

## HELP Online course on COMBATING TRAFFICKING IN HUMAN BEINGS AND PROTECTING ITS VICTIMS

### Background and summary

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Trafficking in human beings is a serious crime. It is also a grave violation of human rights, which affects thousands of victims every year, also in Europe. All indicators point to an increase in victim numbers. Often linked to organised crime, for which it now represents one of the most lucrative activities, trafficking has to be fought wherever it is discovered, just as vigorously as drug trafficking and money laundering.

Action to combat trafficking in human beings is receiving worldwide attention because trafficking threatens the human rights and the fundamental values of democratic societies. Action to combat this persistent assault on humanity is one of a number of fronts on which the Council of Europe is battling on behalf of human rights and human dignity.



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Trafficking in human beings, with the entrapment of its victims, is the modern form of the old worldwide slave trade. It treats human beings as a commodity to be bought and sold, and to be put to forced labour, usually in the sex industry but also, for example, in the agricultural sector, declared or undeclared sweatshops, for a pittance or nothing at all. Most identified victims of trafficking are women but men are also victims of trafficking in human beings. Furthermore, many of the victims are young, sometimes children. All are desperate to make a meagre living, only to have their lives ruined by exploitation and rapacity.

To be effective, a strategy for combating trafficking in human beings must adopt a multidisciplinary approach incorporating prevention, protection of human rights of victims and prosecution of traffickers, while at the same time seeking to harmonise relevant national laws and ensure that these laws are applied uniformly and effectively.

Since the late 1980s, the Council of Europe has undertaken a series of initiatives in the fight against trafficking in human beings. These efforts culminated in the adoption, in May 2005, of the Convention on Action against Trafficking in Human Beings, which entered into force on 1 February 2008. Beyond the criminalisation of trafficking and the prosecution of traffickers, the Convention places positive obligations on states to put in place effective measures to prevent human trafficking, to protect the

rights of victims of human trafficking, and to engage in international co-operation and co-operation with civil society to these ends. It is currently in force in 46 of the 47 Council of Europe member states, as well as Belarus.

Beside the Council of Europe Convention on Action against Trafficking in Human Beings, the course explores the case law of the European Court of Human Rights as well as other international legal instruments and national good practices, always focussing on the protection of the victims of human trafficking.

The course was developed in 2017 and explores these topics in a practical way, by using presentations, interactive screens, knowledge tests and reflective exercises.

### Target audience

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This free on-line course is primarily addressed to legal professionals (criminal judges, prosecutors, lawyers or senior court staff) and law enforcement and other state authorities as well as NGOs dealing with individuals affected by trafficking in human beings. The course is designed to equip practitioners to effectively apply the standards developed under the Council of Europe Convention on Action against Trafficking in Human Beings (the CoE Convention) in their daily work.

### Course outline (9 modules)

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- 1. Introduction and legal framework:** the human trafficking problem, the Council of Europe response, the CoE Convention and its monitoring.
- 2. Definitions and legal concepts:** the definitions and legal concepts contained in the CoE Convention and other relevant international instruments.
- 3. Identification of victims of human trafficking:** the importance of victims' identification, the States' duty to identify victims, the cooperation with NGOs in victims' identification.
- 4. Assistance for victims of human trafficking:** rights of victims to assistance and support and the related States' obligations, the effects of trauma and victimisation on the physical and mental health of victims, minimum standards of care that States must provide to the victims, right to recovery/reflection period and the rules for its application, minimum conditions for granting a temporary residence status to victims of trafficking.
- 5. The non-punishment principle:** the legal nature and scope of the non-punishment principle, the difference of its application to children's cases and to adult cases, the meaning of compulsion, States' obligations to apply the principle.
- 6. Investigation, Prosecution and victims' rights:** the peculiarity of investigation and prosecution in human trafficking cases, the relevance of the protection and assistance of victims and witnesses, the relevance of seizing and securing assets from the outset.

7. **Sentencing:** criteria that should be taken into consideration when deciding on the severity of sanctions: retribution, general prevention, special prevention and reparation.
8. **Compensation for victims of human trafficking:** the relevance of compensation in human trafficking cases, the material and immaterial damages covered by compensation, the source of compensation (the perpetrator or the State).
9. **Return and Repatriation:** international standards, safe, dignified and preferably voluntary return requirements for returning child victims, the non-refoulement principle.

### Development of the course

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The course was developed under the European Programme for Human Rights Education for Legal Professionals (HELP; [www.coe.int/help](http://www.coe.int/help)) of the Council of Europe, by using the HELP methodology (<http://www.coe.int/en/web/help/help-training-methodology>).

### Access the free online course

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To access the course, you just need to enter the HELP e-learning platform at <http://help.elearning.ext.coe.int/>. First you need to open yourself an account at HELP if you have not yet done so (2 minutes).

To access the course directly, click here: <http://help.elearning.ext.coe.int/course/view.php?id=1936>.