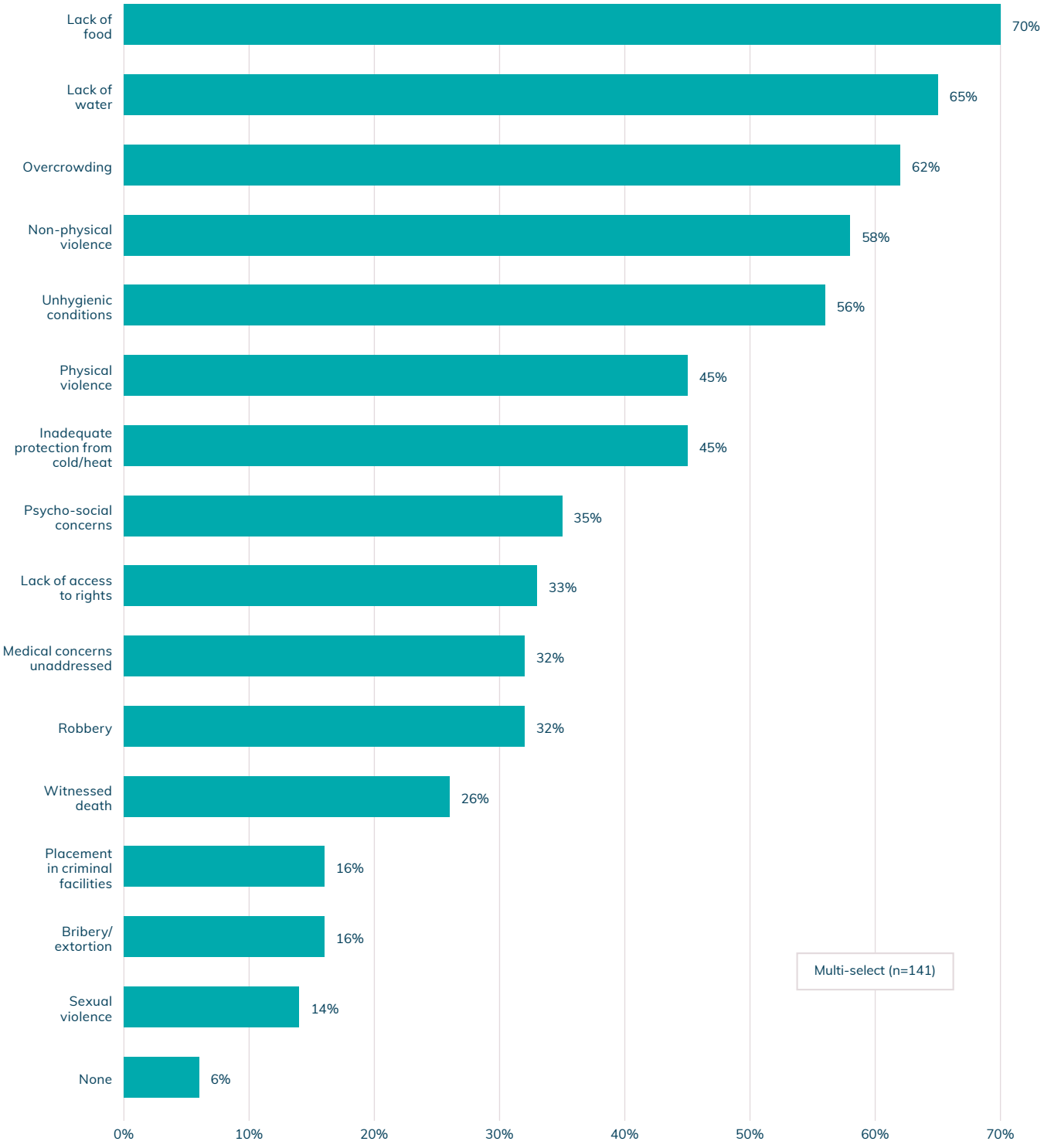
The most common violations/abuses reported in detention overall were lack of food (70%), lack of water (65%), overcrowding (62%), non-physical forms of violence (58%) and non-hygienic conditions (56%). Physical violence (45%) was also often cited.

63 The total includes several other countries in which respondents reported at least one experience with detention but which were not Libya, Mauritania, Morocco or Spain.

