

on the jurisdiction, several classes of misdemeanors may exist; the forms of punishment can vary widely between those classes. For example, the federal and some state governments in the United States divide misdemeanors into several classes, with certain classes punishable by jail time and others carrying only a fine. In New York law, a Class A Misdemeanor carries a maximum sentence of one year of imprisonment, while a Class B Misdemeanor "shall not exceed three months". All distinctions between felony and misdemeanour were abolished by section 1 of the Criminal Law Act 1967. Prior to this, a person prosecuted for misdemeanour was called a defendant.

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### **HUMAN TRAFFICKING AND MIGRANT SMUGGLING: WHAT IS THE DIFFERENCE?**

Human trafficking and migrant smuggling are complex phenomena that affect people in different ways. While sometimes linked, these are separate crimes. It's important to distinguish between migrant smuggling and human trafficking to develop appropriate responses.

Human trafficking is a modern form of slavery [1]. It involves the recruitment, movement or harbouring of people for the purpose of exploitation - such as sexual exploitation, forced labour, slavery or organ

removal. Victims can be children or adults, boys, girls, men or women, and are trafficked by the use of improper means such as the threat or use of force, fraudulent schemes, deception, or abuse of power. It can occur within a country or across borders. Human trafficking is therefore characterized by an act (recruitment, transportation, transfer, harbouring, or receipt of people), specific means (threats or use of force, deception, fraud, abuse of power, or abusing someone's vulnerable condition) for the purpose of exploitation (for example sexual exploitation, forced labour, slavery or organ removal).

### **Example of human trafficking**

A person takes a job as a domestic worker in a different part of her country under the promise of a good salary and benefits. However, the person turns out to be subject to degrading work conditions and does not receive a salary.

Act: the person's recruitment and transportation to and harbouring in a different part of her country; means: deception and fake promise of good working conditions; and the purpose is labour exploitation for domestic work.

In contrast to human trafficking which can take place both domestically and internationally, migrant smuggling is a crime that takes place only across borders. It consists in assisting migrants to enter or stay in a country illegally, for a financial or material gain. Smugglers make a profitable business out of migrants' need and/or desire to enter a country and the lack of legal documents to do so. International law requires governments to criminalize migrant smuggling, but not those who are smuggled. Since migrants give their consent to the smuggling venture, mostly due to the lack of regular ways to migrate, they are not considered victims in absolute terms. However, smuggled migrants are often put in dangerous situations by smugglers (such as a hazardous sea crossings), and might therefore become victims of other crimes during the smuggling process, including severe human rights violations.

### **Example of migrant smuggling**

A group of people charges money from migrants to drive them across a border into another country, thus bypassing the official entry requirements and border controls of the destination country. If migrants do not have enough money, the group takes whatever valuable possessions they have as payment [2].

### **How are human trafficking and migrant smuggling similar?**

- The two crimes are not the same, but have been used interchangeably in the mass media – in particular with the focus on Europe's migrant crisis (where most migrants are African).

- People on the move can be subject to exploitation and abuse along their journey, including forms of human trafficking such as forced labour or sexual exploitation.

### **What are the differences?**

Consent – migrants normally consent to being smuggled while a trafficked person has been forced into an activity against their will.

Purpose – smugglers complete their interaction with migrants once they have been moved, while traffickers continue to exploit people.

Borders – while smuggling always happens across borders, trafficking can occur within a state – even within a community.

### **Key messages**

Human trafficking may be closer to us than we think - some of the goods we consume may have been the product of victims of trafficking.

Smuggled migrants have human rights which must be respected, including the right to be treated with dignity and the right to personal safety.

It is not only important to raise awareness about human trafficking and migrant smuggling, but also to address the root causes of social vulnerabilities, such as poverty, conflict, and to uphold human rights [3].

Given the seriousness of the threats that these crimes represent to individuals and to communities, the international community has responded, seeking to prevent and combat human trafficking and migrant smuggling. Much has been done and many lessons can now be learned as to what progress has been made, what has been effective and what areas continue to pose challenges [4].

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## **THE FOREIGN EXPERIENCE OF PUBLIC CONTROL OF POLICE ACTIVITY AND ITS IMPLEMENTATION IN UKRAINE**

As a member of the Council of Europe, Ukraine, in accordance with the Paris Charter for a New Europe of November 21, 1990, assumed the responsibility to accede to international human rights standards, to establish internal guarantees of their implementation, based on generally accepted international legal guarantees, enshrined in the relevant international legal norms.

The need to introduce uniform international standards into the work of the police is conditioned by the increase in the level of transnational organized crime, the rapid pace of population migration in the world, the significant differences in national policing systems, and the problem of ensuring human rights in the police activity. The signing of international agreements also stipulate in the police activities the strict observance of standards in the field of human rights protection during the implementation of law enforcement functions, the need to respond to the emergence of new types of crimes and act in accordance with international human rights standards. Therefore, there is an urgent need to harmonize the principles of the National Police of Ukraine (hereinafter – NP) with world (in particular European) standards. First of all, it refers to the transition from the punitive to the socio-service content of its activities, the transformation of the police into a law-enforcement institution of the European model, which should provide law-enforcement services to citizens.

Therefore, based on the new "servicing" function of the police, the main customer of police services is the people of Ukraine, its citizens, who, by paying taxes, hold the police, and that's why have to legally determine the guarantees of control over their activities. Modern latest Ukrainian legislation regulating the system of rights of citizens in general and the observance and protection of their police provides certain opportunities for public control over the activities of the police, but the forms of such kind of public control, technologies and methods of its implementation need to be improved taking into account the foreign to all the European experience of public control over the activities of the police.