

EU CROSS-BORDER COOPERATION ON HUMAN TRAFFICKING

HUMAN TRAFFICKING

Human Trafficking involves irregular border crossing and entry into another state. There is a relationship between the smuggler and the migrant which is a commercial transaction that normally ends after the border crossing. Moreover, it means a crime against the State.

VS

HUMAN SMUGGLING

Human smuggling means the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion. It does not necessarily require the crossing of an international border; it involves a range of exploitative practices.

VS

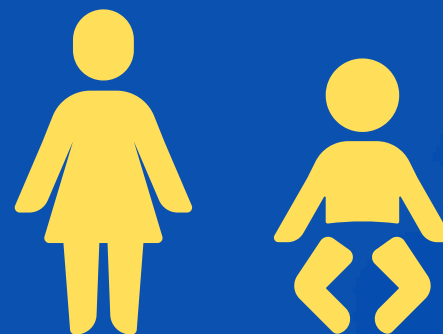
SEXUAL ABUSE

Sexual abuse is the engaging in sexual contact with a person who is below a specified age or who is incapable of giving consent because of age or mental or physical incapacity. Hence, human trafficking comprises sexual exploitation or abuse, but the concept is broader than that.



RIGHTS TO PROTECT

- The **prohibition of discrimination** on the grounds of race, colour, sex, language, religion, political opinion, national or social origin, economic status, birth.
- The **right to life, liberty and security**.
- The right not to be subjected to **slavery**, servitude, forced labour, torture, degrading treatment.
- The right to **freedom of association**.
- The right to **freedom of movement**.
- The right to **equitable and satisfactory conditions of work**, adequate **standard of living and social security**.
- The **right of the child to special protection**.



VICTIM'S RIGHTS

They are set out in Directive 2011/36:

- Assistance and support: art. 11.2
- If the victim is a child: art. 13.1 and 2, 15.3
- Protection before, during and after criminal proceedings : art. 12.3 and 12.4
- Compensation to victims: art. 17
- Reflection period and residence permit for victims who are third-country nationals: art. 11.6

HOW DOES THE EU COMBAT HUMAN TRAFFICKING?

EU LEVEL

EUROJUST: Eurojust has strengthened its approach to trafficking in human beings, positioning the Agency as the center of the fight against trafficking in human beings in Europe

FRONTEX: It helps Member States and countries associated with the Schengen area to manage their external borders and contributes to harmonizing border controls between EU countries. It facilitates cooperation between the border authorities of each EU country, offering technical support and expertise. Functions: risk analysis, joint operations, quickly answers, research, training, etc.

EUROPOL: position at the heart of the European security architecture allows it to offer a unique range of services and to serve as a: support centre for law enforcement operations, support on the ground the operations of the Security Forces and Bodies of each Member State; hub for information on criminal activities; centre for law enforcement expertise

NATIONAL LEVEL

DIRECTIVE 2011/36

- Cross-border cooperation.
- Supervision.
- Prevention (education).
- Collaboration with organizations.
- Access to compensation.
- Strengthen policies for prevention.
- (Early) Assistance to victims:
- Accommodation.
- (Free) Legal advice and representation.

DIRECTIVE 2004/81

- Establish an area of freedom, security, and justice.
- Residence permit (under conditions).
- Assistance for victims (medical, psychotherapeutic).
- Help to gain access to the labor market.

AND, AT THE INTERNATIONAL LEVEL?

COUNCIL OF EUROPE

In what regards to human trafficking, the European Convention on Human Rights does not make an express reference to human trafficking. In this context, the ECtHR has issued several rulings and the Court held that trafficking itself was prohibited by Article 4 (prohibition of slavery and forced labour) of the European Convention on Human Rights.

UNITED NATIONS

The UN adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. This Protocol is the UN and world's primary instrument to combat human trafficking.



CASE STUDY- Rantseva v. Cyprus and Russia

Ms. Rantseva was a 20-year-old Russian who arrived in Cyprus to work as an artist in a Cabaret. A month later she quit the job because she wanted to return to Russia but her manager found her working in another place. The ex manager called the police but they couldn't arrest her. She was found dead after trying to escape from her ex manager. Her father requested a new autopsy because the original revealed that she died from the fall trying to escape. The father complained to the ECtHR that the Russian authorities refused to initiate criminal proceedings as the events had taken place outside Russia. The ECtHR found Russia and Cyprus responsible for the events surrounding Ms. Rantseva's death, holding both states in breach of their obligation to protect her from human trafficking and for failing to properly investigate her death (breach of Art 2 for failing to take adequate measures to protect Rantseva's life).

BIBLIOGRAPHY

- Grupo Interinstitucional de Coordinación contra la Trata de Personas (ICAT), (2016). *¿Cuál es la diferencia entre la trata de personas y el tráfico ilícito de migrantes?*. Available at: <https://www.refworld.org/es/pdfid/5f6e6ea34.pdf>
- Naciones Unidas; Oficina del Alto Comisionado, (2014). *Los Derechos Humanos y la Trata de Personas*.
- Nueva York y Ginebra. Folleto Informativo N° 36. Available at: https://www.ohchr.org/Documents/Publications/FS36_sp.pdf