64 If a respondent was detained multiple times, it is possible that the respondent reported a specific human rights abuse while in detention more than once. The proceeding analysis is based on a given respondent having reported a given human rights abuse one or more times, rather than on the number of occurrences of a given incident.

65 Thirteen respondents answered follow-up questions on human rights abuses experienced in detention in Libya, 41 in Mauritania, 61 in Morocco, and 21 in Spain. These questions were posed to people who reported being detained during the return journey and/or in relation to expulsion, interception at sea, or pushback.

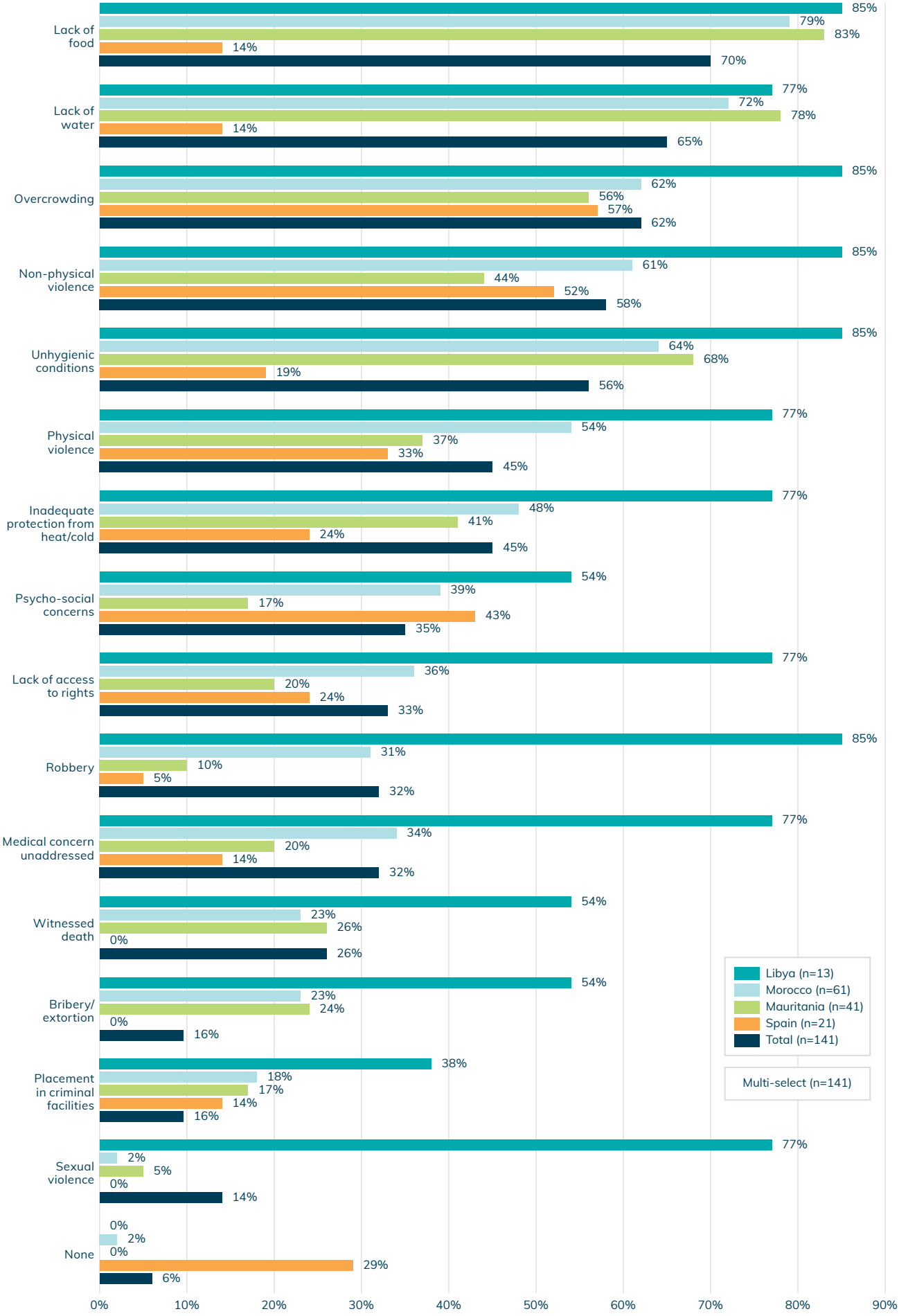
Figure 7. Human rights abuses experienced or witnessed while in detention



Multiple human rights violations/abuses in detention were the norm. On average, respondents reported experiencing six violations/abuses while in detention. Considering that for many the period of detention was relatively short, the fact that human rights abuses/violations were so frequently experienced is particularly striking.

