

## CHART OF MEASURES

### I. Purpose / functionality of the chart:

The design of this chart seeks to illustrate the normative measures adopted by states and international organizations in the field of human trafficking and smuggling. Particularly, it assesses the degree of formal interstate cooperation in each of the measures enacted in the fight against human trafficking and migrant smuggling.

Despite the disparity of instruments examined (universal / European scope; smuggling / trafficking areas, general / specific purposes) the chart offers a classification that shows whether there is a high or low degree of homogeneity when such laws are implemented and enforced to combat human trafficking and migrant smuggling.

### II. Scope

The choice for the different categories of the chart is based on two delimiting criteria:

- They are international instruments (of universal or European scope) and have a normative nature.
- They are "measures", that is, actions that pursue the fight against human trafficking and / or migrant smuggling, falling under at least one of the three main axes: a) prevention; b) persecution (divided between measures of substantive law and measures of a procedural nature) and c) protection of victims.

### III. Systematization indicators (2):

Measures included in the chart and articulated around the three main axes mentioned above, and have been systematized according to:

- Their nature, distinguishing between:
  - Behaviour measures: those that imply a commitment for the states to act in a certain direction. They are indicated on a **red background**
  - Operational measures: those that specify a type of direct action by an organization. They are indicated on a **blue background**
  - Outcome measures: those that require the state party / recipient to achieve a certain result, which may be determined by an international standard (of a self-executing nature, indicated on an **orange background**) or may propose a development (normative or not) by some states. They are indicated on a **green background**
- The degree of precision, carrying out a graduation at three levels (low, middle or high) that is symbolized by the use of the "+" mark

## Legend

Behaviour measures Rank +++	Operational measures Rank +++	Self-executing measures Rank +++	Outcome measures to be developed Rank +++
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## Mapa

	United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	Optional Protocol to the Convention on the Rights of the Child	ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour	ILO, P029 - Protocol of 2014 to the Forced Labour Convention, 1930	Council of Europe Convention on Action against Trafficking in Human Beings
<b>Date of adoption</b>	15/11/2000	15/11/2000	25/05/2000	17/06/1999	11/06/2014	16/05/2005
<b>Number of parties by 12/2017</b>	173	146	174	181	22	47
<b>Scope of application</b>	art. 4: transnational crimes in / with the participation of an organized criminal group	art. 4: transnational crimes in / with the participation of an organized criminal group	Art. 1, sale of children	Art. 1 worst forms of forced labour or prostitution and pornography	Art. 1 Mandatory child labour in all its infantile forms	Art. 2. Applicable to all forms of trafficking in human beings (national or otherwise, linked to organized crime or not)

		Protocol against TRAFFICKING in persons	Protocol against SMUGGLING of migrants	Child exploitation protocol	ILO, conv. 182. Child labour	ILO Prot. No 29	Convention CoE Trafficking
<b>1. Prevention measures</b>	<b>a. Sensitization</b>	Art.9.2-3 +	Art.15.1 +	Art. 9.1-2 +		Art.2.a +	Art.5.2-4 +
	<b>b. Staff training</b>	Art.10.2 ++	Art.14.1 ++	Art. 8.4 +		Art.2.b +	Art.5.2-3 + Art.29.3 +
	<b>c. Disincentivation</b>	Art.9.5 + Art.11.1, 5 + Art.11.2,4 ++	Art.11 ++	Art. 3.5 +		Art.2.f +	Art.6 ++
	<b>d. Sec. Documents</b>	Art.12 ++	Art.12 ++				Art.8 ++
	<b>e. National coordination</b>				Art.6.2 +	Art.1.2 +	Art.5.1 + Art.29.1-2 ++
	<b>f. Cooperation</b>	Art. 9.4-5 +	Art.15.3 + Art.7 + Art.14.2-3 ++ Art.17 +	Art. 10.1 + Art.10.3-4 +			Art.32 +
<b>2. Victims / people object of the crime</b>	<b>a. Identification</b>				Art.7.2 ++	Art.3 +	Art.10.2 + Art.10.1 +
	<b>b. HR Training</b>					Art.3 +	Art.11 ++
	<b>c. Assistance and protection</b>	Art.6.1-3,5 + Art.14.2 +	Art.16 ++ Art.19 +	Art.8 ++ Art.9.3-4 +	Art.7.2.b +	Art.3 +	Art.12 ++ Art.13 ++ Art.14 ++
	<b>d. Residence / legal</b>	Art.7 +					Art.15.1 +++ Art.15.2-4 +++
	<b>e. Compensation</b>	Art.6.6 +				Art.4 +	Art.10.3 + Art.10.4 +
	<b>f. Vulnerable group</b>	Art.6.4 + Art.9.1.b +	Art. 16.4 +			Art.2.d +	Art.16.1,4 y 7 +++ Art.16.2-6 +
	<b>g. Repatriation</b>	Art.8.1 y 3-5 ++ Art.8.2 ++	Art.18.1 y 3-4 ++ Art.18.2 y 6 + Art.18.5 ++				Art.32 + Art.33 +++
	<b>h. Cooperation</b>			Art.10.2 +			
<b>3. Substantive law</b>	<b>a. Punishable conduct</b>	Art.5.1 ++	Art. 6.1 ++	Arts. 1 ++ Arts. 2 +++ Arts. 3 +++ Arts. 9.5 +	Art.3 ++ Art.1 ++	Art.1.3 +	Art.18 +++ Art.19 + Art.20 ++
	<b>b. Extension of responsibility</b>	Art.5.2 ++	Art.6.2 ++	Art. 3 ++			Art.21 +++
	<b>c. Penalties</b>		Art.6.3 ++	Art.3.3 +	Art.7.1 ++		Art.23 +++ Art.24 ++
	<b>d. Exclusion of punitive conduct</b>		Art.5 +++			Art.4.2 +	Art.26 +
	<b>e. Responsibility of legal persons</b>			Art.3.4 +			Art.22 ++
<b>4. Procedural measures</b>	<b>a. Investig / prosec</b>		Art.8.7 + Art.9.1 y 3 ++ Art.9.2 y 4 +++				Art.27.1 y 3 +++ Art.28 ++
	<b>b. Jurisdiction</b>			Art.4 ++ Art. 5 +++			Art.27.2 +++
	<b>c. Extradition</b>			Art.5.2 + Art. 7 ++ Art. 8 ++			Art.28 ++
	<b>d. Precautionary</b>			Art. 8 ++ Art. 10.1 + Art. 6 +			Art.32 + Art.34.2-3 ++
	<b>e. Cooperation in the prosecution</b>		Art. 8 ++	Art. 10.1 + Art. 6 +			
<b>5. Transversal measures of cooperation</b>	<b>a. Info exchange in general</b>	Art. 10.1 ++ Art. 10.3 +++	Art. 10.1 ++ Art. 10.2 +++ Art.15.2 +	Art. 10.1 ++	Art.8 +	Art.5 +	Art.34.1 +
	<b>b. Control via info exchange</b>	Art.11.6 + Art.13 ++	Art.11.6 + Art.13 ++				
	<b>c. Networks</b>						
	<b>d. Tracking mechanisms</b>			Art.12 +++	Art.4.3 + Art.5 + Art.7.3 +		Art.36 +++

