Brussels, 13 November 2021
(OR. en)

13607/21

LIMITE

JAI 1188
COSI 205
ENFOPOL 408
CRIMORG 104
ENFOCUSTOM 135
CYBER 282
CT 145

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	12661/1/20 REV 1
Subject:	Operational Action Plan 2022: Trafficking in Human Beings

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (27.06.2022)

EMPACT
Fighting crime together

Delegations will find attached the Operational Action Plan 2022 on *Trafficking in Human Beings* developed under the responsibility of the NL driver. The draft OAP was shared with National EMPACT Coordinators (NEC) and brought to the NEC meeting for discussion on 27-28 November 2021.

In accordance with the Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022 +[1], COSI/COSI SG are invited to adopt the Operational Action Plan.

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[1]   6481/21

Operational Action Plan

1.   Aim

This Operational Action Plan (OAP) has been created within the EMPACT framework and corresponds to the following priority:

Trafficking in human beings

The aim of this priority is "*to disrupt criminal networks engaged in trafficking in human beings for all forms of exploitation, including labour and sexual exploitation, and with a special focus on those who exploit minors for forced criminality; those who use or threaten with violence against victims and their families, or mislead victims by simulating to officialise the exploitation; those who recruit and advertise victims online, and are serviced by brokers providing digital services*".

This OAP outlines a list of all the operational actions that will be carried out during the year 2022 as means to implement the following strategic goals:

- CHSG 1 - Criminal intelligence picture
- CHSG 2 - Investigations and judicial response, with a specific focus on high-risk criminal networks (HRCN) and key individuals
- CHSG 3 - Coordinated controls and operations targeting the online and offline trade in illicit goods & services
- CHSG 4 - Criminal finances, money laundering and asset recovery
- CHSG 5 - Document fraud
- CHSG 6 - Capacity building through training, networking and innovation
- CHSG 7 - Prevention and harm reduction, assistance to victims, awareness raising
- CHSG 8 - External dimension: cooperation with non-EU partners

- ATSG 9 - Administrative approach

2. Context

2.1 EU Intelligence contributions

Definition of criminal activity/crime area:

Trafficking in human beings (THB) entails 'the recruitment, transportation, transfer, harbouring or receipt of persons, including exchange or transfer of control over that person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities or the removal of organs.'[2]

Policy developments:

On 14 April 2021, the Commission adopted the Strategy on combatting trafficking in human beings, which addresses the specificity of this crime in a comprehensive way – from prevention to conviction of criminals while emphasising the protection of victims at all stages, taking into account in particular women and child victims as well as trafficking for sexual exploitation. The priorities of the EU Anti-trafficking Strategy focus on reducing demand that fosters trafficking; breaking the criminal model to halt victims' exploitation, including through effective operational means against the criminal business model, tackling the culture of impunity by building capacity for a robust criminal justice response and tackling the digital business model of traffickers; protecting, supporting and empowering the victims, especially women and children; and the international dimension.

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[2] European Parliament and Council 2011, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, accessible at https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0036

Key threats:

- Sustained demand for sexual services and for low-wage workers will continue to drive sexual and labour exploitation of victims.

- Key steps of trafficking in human beings, such as recruitment of victims and advertisement of services, have moved almost entirely to the online domain, a development set to become even more pronounced.

- The boundary between the status of victim and accomplice has become blurred as female victims take up roles in the trafficking business, occasionally based on seemingly formal agreements granting them a share of the profits.

- Minors continue to be trafficked, mainly for sexual exploitation, begging and forced criminality.

- Links between migrant smuggling and THB are found particularly in the cases of lengthy and expensive journeys, where irregular migrants are exploited for the debt of their smuggling fees. Cases of unaccompanied minors (UAMs) exploited by THB networks have also been reported.

Key developments:

- Top-level traffickers increasingly orchestrate their criminal businesses from non-EU countries. They maintain managerial control over the entire chain of recruitment, trafficking and exploitation, while reducing their visibility to law enforcement.

- THB is increasingly carried out by criminal groups bound by family ties, a system which has proved to be more stable. Different family members manage the different stages of the trafficking and exploitation cycle. Younger members of the criminal groups work closer to the victims, as controllers, transporters, and house managers, while senior members orchestrate the criminal activity from a distance.

- Traffickers have fully embraced new technologies and online services are expected to continue to exploit such opportunities. Human traffickers remotely identify and recruit their victims and reach out to clients online, allowing them to avoid physical contact with both victims and clients. Technology is also used as a countermeasure, such as the case of encrypted communication, to move criminal profits or to forge documents.

- Crime delivered as a service supports THB operations in almost all stages. Brokers maintain and provide online platforms and digital services to criminal networks active in THB but also to their clients, while financial services are increasingly outsourced.

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Key locations:

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Enabling factors/enablers:

- The online environment hosts several stages of THB operations, allowing criminals to remain at a distance. Similarly, technology allows traffickers to enforce countermeasures, to easily move criminal finances, to communicate with or to monitor victims.

- Legal business structures are used to organise the exploitation of victims of THB. Victims of sexual exploitation are encountered in hotels, bars, restaurants, sauna clubs, strip clubs, nightclubs, massage parlours, and prostitution windows. Recruiters create employment agencies and often involve sub-contracting companies to provide a façade of legality and provide contracts and documentation including work visas and other immigration documents for victims.

- Corruption and document fraud are commonly used to facilitate entry and to legalise the stay of non-EU victims in the EU.