Everyone detained in Libya, Mauritania or Morocco who answered follow-up questions reported experiencing and/or witnessing human rights abuses or violations while in detention – with the exception of one respondent who was detained in Morocco.

Figure 8. Human rights abuses experienced or witnessed while in detention by country



The majority of respondents who reported detention in Mauritania and Morocco and answered follow-up questions about their experience (n=41 and n=61 respectively) reported lacking food and water, being detained in non-hygienic conditions and overcrowding. In Morocco, more than half of respondents also reported experiencing or witnessing both non-physical (61%) and physical violence (54%).

As has been widely documented elsewhere,[66] detention conditions in Libya were particularly difficult. Although the sample for those detained in Libya who answered follow-up questions on their experience is only 13 respondents, these respondents reported witnessing or experiencing eight abuses/violations on average during their detention.[67]

In contrast, human rights violations/abuses were rarer – but still common – for those detained in Spain. While also a particularly small sample, of the 21 respondents detained in Spain who went into detail about this experience, the majority reported overcrowding (57%, n=12) and non-physical violence (52%, n=11), and it is also notable that psycho-social concerns were reported by 43% (n=9) of respondents, second only to those detained in Libya (54, n=7).

Challenges upon return

Uses of force such as forced return[68] and detention[69] have been shown to be particularly traumatic for returnees, and **harms and traumas experienced during migration and return can impact people's lives after they return**, specifically in terms of reintegration outcomes and challenges.[70] In the data there was often overlap between those who had experienced forced return, those who had experienced detention, and those who experienced other types of force, such as interception at sea. This section seeks to gauge the impact that these experiences may have on reintegration. It does so by isolating reintegration outcomes for people who have experienced any use of force – deportation, detention, expulsion, interception at sea, pushback – during the return process (with the understanding that many of these respondents have experienced multiple uses of force), and comparing these outcomes with respondents who have not experienced any uses of force.

While experience of use of force did not appear to impact all aspects of returnees' lives post-return – particularly in terms of community and social reintegration – there were clear areas where having experienced use of force during return correlated with more negative reintegration outcomes.

Sense of progress

In general, respondents did not report progress since return. More than 60% of all respondents – whether or not they had experienced use of force – reported making no progress or regressing on key indicators – particularly in relation to meeting basic needs – since their return, including access to healthcare (77%), continuing education (72%), housing (71%), achieving goals (66%), employment/ making a living (65%) and access to education for family/ children (60%). Likely related, 62% were dissatisfied or very dissatisfied with their current life as a whole.

Key indicators of *social* reintegration, however, were reported to have improved since return. For example, 65% reported that they had made improvements in re-connecting with family and friends and 48% were doing better at being part of the local community compared to their situation at the time of return. Thus, while stigmatization of returnees is often a problem in many contexts, including Senegal,[71] the data indicate that social reintegration was an area in which returnees at least felt they had made more progress as compared to other areas.

66 OHCHR (2022) Nowhere But Back: migrants in Libya compelled to accept 'voluntary' return; Médecins sans frontières (2022) Out of Libya: Opening safe pathways for migrants stuck in Libya; United Nations Human Rights Council (2022) Independent Fact-Finding Mission on Libya

67 This included: Overcrowding (n=11, 85%), lack of food (n=11, 85%), non-physical violence (n=11, 85%), non-hygienic conditions (n=11, 85%), lack of water (n=10, 77%), physical violence (n=10, 77%), inadequate protection from heat/cold (n=10, 77%), lack of access to rights (n=10, 77%), medical concern unaddressed (n=10, 77%), sexual violence (n=10, 77%), psycho-social concerns (n=7, 54%), witnessed death (n=7, 54%), and bribery/extortion (n=7, 54%).

