

Reducing Irregular Migration in North Africa

Egypt as a Positive Model



April 2022

Maat for Peace, Development and Human Rights

Summary of a Study

Reducing Irregular Migration in North Africa: Egypt as a Positive Model

Introduction:

Migration in Africa has exacerbated in recent years. North Africa is considered among the regions most affected by irregular migration policies and the ensuing phenomena of human trafficking as well as migrant smuggling. Young people, women, and children were the most affected by these negative policies.

On the sidelines of the 71st ordinary session of the African Commission on Human and Peoples' Rights, and coinciding with the participation of Maat for Peace, Development and Human Rights in the current session, convened from April 21 to May 10, 2022, and in light of the African Commission's interest in the issues of reducing African irregular migration, Maat issued this study by shedding light on irregular migration in North Africa, with Egypt as a positive model, since it is North Africa's most active country in eliminating and combating this phenomenon at all levels.

The study worked to remove confusion in terms related to irregular migration, especially human trafficking, and migrants smuggling, and also to clarify regional and international legislation to curb the phenomenon, in addition to its focus on Egypt's current policies in combating irregular migration, especially in the last eight years.

Irregular immigrants... What do the 2021 numbers indicate?

With regard to the numbers of irregular migrants from North Africa, in October 2021, about 85,610 thousand people arrived in Europe via North Africa, 80,588 of whom arrived via the Mediterranean, and about 5,022 thousand irregular migrants arrived via land. Of them, 47,932 arrived

in Italy, 30,028 thousand people arrived in Spain, 6,462 thousand irregular migrants arrived in Greece, and about 464 people arrived in Malta.¹

The high numbers of irregular migrants in North Africa are associated with the deaths of about 741 people on the Central Mediterranean route, from North Africa (primarily Libya) to Italy, 14 people on the western Mediterranean route to mainland Spain, and 250 people on the Atlantic route to the Canary Islands.²

With regard to human trafficking, all of Africa's 53 nations reported human trafficking, spurred by poverty, armed conflict, and instability. In addition, A third of countries reported trafficking of humans to Europe, where women and children work as prostitutes, and a quarter to the Middle East and Arab states. The number of countries citing cases of child trafficking was double the number that reported trafficking in women. In Kenya, Zimbabwe, and Ghana, girls as young as 8 years old were sold as brides. In general, human trafficking in western Africa is more widespread, such as in Benin, Ghana, Nigeria, Mali, Burkina Faso, Mauritania, and Togo. However, this trade also passes through North Africa to smuggle victims.³

As for the **people-smuggling gangs**, Libya tops the countries exporting migrants along the northern African coast, which reaps hundreds of millions from these operations, as the profits of migrant smuggling gangs are estimated between 255 million and 300 million dollars in Libya alone. Actually, these gangs have become a major player in understanding the movement of migration through Africa: approximately 80% of irregular migration from Africa to Europe occurs through a human smuggling network.⁴

The second axis: International and Regional Legislations to Address Irregular Migration

¹ UNHCR, Operational Data Portal Mediterranean situation <https://bit.ly/3HGkdUh>

² IOM, (2021) Migrant Deaths on Maritime Routes to Europe in 2021, <https://bit.ly/35zoXya>

³ PMCC, Children are main victims of trafficking in Africa, <https://bit.ly/3oZXDje>

⁴ على نوار، تجارة تهريب البشر في أفريقيا.. أرباح خيالية ومعاناة لا تنتهي، حفریات، 25 يناير 2020، <https://bit.ly/3viOFuL>

First: UN Legislative Frameworks related to Reducing Irregular Migration:

The United Nations has issued several international protocols and conventions on combating irregular migration, as well as the phenomena associated with the crime of human trafficking and migrants smuggling. The most important agreements and protocols, as well as a brief on each legislative framework, are given below:

- 1. The Global Compact for Safe, Orderly and Regular Migration;**
- 2. The United Nations Convention against Transnational Organized Crime;**
- 3. The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;**
- 4. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**
- 5. The 2030 Agenda for Sustainable Development.**

Second: Continental Legislations and Policies to Combat Irregular Migration:

The world has made many efforts to combat irregular migration, such as the formulation of the 2030 Sustainable Development Goals, which has explicitly referred to migration in six of its seventeen goals. On the level of the African continent, it has made many efforts to try to curb the spread of the phenomenon of irregular migration, which will be referred to as follows:

- 1. African Sustainable Development Agenda 2063;**
- 2. 2015 Immigration Declaration to combat human trafficking and smuggling of migrants;**
- 3. The AU revised Migration Policy Framework (MPFA 2018-2030);**
- 4. The Horn of Africa initiative.**

The Third Axis: The Arab Republic of Egypt ... Serious Steps to Eliminate Irregular Migration

Egypt has made many efforts in light of its endeavors to reduce irregular migration and its negative effects on Egyptian society. These efforts are in line with Egypt's implementation of the United Nations Sustainable Development Agenda 2030, which is also in line with Egypt's Vision 2030. These efforts are represented in cooperation with the European Union by participating in many international events, holding joint protocols, and cooperating with the governments of the African continent to exchange experiences on combating the phenomenon, at the local level. The Egyptian government had issued many Egyptian strategies aimed at eliminating irregular migration and related phenomena, as well as making amendments to Egyptian law.

The Egyptian efforts can be noted as follows:

First: Egypt's Cooperation with the EU to Curb Irregular Migration:

In addition to being one of the major exports of immigrants, Egypt has been an important destination and transit point for Europe since the late eighties, which stressed the need for cooperation between the European Union and the Egyptian government to manage borders and work to stop irregular migration flows. Since 2014, cooperation between the two sides began to increase in the form of contacts, meetings and consultative sessions.

In this context, the Egyptian government participated in the Rome Declaration on the EU-Horn of Africa Migration Route Initiative (the Khartoum Process) in November 2014 to assist the countries of the century in combating the causes of irregular migration. It also actively participated in the preparation and drafting process at the "Valletta Summit on Migration" in Malta in November 2015, which worked to increase cooperation between Egypt and the European Union in the field of migration.

In continuation of the Egyptian efforts, also in partnership with the European Union, Egypt hosted the first Arab-European summit between the Arab League and the European Union to discuss migration issues in February 2019. Egypt and Italy also renewed the signature of the Protocol to Combat Crime and Irregular Migration 2020, which was signed for the first time in 2018. In addition to the

above, Egypt and Italy are cooperating in the field of training, rehabilitation, and export of Egyptian labor to the Italian labor market in a regular and appropriate manner, and addressing irregular migration processes.

Egypt and the European Union also held consultative meetings to discuss the migration crisis and ways to address it, including the first consultation session on December 17, 2017, the second session on June 25, 2019, and finally the third session on November 15, 2021. These meetings resulted in the agreement on joint cooperation protocols of a strategic nature to combat smuggling and human trafficking, support efforts to promote regular migration, and stress the need to attract more investments and create job opportunities, in addition to the European Union's contributions to providing the necessary equipment in the fight against migration.⁵

Second: Efforts of the Egyptian Government at the Regional and Local Levels:

1. Regional Level:

Egypt hosted the 2nd regional conference of the AU-Horn of Africa Initiative (AU-HoAI) in Kafr El-Sheikh in September 2015, during which a set of African projects and ideas for development were presented to address the root causes of irregular migration.

Egypt also hosted in Sharm El-Sheikh the 2nd Ministerial Meeting of the AU-Horn of Africa Initiative (AU-HoAI) on Trafficking in Persons and Smuggling of Migrants in June 2016. In November 2017, Egypt hosted in Luxor the first conference that included all operations dealing with the migration route between Africa and Europe. The conference focused on combating migrant smuggling operations and human trafficking, with a focus on unaccompanied minors.

Egypt also hosted the first regional forum of national coordination bodies to combat human trafficking and migrant smuggling in Africa in November 2019. Finally, the Egyptian government

⁵ نسرين الشرفاوي، بوابة الأمان لأوروبا.. مصر الرقم الصحيح لحل خوارزميات الهجرة غير الشرعية، المرصد المصري، 2 ديسمبر 2021، <https://bit.ly/3MLIBbX>

announced a project to dismantle human trafficking and migrant smuggling networks in North Africa in cooperation with the United Nations Office on Drugs and Crime in July 2020.⁶

2. Local Level:

a) The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIMTIP):

The National Coordinating Committee was established on January 23, 2017, under Prime Minister Decision No. 192 of 2017. This committee is affiliated with the Council of Ministers, and it includes 29 ministries and agencies, apart from the head of the committee and two experts. The National Committee is concerned with raising public awareness of the dangers of irregular migration and human trafficking. The committee is also mobilizing the necessary resources to support efforts to combat these issues, especially support for development to eliminate irregular migration and human trafficking and strengthen the means and pathways of irregular migration.

