



Security Council oversight on states' violations of international law on human trafficking (Subject Review)

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Abstract: People who want to live a better life, because of this search become victims of human trafficking. In this direction, too may have to live in much worse conditions than they fled.

Human trafficking is a crime that leads to the exploitation of people as if they are worthless creatures, the theft of their labor and forced labor.

It also brings with it other crimes such as bribery and forgery to a large extent, In addition to the security and freedoms of individuals, it also includes the internal security of states. endanger. Many other, often showing trans boundary features it is separated from crime and requires a much more qualified and organized struggle. As a matter of fact, states have to fight this crime internationally.

Realized the need for an environment of cooperation, and many international law texts have emerged in this field.

Keywords: human trafficking, violations, international law

I. INTRODUCTION:

In order to understand how human trafficking is possible, it is necessary to first investigate what kind of crime it is. In line with this, in this review First of all, human trafficking, which is one of the transnational organized crimes, will be examined. In the section where this will be discussed, first of all, what is a crime of human trafficking? and then the characteristics of the perpetrators and victims will be included.

In the review, after stating what human trafficking is, International law texts related to the crime of human trafficking will be discussed. Human international trade directly or indirectly related to

There is a legal text.

Human trafficking has also attracted the attention of regional organizations. The best examples of these organizations are undoubtedly experienced in Europe. The Council of Europe, which was formed by the union of European states and European Union organizations, states' human rights standards

There are also trade regulations. Some mechanisms created by European states regarding human trafficking are also exemplary in combat. For this reason, the European it is useful to refer to regulations in the Council of Europe and the European Union and these will also be covered in the second part.

Concerning trafficking in human beings, summarized above and analyzed below Have international efforts been sufficient? Undoubtedly, there are many more steps to be taken regarding this struggle. , the deficiencies and new developments related to this subject are discussed.

HUMAN AS TRANSPORTANT ORGANIZED CRIME TRADE

Although we think that slavery and the use and exploitation of people as slaves have come to an end today, this institution is actually called human trafficking.

It is made the subject of commercial relations, moved from one place to another and exploited. The number of victims of this crime, which causes serious violations in terms of human rights, is increasing day by day.

In order to better fight a crime that is so dangerous in terms of human rights, a good understanding of what the said crime is, potential victims need to be better known. Also organized the role of international law in combating human trafficking. increases a lot. In this context, in the first part, primarily organized crimes and human trafficking crime will be emphasized, followed by human trafficking crime.

The characteristics of the victims and perpetrators will be emphasized.

Transnational Organized Crime and Human Trafficking Offense

The crime of human trafficking is an organized crime and constitutes serious human rights violations.

Although it does not have an elemental element, it is generally seen to have trans boundary features. Transnational crimes affect the legal order of two or more states. crimes of infringing nature.

For example, the domestic armed conflicts cause refugees to migrate from their places of residence, who want to have better conditions and not be harmed by conflict is happening. These vulnerable people on a quest are vulnerable to exploitation. become potential victims of human trafficking.

Refugees fleeing the conflict environment in a country are brought to another country by the perpetrators of human trafficking with the promise of living in good conditions may actually begin to be exploited in this new country. In this way, every it is seen that more and more people are perceived as goods or commodities and become victims of this crime, and their lives are darkened.

Human trafficking

Both the safety, rights and freedoms of people, and the international security is threatened as stated above, human trafficking is a transnational organized crime. So, before we move on to the investigations regarding the human trafficking crime, It is necessary to give information about transnational organized crime.

The definition of trans boundary organized criminality does not apply to any international law.

appears not to be included in the text. The most important international United Nations Against Transnational Organized Crime, which is considered a legal document It is also accepted as another reason why no definition has emerged.

Although transnational organized crimes are not defined in the aforementioned convention, The article defines what an organized crime group is. According to this article of the convention, there are four criteria to be able to talk about an organized crime group. element is needed. First, the three or three who did not come together by chance it is also necessary to mention a group that includes more people.

On the other hand, it is required that this group has existed for a while. Thirdly, according to the aforementioned article, at least four of the group members they must have acted together to commit a crime punishable by a one-year prison sentence.

These are not crimes in which the perpetrator acts are carried out in different countries. In addition to these crimes, criminal enforcement actions can only be carried out in a single country.

It is seen that the cases where the planning for the commission of the crime or the control of the commission of the crime is carried out in another country are also wanted to be included in the scope. Additionally, It is accepted that the cases where the effects of the crime are seen in other countries are

also within the scope. It should also be remembered that organized crimes are different from crimes committed in association. In order to talk about complicity, a crime that can be committed by a single perpetrator is committed by more than one perpetrator required. However, the situation is different in organized crime. Many organized crimes:

There are crimes with perpetrators and for the formation of the crime, more than one perpetrator must be involved in the crime. must be involved in the processing. In the concept of organized crime, there is more than accidental and sudden association in participation; organized here to commit an indefinite number of crimes, usually One of the most important transnational organized crimes is the main part of the study. subject of human trafficking. Especially since the early 1990s, It is seen that international law documents related to crime have begun to emerge. It was first defined by the International Organization for Migration in 1994. Supplement to the United Nations Convention Against Transnational Organized Crime, drafted by the United Nations (UN) in 2000,

Moreover, it should be noted that the fight against human trafficking to ensure the human rights that apply to all born It is very important. Life created for victims of human trafficking crime conditions are not worthy of human dignity and are a violation of many human rights.

While victims of human trafficking are employed during exploitation, they are usually held informally in the country in which they are found. Therefore they cannot benefit from any health insurance. This situation, both victims' right to health and therefore the basis of other rights.