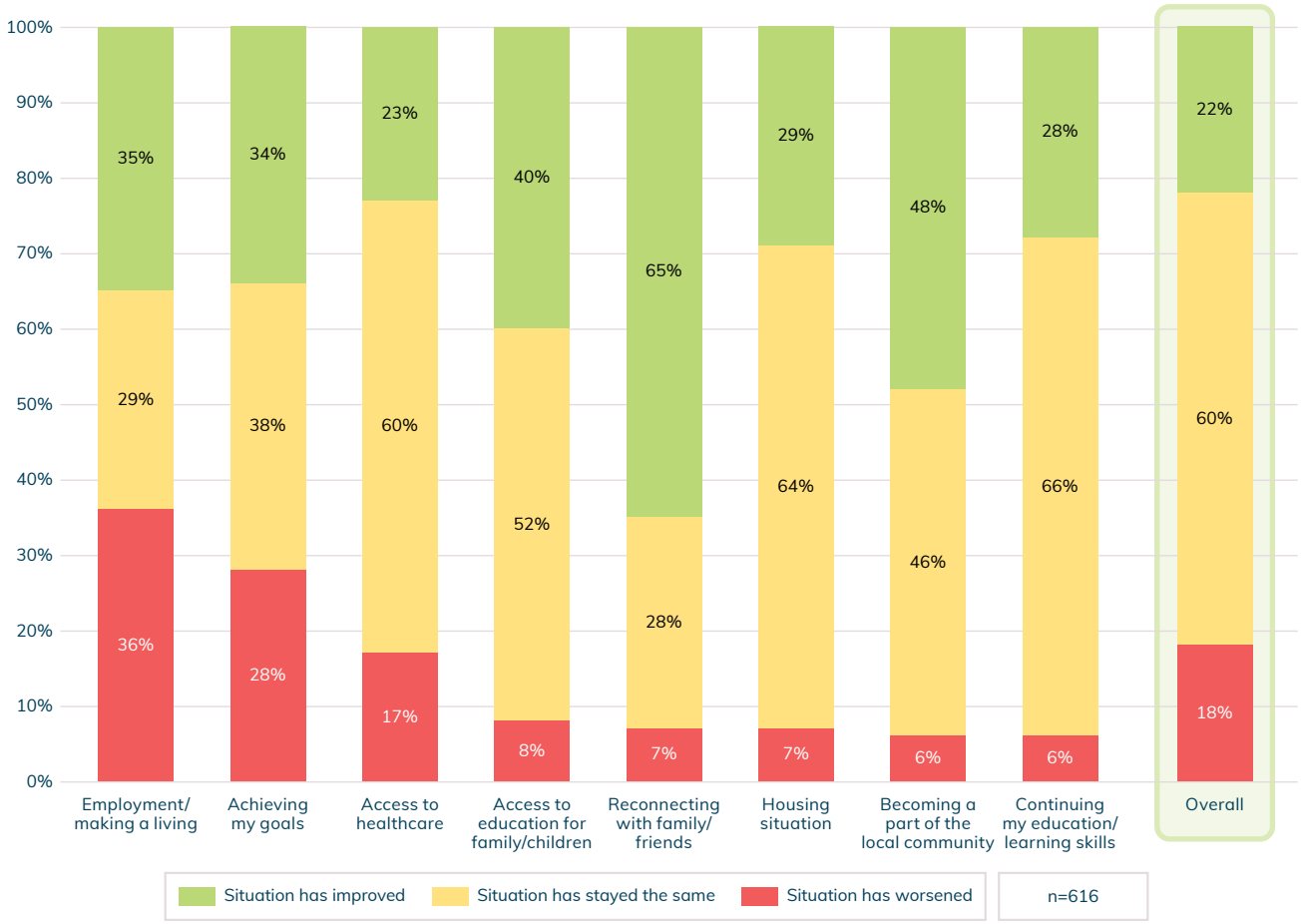
68 Diker, E. et al. (2021) Comparative Reintegration Outcomes between Forced and Voluntary Return and Through a Gender Perspective International Organization for Migration.

69 Bathke, B. (2022) Libya expels over 200 migrants across land borders InfoMigrants.

70 Digidiki, V. and Bhabha, J.(2019) Returning Home: The reintegration challenges facing child and youth returnees from Libya to Nigeria International Organization for Migration.