That committee was able to draft some laws, including Law No. 64 of 2010, to combat human trafficking⁷. Law No. 82 of 2016 was also issued to deter and repress the crime of irregular migration. The law's sixth article stipulates that imprisonment penalty and a fine of no less than fifty thousand pounds and not more than two hundred thousand pounds, or a fine equal to the value of the benefit he has accrued, whichever is greater, shall be imposed on anyone who commits, attempts, or mediates in the smuggling migrants crime.⁸

b) The national strategy to combat and prevent human trafficking:

In 2016, the Egyptian government issued the national strategy to combat and prevent human trafficking 2016-2020⁹, in light of its efforts to combat and prevent human trafficking crimes. The strategy is based on four main axes; namely, measures on prevention, control, and sources draining; measures on

⁶ مرجع سابق

⁷ للجنة الوطنية التنسيقية لمكافحة ومنع الهجرة غير الشرعية والاتجار بالبشر <https://bit.ly/3J71Byw>

⁸ اكسترا نيوز، على مدار 6 سنوات.. كيف قضت مصر على ظاهرة الهجرة غير الشرعية؟، 29 أغسطس 2019، <https://bit.ly/3tRv0q3>

⁹ الاستراتيجية الوطنية لمكافحة ومنع الاتجار بالبشر <https://bit.ly/34G6srq>

combat, punishment, and impunity; measures on protection and assistance; and measures on partnership for the success of any activities and cooperation between the members of the Committee from the national bodies that include 30 ministries, bodies, and councils for human rights or with civil society, as well as interaction with international organizations and donors¹⁰.

c) **The national strategy to combat irregular migration:**

The Egyptian government also issued the national strategy to combat irregular migration from 2016-to 2026 after establishing a National Coordinating Committee affiliated with the Council of Ministers, including 18 ministries and agencies, the Human Rights and Childhood and Motherhood Councils. The National Committee hastened to develop an integrated strategy that reflects the government's vision and future vision to combat irregular migration and aligns with the State's Development Plan 2030. The National Strategy (2016-2026) targets the groups most at risk of exploitation by smugglers, youth (18-35 years), children and their families, and expatriates. It also seeks to deter and punish immigration brokers and traders through strict procedures and penalties. All government agencies concerned with combating and awareness-raising participate in the strategy implementation, law enforcement agencies, educational, religious, media agencies, and civil society bodies and components¹¹.

d) **Presidential Initiative "Boats of Life":**

The implementation of the presidential initiative "**Boats of Life**" in 2019 is the most important step in the history of Egyptian efforts to combat irregular migration. It aims to raise the irregular migration dangers awareness, provide suitable job opportunities for young people in villages and governorates, and raise their migration risks awareness. And allocate 250 million pounds from the state budget in 2021 to support the initial implementation in nearly 70 villages nationwide. The initiative has contributed to launching projects worth 55 million pounds, launching several workshops with the aim

¹⁰ بوابة الأهرام، نانلة جبر: الإستراتيجية الوطنية لمكافحة الاتجار بالبشر تهدف لرفع مستوى الوعي العام بهذه الجريمة، 7 مارس 2022،

<https://bit.ly/3w2E4ej>

¹¹ الاستراتيجية الوطنية لمكافحة الهجرة غير الشرعية 2016 – 2026 <https://bit.ly/3MNFoaY>

of raising awareness of the dangers of irregular migration and combating migrant smuggling and human trafficking¹².

The Egyptian government worked on facilitating the migration paths to Europe in regular ways as a solution to the irregular migration phenomenon. The Egyptian government called on the European Union countries to work on restoring stability in countries that suffered from instability, which resulted in irregular migration. The Egyptian government also called on the European Union to make investments to provide development projects to create job opportunities for young people in countries originating irregular migration¹³.

e) Amending the Law on Combating Irregular Immigration and Smuggling of Migrants:

The House of Representatives approved a bill in March 2022 submitted by the government to amend some provisions of the Law on Combating Irregular Immigration and Smuggling of Migrants, promulgated by Law No. 82 of 2016. It aims to increase penalties for crimes stipulated in the law. The law aims to combat the smuggling of migrants by land, sea, and air. It did not introduce new criminality but only increased the penalties prescribed in the existing law and implemented the complementary protocol to the United Nations Convention known as the Palermo Protocol¹⁴.