It is extremely dangerous for the right to life, as well as for public health. That's why yhe fight against human trafficking is a serious issue both nationally and internationally.

In addition to the measures taken in national legal systems for transnational organized crimes such as human trafficking, the actions taken in the eyes of the international community regulations are also increasing. However, these crimes criminal organizations are also strengthening their techniques day by day. The number of victims of transnational organized crime is also increasing.

II. THE MAIN SUBJECT OF THIS REVIEW:

In order to minimize the damage to humanity caused by the crime of human trafficking.

Mechanisms in different countries fighting the crime in question should be in serious cooperation and legal assistance with each other.

In the aforementioned framework, especially criminal organizations with transnational characteristics sharing the information reached about the information and the activities of these organizations at the international level, establishing joint working groups between countries, states, conflicts of political interest among themselves, it is stated that measures such as ensuring that it does not affect the issues that require such cooperation can be taken. international law outlined above the steps taken with the documents should be strengthened and coordinated.

should be developed. In addition, the perpetrators of crimes within the body of such criminal organizations It is among the views that it is argued that the trial should be done at the international level.

Necessary assistance should be provided in economic and technical issues so that they can fight transnational crimes such as trafficking in human beings, a system that takes into account the local, cultural and economic situation must be created.

The ability of the fighting mechanisms in different states to act in coordination and cooperation regarding transnational criminal organizations for this purpose, states need to approximate their national legal

arrangements in this field. This can be achieved by concluding more international agreements on human trafficking. States will make binding international agreements among themselves, while fulfilling the regulations required by these agreements in their national laws, different national legal arrangements will also converge. Cooperation of units within states with close national laws is also possible. In this way can be easily achieved. Ensuring that states comply with international treaties is also a key issue on its own. For this reason, it is necessary to ensure that the states that cooperate or sign international agreements regarding the crime of human trafficking comply with these agreements through various mechanisms. After the said treaties have been transposed into the national law of the Contracting States, monitoring the practices of states in this field with the surveillance mechanisms of organizations such as the UN and non-governmental organizations, introducing the obligation to submit reports, increasing compliance for the time being it is the most effective method that comes to mind for In identifying the criminals of the victims of human trafficking crime It is also an observed phenomenon that he hesitates to help the authorized units. Its Among the reasons, the victims are the members of the organization who committed the crime. They have fears such as getting their reaction, they are concerned because of these fears. refrain from cooperating with authorities. In addition, victims often come here if the exploitation takes place in another state. immigrants and natives who have entered legally or illegally they can be treated like criminals. by illegal means of the state in which they were deported, It is seen that their entry into the country can be banned for a certain period. It practices can prevent their testimonies. Failure to obtain the testimonies of victims is the reason for human trafficking crime. adversely affect the prosecution and prosecution of criminals. Human international conventions to protect victims of trafficking offenses to be concluded by including more and more comprehensive regulations, ensuring the safety and security of victims required. Victims who feel safe are more likely to catch the perpetrators and will provide the necessary assistance to the competent authorities so that they can be prosecuted. It A proposal that can be made at this point is to protect the victims of human trafficking. treaties made or documents adopted for the protection of widespread and global.

Victims of human trafficking crime usually reside in the country

Irregular immigrants with problematic legal status and persons illegally brought by migrant smugglers to the countries they want with migrant smuggling and irregular migration Fighting is undoubtedly of great importance in terms of minimizing the crime of human trafficking.

Testimony of persons who are victims of human trafficking or the more important the assistance it will provide to the competent authorities in investigating and prosecuting the relevant crime,

It should be just as insignificant. Because the victims, above the described feeling of insecurity and the victimization of themselves or their families.

Concerned that harm will be done by the organization that led to the can avoid. In this case, the states in their respective legislation ensure that the crime of trafficking in human beings is a non-complaint crime.

III. RESULT

Human trafficking, especially against the people of the state, where there are less freedoms it finds new victims in places where it can offer low living standards. In places like this, people can live in better conditions. human trafficking crime by various organizations while in search of can be victimized and exploited.

Perpetrators of human trafficking crime are now more can be easily organized. It also helps them reach potential victims. equally easy. Therefore, the crime of human trafficking decreased. instead, it continues to develop, with new victims emerging every day.

Desiring states should combat human trafficking, which is characterized as modern slavery, conduct necessary investigations in cases of suspected human trafficking, and create protection for victims. As it is known, in order to have human rights, it is sufficient to be born as a human being. Human trafficking crime is a violation of human rights. victims that continue to be exposed, that these victims are exploited repeatedly.

These women, who were brought into prostitution, are actually the crime of human trafficking. are the real victims. Therefore, such as human trafficking, Organized crime must be fought.

REFERENCE:

1. Dr. Adnan Ajel Obaid, Quality of Judgments of the Federal Supreme Court in Iraq, 1st Edition, Dar Al-Salaam Publications, Najaf, 2021
2. Dr. Ghazi Faisal Mahdi, The Federal Supreme Court and its Role in Ensuring the Principle of Legality, 1st Edition, Encyclopedia of Iraqi Laws, R. Baghdad, 2008
3. Judge Salem Roudhan Al-Moussawi, The Unconstitutionality of Laws between Legislative Deviation and Constitutional Violation, Sabah Legal Library, Baghdad, 2020
4. Dr. Iqbal Abdullah Amin, The Role of the Federal Supreme Court in Protecting Public Rights and Freedoms, 1st Edition, Dar Al-Masala, Baghdad, 2021
5. Dr. Muhammad Fawzi Nouigi, The idea of grading constitutional rules, 1st edition, Dar Misr Publishing and Distribution, Cairo, 2020