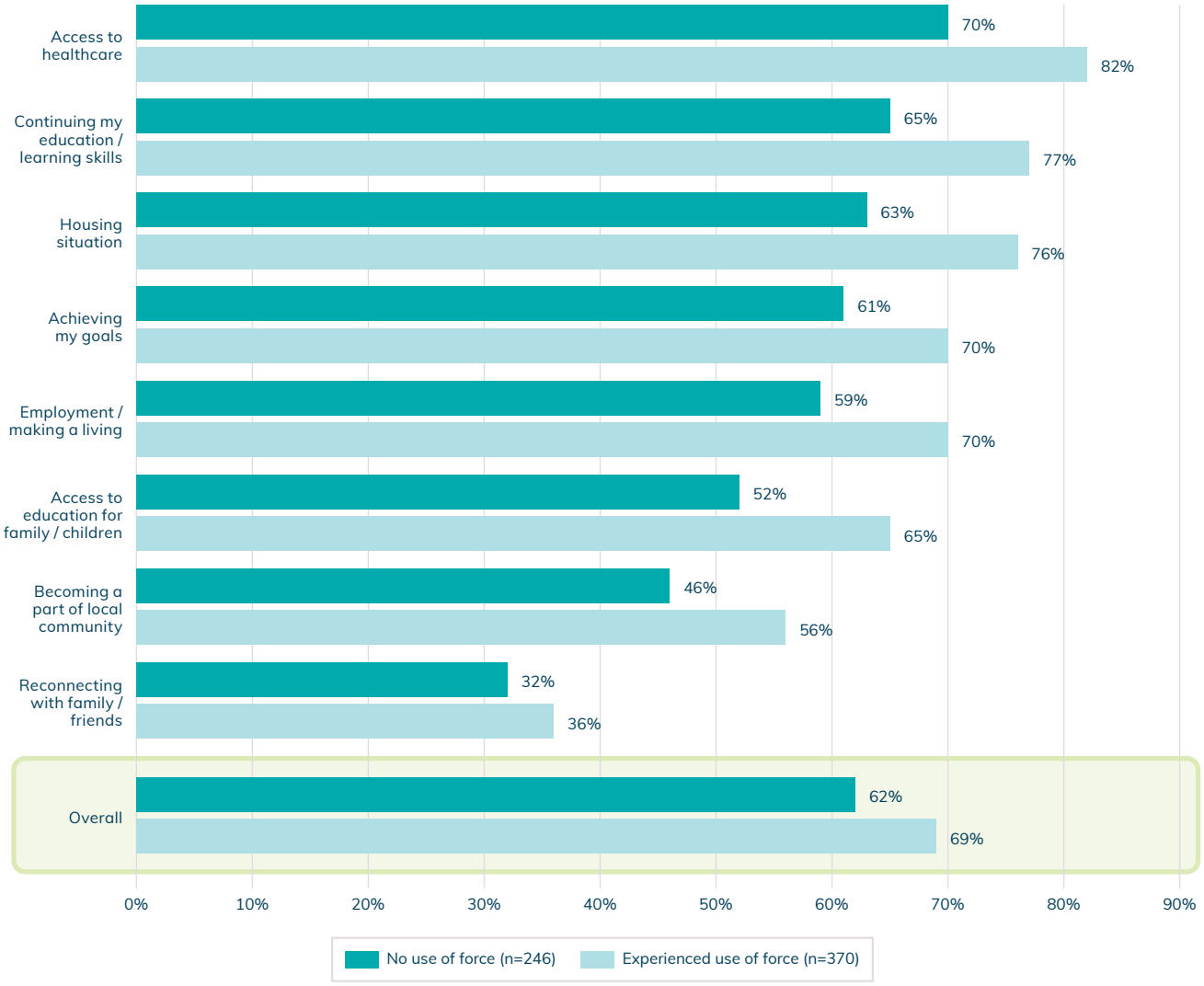
71 Guillaume, M. and Majidi, N., Samuel Hall (2018) From Europe to Afghanistan: Experiences of child returnees Save the Children; MacGregor, Marion (2019) 'One failed journey is not the end of your life' – fighting the stigma of return InfoMigrants; Rodriguez, A. (2019) op. cit.

Figure 9. How much progress have you made in the following areas since the day you returned?



People who had experienced use of force less often reported positive progress. These respondents indicated that things had gotten worse or that they had made no progress across the board, though particularly (by 10 percentage points or more) in relation to their housing situation, becoming a part of the local community, employment/making a living, access to healthcare, access to education for their family, and continuing their own education (see Figure 10). Levels of dissatisfaction were more similar: 64% of returnees who had experienced one or more uses of force during their return reported being dissatisfied or very dissatisfied with their current life on the whole (compared to 60% of those who had not experienced any use of force).

