

– 18 janvier 1606, un arrêt du Parlement de Paris décida que les mendiants seraient fouettés en place publique par les valets du bourreau ; de plus on leur mit une marque au fer rouge particulière (la lettre M) sur les joues, l'épaule ou le front (supprimé par le code pénal de 1791 à 1802), et, en vertu d'une ordonnance de 1602, on leur rasa la tête;

– 1656 : création à Paris de l'Hôpital général;

– 5 juillet 1808 : Napoléon Ier signa le décret organique sur l'extinction de la mendicité en France créant notamment les dépôts de mendicité, décret qui n'a jamais reçu qu'une application partielle ou insuffisante;

– en mars 2003, la loi française sur la sécurité intérieure a modifié les droits concernant la mendicité [5].

A ce stade, la législation française tente d'instaurer la sanction la plus juste pour les mendiants et d'introduire certaines mesures préventives pour lutter contre la mendicité.

Références

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FIGHTING HUMAN TRAFFICKING AND MIGRANT SMUGGLING IN EUROPE

Human trafficking is a serious crime that abuses people's fundamental rights and dignity. It involves the criminal exploitation of vulnerable people for the sole purpose of economic gain. Although patterns of human trafficking are similar to those seen in people smuggling, they are different legally, but they can also be linked. Migrant smugglers take

advantage of people who want to leave their home countries to escape poverty, conflict, and crises, or simply want to seek a better life. Even if irregular migrants generally enter into the journey voluntarily, they are often exposed to significant risks.

The smuggling of migrants, as defined in Article 3(a) of the Smuggling of Migrants Protocol Link is shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident [1].

Human Trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. The traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims. [2].

Human trafficking and migrant smuggling are two distinct crimes yet they can overlap as they both profit from vulnerable people. They are also connected to other crimes including illicit money flows, corruption, document fraud, trafficking in illicit goods, cybercrime and terrorism.

In the case of human trafficking, victims are typically recruited through deception (with the promise of a better life), threats or force, for the sole purpose of exploitation. There are the following types of human trafficking:

- 1) Trafficking for sexual exploitation;
- 2) Trafficking for forced labour;
- 3) Trafficking for forced criminal activities;
- 4) Trafficking for organ removal [3].

Human trafficking has many forms. These include exploitation in the sex, entertainment and hospitality industries, and as domestic workers or in forced marriages. Victims are forced to work in factories, on construction sites or in the agricultural sector without pay or with an inadequate salary, living in fear of violence and often in inhumane conditions. Some victims are tricked or coerced into having their organs removed. Children are forced to serve as soldiers or to commit crimes for the benefit of the criminals. The 2022 Global Report on Trafficking in Persons shows that 38,7 per cent of detected victims in 2020 were trafficked for sexual exploitation, 38,8 per cent were exploited for forced labour, 10,2 per cent were subjected to forced criminal activity, while 0,9 per cent were trafficked for forced marriage and smaller numbers were coerced into begging, organ removal, and other purposes. The detected forms of exploitation vary widely across different subregions. The share of detected victims trafficked for forced labour has steadily increased for more than a decade [4].

Migrant smuggling is a profitable business for criminal networks with an estimated annual turnover reaching multiple billion euros worldwide. Smugglers use land, sea and air routes to facilitate irregular migration both into and within the European Union.

The renewed EU action plan strengthens operational cooperation, and information exchange among EU countries and EU law enforcement agencies to investigate and prosecute migrant smuggling networks. It covers areas such as financial investigations, asset recovery, document fraud and digital smuggling. The renewed EU action plan adopts a comprehensive approach and seeks even closer cooperation with partner countries along the migratory routes towards the EU [5].

The renewed EU action plan against migrant smuggling includes the following main pillars of action:

- 1) reinforced cooperation with partner countries and international organisations, including through Anti-Smuggling Operational Partnerships;
- 2) implementing legal frameworks and sanctioning smugglers active within and outside the EU;
- 3) preventing exploitation and ensuring the protection of migrants;
- 4) reinforcing cooperation and supporting the work of law enforcement and the judiciary to respond to new challenges;
- 5) improving the knowledge on smugglers' organisation and ways of functioning [5].

Human trafficking is a major problem in the EU and a priority for Europol and law enforcement agencies in EU Member States. Indeed, it is one of the EMPACT priorities, Europol's priority crime areas.

In addition, the EU Strategy on eradicating human trafficking identifies five key ways to do this:

- 1) identify, protect and assist victims of trafficking;
- 2) step up the prevention of trafficking in human beings;
- 3) pursue the prosecution of traffickers more robustly;
- 4) enhance coordination and cooperation among key actors, including at the level of policy;
- 5) increasing knowledge of, and producing effective responses to, all forms of human trafficking [6].

In summary, human trafficking and migrant smuggling are serious crimes that require concerted efforts at all levels to combat. The international community must continue to work together to protect the rights and dignity of all individuals, particularly the most vulnerable, and to hold those responsible for these crimes accountable.

References

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