	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	Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography	Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities	Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence	Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence
<b>Date of adoption</b>	05/04/2011	13/12/2011	29/04/2004	28/11/2002	28/11/2002
<b>Transposition deadline</b>	06/04/2013	18/7/2013	06/08/2006	05/12/2004	11/05/2010

		Directive 2011/36 Trafficking	Directive 2011/93/ EU child pornography	Directive 2004/81 residence permit	Directive 2002/90 unauthorised entry	Council Framework Decision 2002	
<b>1. Prevention measures</b>	<b>a. Sensitization</b>	Art.18.2 +	Art.21 + Art.23.2 +				
	<b>b. Staff training</b>	Art.18.3 + Art.9.3	Art.23.3 +				
	<b>c. Disincentivation</b>	Art.18.1 + Art.18.4 +	Art.22 + Art.23.1 + Art.24 +				
	<b>d. Sec. Documents</b>						
	<b>e. National coordination</b>	Art.19 ++	Art. 10.2 ++				
	<b>f. Cooperation</b>		Art. 10.3 ++				
<b>2. Victims / people object of the crime</b>	<b>a. Identification</b>	Art.11.4 +	Art.15.4 ++				
	<b>b. HR Training</b>						
	<b>c. Assistance and protection</b>	Art.11.1-3 y 5-6 + Art.12.1-3 +++ Art.12.4 ++	Art.18 + Art. 19 + Art.20.2-6 ++	Art.3 ++ Art.5 ++ Art.6.1-2 y 4 ++			
	<b>d. Residence / legal</b>			Art. 7 ++ Art.6.3 +++ Art. 8 ++ Art. 11 +++ Art.12 ++ Art.13 +++ Art.14 ++			
	<b>e. Compensation</b>	Art.17 +					
	<b>f. Vulnerable groups</b>	Art.14.1 ++ Art.14.2 +++ Art.15 ++ Art.11.7 +++	Art.20.1 ++	Art.9 ++ Art.10 +++			
	<b>g. Repatriation</b>						
	<b>h. Cooperation</b>						
<b>3. Substantive law</b>	<b>a. Punishable conduct</b>	Art. 2 +++	Art.3.1 +++ Art.4.1 +++ Art.5.1 +++ Art.5.7 ++ Art.6 ++ Art.8 + Art.9 +++		Art. 1.1 +++	Art. 1.1 +++	
	<b>b. Extension of responsibility</b>	Art.3 +++	Art.7 +++		Art.2 +++		
	<b>c. Penalties</b>	Art.4 +++ Art.6 ++	Art.3.2-5 +++ Art.4.2-7 +++ Art.5.2-6 +++ Art.6.1 +++ Art.10.1 ++ Art.13 ++ Art.11 ++		Art.3 ++	Art.1 +++	
	<b>d. Exclusion of punitive conduct</b>	Art.8 +++	Art.14 +		Art.1.2 ++		
	<b>e. Responsibility of legal persons</b>	Art.5 +++ Art.6 ++	Art.12 +++ Art.13 ++			Art. 2 +++ Art. 3 ++	
	<b>4. Procedural measures</b>	<b>a. Investig / prosec</b>	Art.9.1-2 y 4 ++ Art.7 ++	Art.11 ++ Art.15 ++ Art.16 + Art.20 ++ Art.25 +++			
		<b>b. Jurisdiction</b>	Art.10 +++	Art.17.1 y 3 +++ Art.17.2, 4-5 ++			Art. 4 +++ Art. 5.a +++ Art. 5.b +++
		<b>c. Extradition</b>					
		<b>d. Precautionary</b>	Art.7 ++	Art.11 ++			
		<b>e. Cooperation in the prosecution</b>					Art.7 +++
<b>5. Transversal measures of cooperation</b>	<b>a. Info exchange in general</b>	Art. 19 +++ Art.20 +++					
	<b>b. Control via info exchange</b>						
	<b>c. Networks</b>						
	<b>d. Tracking mechanisms</b>	Art.23 +++	Art.28 +++	Art.16 +++			