Figure 10. How much progress have you made in the following areas since the day you returned?



Having experienced forced returns seemed to particularly impact returnees' sense of progress.[72] People who had been forcibly returned reported that things had gotten worse or that they had made no progress by 10 percentage points or more in all categories, except reconnecting with friends and family. For example, forced returnees more often felt that things had stayed the same or gotten worse overall (73% compared to 61% non-forced returnees) as well as in terms of becoming part of the local community (62% vs 45% respectively).

Psychosocial challenges upon return

Feelings of failure and shame impact *all* returnees. Overall, 69% of respondents reported feeling a sense of failure or shame as a major challenge upon return. This suggests that in the Senegalese context, return brings its own difficulties, regardless of what has happened to people in the return process itself. Additionally, 32% of overall respondents reported often or always experiencing emotional or psychological stress linked to their experience of migration or return.

The psychosocial well-being of returnees appeared to be impacted by use of force. Those who experienced one or more uses of force in return more often reported always or often experiencing emotional or psychological stress linked to their experience of migration or return compared to those who hadn't experienced force in their return (35% versus 27%, respectively). They also much more frequently indicated feeling a sense of failure or shame as a major challenge upon return (76% versus 59%).

72 The proportions of forced returnees (n=236) and non-forced returnees (n=380) respectively, who felt that things had stayed the same or gotten worse were as follows: Overall (73% versus 61%), reconnecting with family and friends (37% versus 33%), housing situation (79% versus 66%), becoming part of the local community (62% versus 45%), employment / making a living (72% versus 61%), access to healthcare (84% versus 73%), access to education for family / children (71% versus 53%), continuing my education (79% versus 68%), achieving goals (76% versus 60%).

Livelihood challenges

In general, returnees struggled to reintegrate economically post-return. In total, one-quarter of overall respondents reported securing an income/livelihood as a major challenge after they returned. Similarly, 74% reported that their income did not meet their needs, 30% struggled with debt and 21% with access to food and water.

Returnees who had experienced use of force showed worse economic outcomes. Those who experienced one or more uses of force during return more frequently reported challenges regarding securing an income/livelihood (29% vs 20%), debt challenges (33% vs 25%), and often or very often being food insecure (27% vs 17%)**.** Further, 82% of these respondents reported that their income did not meet their needs compared to 62% of those who had not experienced use of force. Likely related to such livelihood challenges, 42% of respondents who reported use of force in their return could not access healthcare due to costs compared to 30% of other respondents.

Conclusion

This paper spotlights returnees' experiences of use of force during return, with particular attention paid to violations and abuse which often accompany these experiences. Return journeys are individual, varied, and complex, but a common thread among our diverse sample of returnees is exposure to harm. A majority had experienced detention and/or some kind of forced movement, and of those willing to discuss the sensitive topic of related violations and abuses, the majority had witnessed or experienced one or more forms.

Additionally, the harms faced in the return itself appear to carry through into migrants' experience post-return. While respondents overall appeared to have made fairly positive progress on reintegrating into their social networks in Senegal, returnees who had been subjected to use of force during their return experience reported making less progress reintegrating, and demonstrated concretely worse economic outcomes.

Finally, the larger context in which this paper is produced should not be ignored. Namely, increasing European focus on returns, as well as ever-growing cooperation by the EU and its member states with North and West African countries to curb irregular migration. Many of the human rights breaches reported in this study were carried out by state actors – such as military, police and border guards – who are being targeted for further collaboration and funding to combat irregular migration. The force they apply to deter migration is effective in doing so, as demonstrated by the fact that 68% of respondents had not reached their intended destination at the time they made their return to Senegal. However, there is a high human cost to this emphasis on returns, securitization and externalization of borders, and it is the migrants who pay.

MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Copenhagen, Geneva and Brussels.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based mixed migration responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

MMC is part of the Danish Refugee Council (DRC).

For more information visit:
www.mixedmigration.org and follow us at **@Mixed_Migration**

Front cover photo credit: © Amaury Michaux

Mixed Migration Centre

Supported by PROMIS, a joint project by OHCHR and UNODC

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

UNODC United Nations Office on Drugs and Crime

PROMIS Protection of Migrants Justice, Human Rights and Migrant Smuggling