Most relevant (non-EU) partners/countries of interest:

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* Operational Agreement with Europol

° Strategic Agreement with Europol

^ Working arrangement

Key areas to target

- Disrupt criminal networks trafficking and exploiting minors;

- Target the use of the online environment and of digital solutions, particularly those provided as a service by criminal brokers;

- Focus on the use of legal business structures to organise the movement and exploitation of THB victims, and to launder criminal profits;

- Enhance investigations into the financial dimension of THB – money laundering mechanisms, with a focus on money laundering delivered as a service.

Because of the key areas as mentioned above and the wide scope of the phenomenon, some new activities are included in this OAP, resulting in 24 OA's. Besides this, the poly criminal element plays an increasingly important role in the phenomenon. Therefore the cooperation with other EMPACT priorities will be strengthened, also supported by the horizontal coordination mechanism on the Common Horizontal Strategic Goals.

2.2   Potential overlaps and synergies with other OAPs

The priority crime area which this OAP addresses, could potentially overlap/synergies with the following other OAPs:

- OAP Migrant Smuggling (OA 1.1; OA 1.2; OA 2.1; OA 2.3; OA 2.4; OA 2.5; OA 3.1; OA 3.2; OA 3.4; OA 5.1; OA 8.1; OA 8.2; OA 8.3; OA 8.4, OA 8.5; OA 9.1 from this OAP

- OAP Child Sexual Exploitation (OA 1.1; OA 2.1; A 2.5; OA 3.1; OA 3.4; OA 8.4 from this OAP)

- OAP NPS Synthetic Drugs (OA 2.1; OA 8.5 from this OAP)

- OAP Cannabis/Cocaine/heroin (OA 8.1; OA 8.5 OA 9.1)

- OAP Organised Property Crime (OA 1.1; OA 3.4; OA 8.1; OA 8.5; OA 9.1 from this OAP)

- OAP Criminal Finances, Money Laundering & Asset Recovery (OA 1.1; OA 2.1; OA 2.3; OA 2.4; OA 3.1; OA 4.1; OA 8.1; OA 8.2; OA 8.3; OA 8.4; OA 9.1 from this OAP)

- OAP High Risk Criminal Networks (OA 2.1; OA 2.4; OA 4.1; OA 5.1 from this OAP)

- OAP Cyber Attacks (OA 1.1; OA 3.1 from this OAP)

- OAP Online Fraud Schemes (OA 8.3 from this OAP – Telecom Fraud)

This potential overlap with other OAPs will be subject to the Driver's attention. The coordination with other OAPs will be facilitated by the EMPACT Support Team.

3. Structure

The OAP is essentially a coordination overview presenting the general outline of OAs, rather than the specific detail of each OA and does not include sensitive nor classified information. These details will be found in the related OA planned implementation document based on the Planning and reporting template[3].

An overview of the OAs within this OAP, that should be updated whenever relevant, can be seen below.

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Action leaders – relevant actors: AT, BE, BG, DE, ES, FR, NL, CEPOL, EUROPOL, FRONTEX

Action leaders - partners: United Kingdom

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[3]   5002/1/20 REV 1 section II. Planned implementation

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4. Management, Coordination & Support

4.1. OAP Management

Overall management responsibility for this OAP lies with the Driver, supported by the Co-Driver(s) of the OAP as identified by COSI and set out in the list of relevant actors.

Each OA 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 action is outlined in the list of operational actions.

The management of the OAP shall be in line with the EMPACT Terms of Reference[4].

4.2. OAP support

In order to allow the Driver to focus on OAP management, Europol shall provide the support to the OAP in line with the EMPACT Terms of Reference.

Furthermore, the Coordinator(s) of CHSGs, in line with the tasks and responsibilities set out in the EMPACT Terms of Reference, will support the various Drivers/Co-Drivers with all issues related to the successful implementation of CHSGs, together with the Action Leaders and the OAP group.

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 tools may also be used where appropriate.

It is recommended that all operational information exchange within the OAP shall be done using the Secure Information Exchange Network Application (SIENA), which provides a quick, secure and auditable means of communication between all competent authorities and Europol. Proper access to SIENA should be ensured as necessary for the implementation of OAs.

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[4]   8436/1/21 REV 1 (will be updated following the final version of ToR)

5. Methodology

5.1 OAP drafting process

The OAP drafting process has recently been modified to adapt to changing circumstances and a continuous increase in the number of participants. The details on the OAP drafting process for EMPACT 2022+, including the engagement of the Partners in the drafting and implementation, the release of the OAP to the Partners as well as the specific steps of the OAP development can be found in the EMPACT Terms of Reference[5].

The scope of the OAs included in the OAP corresponds to the EU SOCTA 2021 and additional intelligence contribution gathered by the OAP groups.

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 OAP will be validated by COSI SG/COSI.

5.2 Implementation

The OAP will be implemented via the set of OAs 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 OA to the Action Leader, who then has the responsibility for initiating and reporting on each action to the Driver. **DELETED**

Member States are invited to integrate the relevant OAs developed in the OAP at the appropriate level into their national planning and to allocate resources to support a common EU approach. Similarly, the agencies and relevant EU networks, should commit the actions developed into their annual work programmes pursuant to the Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+ and the EMPACT Terms of Reference.

More specific details about the implementation can be included here as required

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[5]   8436/1/21 REV 1 (will be updated following the final version of ToR)

5.3 Monitoring and reporting

The reporting is composed of three steps: 1. Light reporting on the progress of the OAP, 2. Comprehensive reporting on the results of the OAP and 3. Annual fact sheets on the results of OAP.

Monitoring and reporting shall be done in line with and using the template set out in the reporting mechanism[6].

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[6]   5002/1/20 REV 1 - Reporting mechanism

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