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COSI 171
ENFOPOL 369
CRIMORG 118
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DECLASSIFICATION

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Subject: Operational Action Plan 2020 related to the EU Crime Priority: "Trafficking in Human Beings"

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (27.06.2022)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13659/2/18 REV 2
Subject:	Operational Action Plan 2020 related to the EU Crime Priority: "Trafficking in Human Beings"

Delegations will find attached the draft OAP 2020 regarding the EU Crime Priority: "Trafficking in Human Beings", developed under the overall responsibility of the NL driver **DELETED**. This draft was submitted to the NEC meeting for discussion on 29-30 October 2019 and will be submitted to COSI Support Group for validation.

Based on the contributions of the OAP Driver, the following aspects can be highlighted.

The OAP consists of 16 actions, 14 of which are classified as operational. The Driver and Co-Drivers lead 6 of these actions. 27 Member States and 3 European countries participate in this OAP. **DELETED**.

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This OAP has a strong operational focus, carrying on the developments of the previous years and its positive operational results. The OAP is ambitious, making next steps in identifying and tackling different forms of THB DELETED and strengthening the approach concerning THB as such, making use of supporting tools (e.g. PNR). Based on the innovative elements, some of the actions can be considered as a pilot in 2020. The cooperation with non-EU countries will be broadened and the cooperation with other EMPACT priorities and EU funded projects will be strengthened.

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Operational Action Plan:**TRAFFICKING IN HUMAN BEINGS****1. Aim**

This Operational Action Plan (OAP) has been created within the framework of the EU Policy Cycle for organised and serious international crime¹. This OAP corresponds to the following priority:

5) To fight against the trafficking in human beings (THB) in the EU for all forms of exploitation, including sexual and labour exploitation forced crime, all forms of child trafficking and organ trafficking.

This OAP contains a breakdown of all the operational actions that will be carried out during the year 2019 as the way to reach the various strategic goals chosen during the "MASP" workshop.

It also gives a general overview of the tasks and responsibilities of the Member States, the EU institutions, agencies and other possible entities involved in the delivery of the plan.

2. Context

The true extent of Trafficking in Human Beings (THB) across the EU remains unquantified, although the common threats which impact are well known and include:

- The trafficking of children within, into or through the Member States for the specific purposes of exploitation including but not limited to sexual exploitation, domestic servitude, labour or criminal exploitation (theft, drugs cultivation, forced begging, fraud etc.).
- The trafficking of adult men and women within, into or through Member States for the purposes of labour or sexual exploitation or crime (theft, forced begging, fraud etc.).

¹ 7704/17

Other forms of THB exploitation can include forced surrogate motherhood and organ harvesting. Forced participation in marriage can be the action or means used to exploit someone, for example in cases of domestic servitude or labour exploitation.

The threat from this type of criminality impacts diversely on men, women and children who are coerced into a range of exploitative conditions from a number of EU and third (non EU) source countries from which they are recruited by men and women, often from the same nationality (or ethnicity), or close country nationalities.

These crimes regularly have an international dimension, in that they are inflicted by criminals, who operate in the supply and demand of people into markets across international jurisdictions. Victims are recruited, often conditioned and then exploited. The money that is generated from their activities is then accrued and almost always laundered back to the originating country by those in control (the traffickers/facilitators).

Large amounts of cash can be generated from criminally motivated networks that operate within the sex industry and also with the supply of work forces into labour markets. In respect of the latter, their ability to undercut legitimate employment contractors makes their services attractive to less scrupulous contracting service employers that rely on cheap low skilled workers.

Further cash can be exploited from vulnerable workers by facilitators, in respect of debts for travel, accommodation and job finding. These help to create a debt bondage arrangement which can tie employees into a spiralling relationship of worsening conditions that are forced on them by criminally motivated facilitators.

In addition to creating dependence via debt, those who traffic and exploit will generally be adept at leveraging complex cultural ethical or religious beliefs against the vulnerable hopes, fears and needs of their victims; factors that are not always immediately clear to those in authority who may be encountering this type of complex crime for the first time.

Often victims can be swept up as criminals in the early stages of some investigations; particularly those which feature drugs manufacture or theft.

The range of known types of THB crime presents different challenges to law enforcement; in trying to define each type by their prevalence, the levels of associated risk and the best approaches in determining proportionate and effective responses.

In that regard, it is easy to see that the trafficking of minors for the purposes of sexual exploitation differs considerably and would require a different response from say an investigation involving large numbers of workers in labouring roles in fields, factories or on forecourt car washes; although in reality the immediacy of any response to an investigation should always be impacted by the levels of perceived risk to the victims of that abusive situation.

