



EASTERN PARTNERSHIP Panel on Migration and Asylum

Panel Meeting on Irregular Migration and Trafficking in Human Beings

14-15 April 2016, Chisinau

CONCEPT NOTE

2015 will be remembered by unprecedented migration movements globally and in the European countries. Thousands of migrants moved mainly towards North-Western Europe in search for safer or better living conditions. Migrants, before reaching their destination, had crossed several countries and borders. The vast majority of them were allowed to cross borders without legal permission and often without the necessary documents. The situation and the migration routes are constantly changing due to reinforced border controls inside and outside of the European Union. As the migration crises poses challenges in terms of irregular migration and trafficking in human beings, putting vulnerable groups at risks, the Eastern Partnership Panel on Migration and Asylum will devote the next Panel meeting to focus on how to effectively combat this phenomenon with the victims' rights perspective underlined.

Addressing trafficking in human beings is a priority for the European Union and the Member States. The Charter of Fundamental Rights of the European Union specifically forbids trafficking in human beings and ensures adequate safeguards. The EU approach recognises the gender-specific nature of trafficking in human beings. It places the victim and its human rights at the centre, and recognises the need for a child-sensitive approach. It emphasises the need for coordinated, multidisciplinary action. Clear and consistent information to victims of trafficking in human beings on their rights is essential. These rights range from (emergency) assistance and health care to labour rights, rights regarding access to justice and to a lawyer, and on the possibilities of claiming compensation.

Trafficking in human beings is defined in Directive 2011/36/EU¹, Article 2 in the following way: The recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. This definition is also to be found in the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons², which offers further measures to combat trafficking.

¹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

² Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Woman and Children, supplementing the United Nations Convention against Transnational Organised Crime

In the context of the current migration crisis the European Commission adopted a European Agenda on Migration in which it particularly referred to the need of taking specific action against traffickers' networks and providing assistance to victims of trafficking. For that the Commission intended to complete the initiatives foreseen in the current strategy against Trafficking in Human Beings and look at how work can be further improved in 2016³.

Irregular migration is intimately linked to the issue of human trafficking and organized crime and has become even more visible during the ongoing migration crises. Simultaneous processes need to operate: border controls, asylum procedure, criminal procedure and targeted assistance to victims of trafficking. This is a particular challenge to national administrations under severe pressure.

The Eastern Partnership countries, being both transit and destination countries, are crucial partners in combating trafficking in human beings and are to a varying degree affected by the global migration crises. The legal and institutional framework for the fight against human trafficking and the assistance and protection of victims has been established in several countries during recent years. This creates the necessary conditions for the successful implementation of state policies in this field.

During the panel meeting of the Eastern Partnership Panel on Migration and Asylum attention will be devoted to the following four thematic sessions:

I. Overview of the migratory situation, particularly in the EaP countries and beyond, in the context of the current migration crisis.

Overview of the migratory situation in the EU and Eastern Partnership countries as well as their neighborhood together with background information on origins, directions and profile of the latest migration flows in order to contextualise the migration crises in relation to irregular migration and trafficking in human beings.

II. Irregular Migration – National responses in the context of the current migration crisis

This session will provide an overview of national responses to irregular migration in the context of the current migration crisis, i.e. reaction of the national governments to the (prospects of) changes in the migratory situation: whether the policy changed, in what direction, how swiftly, what particular measures were adopted and implemented? Such aspects as national security, overwhelmed authorities and rising pressure on the migration management and social security infrastructure can be covered.

III. Trafficking in human beings in the context migration crises

This session will seek to answer to the questions on how the migration crisis influenced trafficking in human beings (in terms of numbers of victims, profiles of vulnerable groups, growth of criminal networks, their modus operandi etc), peculiarities of application of the procedures in the sphere of counter-THB in the situation of migration crisis (identification of victims, assistance to victims and their protection, investigation of the THB-related crimes etc.)

³ The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “A European Agenda on Migration”, COM(2015) 240 final of 13 May 2015, page 9.

IV. Mitigation measures, including information and awareness raising campaigns, assistance to returnees

This session will focus on the list of possible mitigation measures in the fight against trafficking in human beings, information campaigns conducted by the EU and Eastern Partnership respective governments, as well as the International Organizations and NGOs in the countries of origin and transit of potential irregular migrants and victims of THB, including also assistance to returnees in the countries of origin or third countries. A large number of individual activities and awareness raising projects have already been conducted by different actors. How can these efforts be assessed and possibly be more effective to target the proper audience? A coordinated approach is often highlighted as a prerequisite for successful outcomes and will be further discussed during the session.

The Eastern Partnership Panel meeting will provide space for exchange of best practice and views on the proposed issues between the representatives from the EU and Eastern Partnership countries, academics, NGOs and representatives of international organisations.