

NUMBER 6. Extraterritorial measures against trafficking and smuggling of migrants

Organisation:	University of Wolverhampton
PROJECT TITLE:	Extraterritorial measures against trafficking and smuggling of migrants. Questions of legality and overall legitimacy and human rights protection.
Call topics of interest (choose from the list):	<ul style="list-style-type: none"> • ENG-GLOBALLY-03-2017: The European Union and the global challenge of migration
Submission deadline:	2 February 2017 and 24 August 2017.
Short description of project idea:	<p>The European Agenda on Migration, adopted by the European Commission on 13 May 2015, identified the fight against smugglers and traffickers as a priority to prevent thousands of migrants from putting their lives in peril to cross the Mediterranean; this effort is to be pursued also under the European Agenda for Security and the European Union Maritime Security Strategy. On 22 June 2015, the EU launched EUNAVFOR MED, a European Union military operation to undertake systematic efforts to identify, capture and dispose of vessels used or suspected of being used by migrant smugglers or traffickers. Since 7 October 2015, EUNAVFOR MED moved to Phase 2, deploying its activities in international waters. On 8 October 2015, UN Security Council adopted resolution n. 2240, authorising Member States, acting nationally or through regional organisations that are engaged in the fight against migrant smuggling and human trafficking, to inspect and to seize, on the high seas off the coast of Libya, vessels suspected of being used for migrant smuggling or human trafficking from Libya. However, such authorisation is limited to a particular sea area (the high seas off the coast of Libya) and to the proposal of “saving the threatened lives of migrants or of victims of human trafficking on board such vessels”. Hence, the Security Council authorization does not cover the whole EUNAVFOR MED activity, nor it authorizes inspections and seizures of vessels in Libyan territorial sea nor it can authorise investigations on smuggling of migrants and human trafficking to arrest and bring to justice the perpetrators of these crimes. EUNAVFOR MED is a military operation and it does not have the jurisdiction to undertake investigations on smuggling and trafficking.</p> <p>It is our assertion that at EU level, Europol should support investigations of domestic police investigations in and across Member States and support measures after domestic and international level to enhance in cooperation with the investigative authorities of in source, transit and origin receiving countries. In order to understand how Europol could support investigations and how investigations should be carried out by domestic police of Member States, it is essential to analyse where investigations have been successful in Member States, how they have been carried out and whether the same successful approach can be adopted by other Member States.</p> <p>In Italy, police and public prosecutors have arrested and prosecuted perpetrators of smugglers with the cooperation of investigative teams of third countries. Qualitative research will be conducted in Italy to collect and analyse data. Semi-structured interviews will be held with police and public prosecutors to find out whether they have concluded bilateral agreements to carry out investigations on smuggling of migrants and whether these agreements can be concluded in other Member States such as Greece and in between Greece and Turkey, for example, or Italy and</p>

	<p>Libya.</p> <p>Allied to this, we submit that it will be necessary to establish operations to counter smuggling and trafficking of migrants in source and transit countries via Agreements with countries similar to the recent EU agreement with Turkey. Nevertheless, before concluding these agreements, it is essential to establish common rules on human rights which seems to be lacking in the recent agreement concluded with Turkey. We will explore this agreement and propose changes and amendments. The EU and its Member States' initiatives to prevent and counter trafficking and smuggling of migrants in the Mediterranean raise multiple questions concerning their legitimacy, how to ensure Member States share responsibility for the protection of migrants' human rights and fundamental freedoms and indeed whether these measures are effective.</p> <p>The project main idea is twofold</p> <p>From a theoretical point of view, experts in international law, European law, human rights law and law of the sea will establish a juridical framework to address issues of legitimacy and responsibility in a comprehensive way. In particular, the question of State responsibility for extraterritorial sovereign activities needs to be analysed.</p> <p>From a practical point of view, in collaboration with national, European and international authorities, NGOs, and other stakeholders, issues of effectiveness and problems of law implementation will be addressed.</p> <p>We will undertake literature review and data collection through semi-structured interviews from police and public prosecutors (Italy, Greece, Spain and Turkey), our aim will be to evaluate whether police and humanitarian organisations are identifying victims of trafficking and separate them from their perpetrators in the hotspots and reception centres. We will focus on how smugglers are detected in hotspots and reception centres and whether improvements are needed to be able to investigate the links of boat drivers with criminal networks based in different transit and origin countries. A very important part of the research will deal with what happens in the high sea, in transit and origin count</p> <p>Key research questions (list not exhaustive work in progress)</p> <ol style="list-style-type: none"> 1. How can the EU, transit and source African countries address smuggling and trafficking of migrants more effectively? 2. What role should Europol have in investigating human trafficking and human smuggling? 3. How should the EU balance investigations and respect migrants' human rights in these two regions? 4. What role should the European Convention on Human Rights play in establishing common rules on human rights between the EU and third origin and transit countries? 5. What are the links between human trafficking and smuggling of
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	<p>migrants?</p> <p>Research methods (work in progress)</p> <p>The Project will be multi-method, involving semi-structured interviews, ethnographic field research, discourse analysis of our findings from the interviews, discourse analysis of documents produced by the EU, International institutions and non-governmental organisations.</p> <p>Dr Ventrella will undertake semi-structured interviews with police officers, public prosecutors and other stakeholders in Italy and in the Europol and Frontex headquarters. Other partners will undertake their research in Greece, Spain, Turkey, Macedonia by using the indicated research methodologies</p> <p>Our specific field sites are mainly Greece, Italy, France, Turkey, Libya, Malta, Poland, Former Yugoslav Republic of Macedonia, Morocco. Poland is important because it is Frontex headquarters. Malta is an important site because of its position and role in Mediterranean. We will undertake research in Morocco because of its agreements with Spain concerning Ceuta and Melilla. Macedonia will be focused in our research because it is one of the most important neighboring third countries in the Balkan route. Italy will be focused because is one of the main transit countries for refugees and migrants and because investigations on people smuggling have been carried out successfully. Italy's approach may be used as a case-study to be applied in other Member States. Greece because it is a transit country. France because it is one of the countries of destination of many migrants and refugees, Macedonia because it is a transit country.</p>
Main objectives	<p>To influence policy and law on smuggling and trafficking to contribute to defeat these two crimes, and to propose some procedures to guarantee to ensure the protection of the victims' fundamental rights. For this purpose we aim to propose the establishment of common rules for the protection of migrants on human rights between the EU, transit and origin countries of migrants in Africa. To establish a framework on police and judicial cooperation between the EU and third countries of origin and transit, with the aim to launch investigatory cooperation against smuggling of migrants and human trafficking, allocation of jurisdiction between the EU and African countries and legal protection for victims and individuals who contribute to investigations through their witness.</p>
Expected impact of the project (see call text)	<p>Disseminate the research findings to a wide range of user-communities and stakeholders. We anticipate producing briefing papers at the end of the project, which could serve as a toolkit for those on the front line of Europe's southern borders. We will present our research at a range of national and international conferences that attract academic and non-academic audiences. In additions, we anticipate writing up the outcomes of this research in a series of (at least three) lengthy academic articles to be published in internationally peer-reviewed periodicals. Influencing law and policy makers in the field of immigration through workshops and policy papers.</p>
Specific countries/regions/cities you are keen to	<p>Italy, France, Greece, Turkey, Libya, Malta, Poland, Former Yugoslav Republic of Macedonia, Morocco and other European Eastern countries.</p>

collaborate with:	
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