

# A Fundamental Rights Dimension to Migration and Human Trafficking: The Approach of FRA and OSCE in Prospect

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Communication 1

The field visit in Vienna, Austria, also included a study visit in the University of Vienna, on issues related to the research activities of the Jean Monnet Chair

The field visit was realized through the support of the Lifelong Learning Programme- Jean Monnet Action, Key Activity 1

## A FRA-Frontex co-operation

- Training, curriculum development
- Operational briefings
- Consultative Forum
- Sharing of research results

## Handbook on European law relating to asylum, borders and immigration

The European Court of Human Rights (ECtHR) and the European Union Agency for Fundamental Rights (FRA) published a joint Handbook on

## FIELD VISIT IN VIENNA: IMPEDIMENTS, CHALLENGES AND ACHIEVEMENTS IN THE FIELD OF MIGRATION, ASYLUM AND TRAFFICKING

The research team of the Jean Monnet Chair of the University of Macedonia, Thessaloniki, visited an “international organizations” city during 8-12 of May, as a part of the research activities carried out by the Jean Monnet Programme.

The group consisted by Dr. Despoina Anagnostopoulou, Assistant Professor in the Department of International and European Studies and the PhD candidates Georgia Theodora Intze, Nikolaos Gaitenidis and Konstantinos Kouroupis, visited the Fundamental Rights Agency of the European Union and the Organization for Security and Co-operation in Europe and aquired various information concerning crucial issues of their mandate.



The visit was beneficial for better understanding the nature, the challenges and the particularities of the issues of migration, asylum and human trafficking. The meetings, provided ample time for discussion and mutual exchange of ideas, experience and expertise. Several channels of communication, dialogue and flow of knowledge were also pursued.

## EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

### **STANDARDS AND ADVICE ARE REQUIRED TO CLARIFY HOW THE MEMBER STATES MEET THEIR FUNDAMENTAL RIGHTS OBLIGATIONS WHEN IMPLEMENTING MIGRATION POLICY**

*An overview on FRA’s work with a special focus on migration and border security issues was provided on 8<sup>th</sup> of May 2013. Through the collection and analysis of data, the FRA assists EU institutions and EU Member States in understanding and tackling challenges in safeguarding the fundamental rights in the EU in this sector.*

The treatment of third-country nationals at the EU’s external borders is often considered dubious due to insufficient implementation of legislation, poor knowledge of fundamental rights, or inadequate training of civil servants, and sometimes simply due to discrimination and xenophobia. “The TCN project” introduces innovative research methodologies in order to collect information on the way border checks are conducted. The TCN

European law relating to asylum, borders and immigration on 11 June.

The Handbook covers the following issues: access to territory and procedures, status and associated documentation, asylum determination and barriers to removal, procedural safeguards and legal support in asylum and return cases, private and family life and the right to marry, detention and restriction to freedom of movement, forced returns and manner of removal, economic and social rights and persons with specific needs

**For more information**  
<http://fra.europa.eu>  
The official portal of the European Union Agency for Fundamental Rights

The research group had the permission to attend a meeting of the Permanent Council as observers

A meeting with representatives of the Permanent Representation of Greece in the OSCE was also held in the Headquarters on issues concerning the Greek interests in the Organization

project focuses on fundamental rights challenges emerging during rescue at sea or after disembarkation of migrants. Furthermore, the research aims at examining whether border checks are carried out in full respect of human dignity and the principles of non-refoulement and non discrimination, as required by the Schengen acquis. During the implementation of the project, the Agency has conducted interviews with migrants, authorities and civil society organizations and consulted with relevant stakeholders. Also, researchers had participated in patrols and border checks as observers of migrants' reception.

In a related field, the Agency addresses the issue of the fundamental rights of migrants in an irregular situation in the EU. The "FRIM project" examines key aspects of the social situation of irregular immigrants in the European Union in order to assess the extent to which their fundamental rights are respected and protected. Evidence through desk and fieldwork research based on survey of national authorities, local authorities and civil society organizations as well as interviews with irregular immigrants has shown that the latter are most vulnerable to exploitation and discrimination as often have limited access to basic human rights due to limited implementation of legislation, practical and bureaucratic barriers and migrants' lack of awareness of their rights. The project provides policymakers with a solid scientific basis in order to ensure that the fundamental rights of irregular immigrants are protected, especially in the context of the Return Directive and the Facilitation Directive. By examining current problematic situations and documenting good practices, this project also provides practitioners with practical tools to promote the rights of irregular immigrants.



## ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

**TRAFFICKING IN HUMAN BEINGS STILL REMAINS GREATLY MISUNDERSTOOD AND IS INSUFFICIENTLY IN BOTH POLICY AND PRACTICE**

*On the 9<sup>th</sup> of May 2013, a briefing took place between the Jean Monnet Chair research team and experts of the Organization for Security and Co-operation in Europe, concerning the issue of human trafficking. With 57 participating States, the OSCE is the world's largest regional security organization, providing a forum for high-level political dialogue on a wide range of security issues and a platform for practical work.*

Trafficking in human beings (THB) is one of the most pressing and complex issues in the OSCE region and beyond. Every year, hundreds of thousands of vulnerable women, children and men are being trafficked under conditions amounting to slavery. The OSCE accepts the definition

**The Alliance against Trafficking in Persons** is a broad international platform for co-operation initiated by OSCE in 2004. It is composed by international Organizations, key international and regional NGOs and social partners. The purpose of the Alliance is the development of a shared strategic approach and a common agenda, and the promotion of joint advocacy initiatives.

**For more information**  
<http://www.osce.org/>  
**The official portal of the Organization for Security and Co-operation in Europe**

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found in Article 3 of the UN Trafficking Protocol which includes "the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

The essential element of human trafficking is the exploitation of people in conditions amounting to slavery. These people are unaware of their rights, deprived of their documents and depended on their traffickers for food and lodging. People are trafficked for sexual exploitation, labour exploitation, forced begging, forced participation in criminal activities and removal of organs.

The problem is intensified by practical issues such as the corruption of national authorities and the difficulty to identify the "victims", since trafficked persons are used as "baits" for recruitment.

The OSCE by favoring political consensus and promoting on going dialogue, implements an holistic approach cutting across all three dimensions of the Organization's work, the politico-military, the economic and environmental and the human dimension.



The OSCE Action Plan to Combat Trafficking in Human Beings contains far-reaching recommendations for the participating States on the best ways and means to implement the various anti-trafficking commitments as well as precise tasks for the OSCE bodies to assist the participating States in this endeavor. The Action Plan contains recommendations for action at the national level in areas of prevention, prosecution and protection

of victims' rights.

The Office of the Special Representative assists the participating States with the implementation of commitments and full usage of recommendations proposed by the Action Plan. The Special Representative promotes a human rights-based approach in all anti-trafficking activities and encourages the co-operation with the civil society.



**Lifelong  
Learning**

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