The article stipulates: Whoever commits, attempts, or mediates in the crime of smuggling migrants, shall be punished by rigorous imprisonment and a fine of no less than two hundred thousand pounds and not more than five hundred thousand pounds, or a fine equal to the value of the benefit he has accrued, whichever is greater.

Feasibility of Egyptian efforts in combating irregular migration:

¹² أخبار اليوم، *إشادات دولية بالتجربة المصرية.. «مراكب النجاة» / استراتيجية متكاملة لمواجهة الهجرة غير الشرعية بـ 60 مليون يورو*، 21 يناير 2022، <https://bit.ly/3KEZhyZ>

¹³ مرجع سابق

¹⁴ جريدة المال، «النواب» يوافق مبدئياً علي قانون مكافحة الهجرة غير الشرعية، 8 مارس 2022، <https://bit.ly/3CABzRK>

Over the past ten years, the increasing interest in the irregular migration file started in 2014. From 2012 to 2014, the government did not make significant efforts at the international, regional, or local levels.

Over the past eight years, international bodies from the European Union and the International Organization for Migration have praised the Egyptian government's role in improving the irregular migration file through its launch of national strategies to combat human trafficking related to the irregular migration, reducing irregular migration and the legislative amendments by the House of Representatives last March, which resulted in a toughening of the penalty for irregular immigration. In addition to the above, the role of **the National Coordinating Committee for Combating and Preventing Illegal Migration and Human Trafficking, which was established in 2017**, whether through conducting awareness programs and workshops, cooperating with international organizations concerned with curbing irregular migration, or seeking to introduce amendments to some national legislation.

Earlier, the European Union Commissioner for Migration, Citizenship and Home Affairs, Dimitris Avramopoulos, valued Egyptian efforts to stop irregular migration. He also stressed that Egypt is a model for stability and growth in the region, while Austrian Chancellor Sebastian Kurz referred to Egypt's important role in combating irregular migration. German Chancellor Angela Merkel praised the efforts made by Egypt in securing its maritime borders, which contributed to almost preventing the movement of migration from Egypt to Europe.

Meanwhile, the United Nations Office on Drugs and Crime confirmed that Egypt has a comprehensive legislative framework to combat human trafficking and migrant smuggling. It adopted a law that established the National Coordinating Committee for Combating and Preventing Illegal Immigration and Human Trafficking and another law related to human trafficking.

Recommendations:

North Africa suffers from many challenges that impede its development, topped by irregular migration and ensuing issues of human trafficking and migrant smuggling. Considering that the North African countries are primarily transit countries to Europe via the Mediterranean coast, they are one of the countries of origin for irregular migrants. The reasons that motivate citizens to leave their places of origin and move to a more developed country are beyond the economic factor.

In the context, in light of the international efforts and regional and local undertaken by some countries to reduce the phenomenon of irregular migration, there are some recommendations as follows:

First: Maat for Peace recommends the Egyptian government to share its successful experience in addressing the irregular migration phenomenon with North African countries and formulate a continental strategy that brings North African countries to deal with irregular immigration. That is in light of the success of the Egyptian government in launching two strategies among the African strategies to combat the human trafficking phenomena and irregular migration.

Second: In the absence of the role of the League of Arab States in trying to find a solution to the problem of irregular migration in the Arab North African region, Maat for Peace recommends the Arab League to launch a mechanism to monitor developments in the file of combating irregular migration in North African countries, and follow up on its latest developments periodically.

Third: In light of the spread of the phenomenon of human trafficking, especially related to irregular migration across the North African region, Maat calls on civil society organizations concerned with combating irregular migration to raise awareness among youth, women, and children in particular about the phenomenon of human trafficking, to protect individuals from falling into these criminal networks.

Fourth: The economic factor in African countries drives irregular migration. So, Maat recommends investment companies to direct their investments to African countries to limit the migration of citizens outside their country's borders in search of job opportunities and a better standard of living.

Fifth: Maat for Peace, Development and Human Rights recommends the Rapporteur on Migrants at the African Commission to strengthen patterns of cooperation with countries of origin, destination, and transit by migrants in North Africa by conducting urgent and life-saving humanitarian interventions, improving safe and full access to services by migrants, and implementing protection initiatives, especially child protection and combating trafficking and alternatives to detention.

Sixth: Maat calls on the African Commission on Human and Peoples' Rights to share responsibility with the member states of the African Union and to move forward with the launch of an African solidarity mechanism aimed at giving the issue of irregular migration more attention and working on developing strategies to end this phenomenon.