By its very nature, THB crime tangentially overlaps with other EU crime priorities:

- Facilitation of Illegal Immigration²
- Drug trafficking (*victims such as children and vulnerable adults being recruited as drug mules*),
- Organised Property Crime (*victims being recruited into teams of beggars, shoplifters etc.*)
- Cyber crime (*the use of the internet, dark net and social media as enablers to THB crime e.g. in the recruitment of people into overseas jobs, the advertisement of sex workers, the facilitation of travel and e-banking services etc.*)
- Cyber crime /Child Sexual Exploitation (*the cross cutting nature of those who predator and exploit minors in pursuit of their criminal interests*).
- Criminal Finances, money laundering & asset recovery (*the criminal money and assets related to THB*)
- Document Fraud (*the use of forged documents plays an important role in the modi operandi*).

² It is recognised that not all migrants (economic or asylum refugees) that enter Europe are being trafficked for the expressed purpose of exploitation, although because of the numbers now being experienced and the circumstances in which they find themselves, there is an inherent risk that some will be subjected to criminal abuse, exploitation or coerced into crime.

This overlap between OAPs will be the subject of careful management oversight by COSI (*paragraph 5.1. refers*).

3. Structure

The plan is essentially a coordination overview presenting the general outline of operational actions, rather than the specific detail of each. That detail will be found in the related activity documentation which is referenced within this plan. The activity documentation should include a description of the breakdown of the activity in “What, When, Where, Who and How” the activity will be carried out.

The Annex to the plan contains a table with all operational actions.

The table will facilitate:

- Cross-reference between different, but related, operational actions within the same priority
- Cross-reference between operational actions which also contribute to a different priority
- Reference to detailed project documentation for a given operational actions
- Identification of possible JADs.

4. Management & Project Support

4.1. Management

Overall management responsibility for this OAP lies with the Drivers and Co-Drivers of each OAP as identified by COSI and set out in the list of relevant actors regularly issued.

Every individual operational action of this OAP has a designated Action Leader duly tasked and empowered for this role, assisted if required by a Co-Action Leader.

Management responsibility for each operational actions is clearly shown in the list of operational actions.

The management approach shall be in line with the EU Policy Cycle Terms of Reference³.

³ 10544/2/17 REV 2

4.2. Project support

In order to allow the Driver to focus on project management (of the common actions), and to reduce the national responsibility for overall EU coordination, Europol shall provide the project support for this OAP in line with the EU Policy Cycle Terms of Reference.

4.3. Information management

The Europol Analysis Projects shall be the primary means by which operational data emanating from the operational actions within this plan shall be processed. Other Europol System may also be used where appropriate.

It is recommended that all operational information exchange, and progress reporting within the OAP shall be done using SIENA (Secure Information Exchange Network Application), which provides a quick, secure and auditable means of communication between all competent authorities and Europol.

4. Methodology

5.1. Planning

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The scope of operational actions included in the plan corresponds to the conclusions and recommendations emanating from the specific assessment of the problem which is central to the priority crime area.

When available, the actions should also include administrative measures. Wherever possible, due use will be made of opportunities and processes for a wider inter-agency approach. The MS are invited to integrate the relevant actions developed in the plan at the appropriate level into their national planning and to allocate resources to support a common EU approach. Similarly, the agencies should commit the actions developed into their annual work programmes pursuant to the Council conclusions on the continuation of the of the EU Policy Cycle for organised and serious international crime for the period 2018-2021 and the EU Policy Cycle Terms of Reference.

That process has also identified actions contained in this plan which may be related to other plans, and vice versa. These issues will be included into the agenda of the OAP kick-off meeting in early 2020 and will be addressed by the Driver in conjunction with the Action Leaders, participants and Europol, in cooperation with the Drivers of the other OAPs involved.

5.2. Implementation

The OAP will be implemented according to the breakdown of operational actions and timescales contained in the OAP. The Driver, assisted by the Co-Drivers, will be the authority to execute or delegate the management/leadership of a specific action to the Action Leader, who then has the responsibility for initiating and reporting on each action to the Driver.

5.3. Monitoring and reporting

Monitoring and reporting shall be done in line with and using the template set out in the reporting collection mechanism. This mechanism will be established following Action 15 of the Council conclusions on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018-2021⁴.

⁴ 7704/17

This regime for on-going monitoring and periodical reporting⁵ should include:

- Progress and results within the individual operational actions, including targets and key performance indicators (KPIs).
- Progress and results within the overall OAP, including the measurement of achievement as agreed at the MASPs meetings.
- Cross reporting between different strategic goals/OAP's as appropriate

5.4. Good practices

Experiences within the delivery of the OAP which provide examples of good (and bad) practice will be duly recorded. This will be a responsibility of the Driver to report them to the attention of the EMPACT Support Team and of the National EMPACT Coordinators for wider sharing.

⁵ Including possible reference to resources allocated and their use

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Operational Action Plan (OAP)
Trafficking in Human Beings

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