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ENFOPOL 380  
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JAIEX 82  
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FRONT 269

#### DECLASSIFICATION

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Subject:	Draft Operational Action Plan 2016 related to the EU crime priority B: "Trafficking in Human Beings"
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**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.:	14861/15, 12088/3/13 REV3, 15932/2/14 REV 2
Subject:	Draft Operational Action Plan 2016 related to the EU crime priority B: "Trafficking in Human Beings"

Delegations will find in annex the draft Operational Action Plan 2016 regarding the EU crime priority B: "Trafficking in Human Beings", developed under the overall responsibility of UK as the driver for this OAP, to be agreed by COSI.

DRAFTOperational Action Plan 2016Trafficking 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 crime<sup>1</sup>. This OAP corresponds to the following priority:

**To disrupt OCGs involved in intra-EU human trafficking and human trafficking from the most prevalent external source countries for the purposes of labour exploitation and sexual exploitation; including those groups using Legal Business Structures to facilitate or disguise their criminal activities.**

This OAP contains a breakdown of all the operational actions that will be carried out during the year 2016 as the way to reach the various strategic goals chosen during the 2013 "MASP" workshop.

It also gives a general overview of the tasks and responsibilities of the Member States and the Agencies involved in the delivery of the plan.

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<sup>1</sup> 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

## **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).

Other forms of THB exploitation can include the forced participation in marriage (to enable EU citizenship), illegal adoption (of babies) and organ harvesting.

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 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 Immigration<sup>2</sup>
- Cocaine and Heroin (*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 / Card Fraud (*the use of the internet as an enabler 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*).

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

### 3. Structure

This OAP document presents a strategic overview of the agreed responses from which detail is then developed within action related documentation, which should describe “What, When, Where, Who and How” each activity will be carried out.

The Annex to the plan contains a table of each of the proposed actions.

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<sup>2</sup> 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.

The table:

- Cross-references different, but related, actions within the plan
- Cross-references actions which may contribute to a different priority plan
- Is used to provide a record of the cumulative progress reporting against each action.

#### 4. Management & Project Support

##### 4.1. Management

Overall management responsibility for this OAP lies with the Drivers and Co-Drivers of each crime priority as identified by COSI.

Reporting to the Driver and Co-Driver will be on a quarterly basis. Generally, this should be completed by each Action Leader or Co-Leader.

However, if an action is described as 'all participating' each participant and the Action Leader/Co-Leader is required to submit information within the agreed timetable.

Every individual operational activity of this OAP has a designated leader duly tasked and empowered for this role.

Management responsibility for each action, or sub piece of work should be clearly shown against the list of activities.

The management approach shall be in line with the EMPACT Terms of Reference<sup>3</sup>.

##### 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 dedicated project support, via the EMPACT Support Unit, for each OAP in line with the EMPACT Terms of Reference.

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<sup>3</sup> 14518/12 COSI 82 ENFOPOL 309

#### 4.3. Information management

The Europol Analysis Work File for Serious and Organised Crime [AWF SOC] shall be the primary means by which operational data emanating from the activities within this plan shall be processed. The Europol Information System may also be used where appropriate as a secure data repository directly accessible by the MS participants in terms of data sharing searches and cross-matching. AWF SOC is comprised of a series of operational Focal Points dealing with specific crime areas and the FP relevant for this OAP is FP PHOENIX.

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

The relevant actors of the OAP should ensure that operational data will be forwarded to Europol FP PHOENIX for insertion, cross-matching and analysis in this manner. Such contributions should be clearly marked EMPACT Trafficking in Human Beings.

### 5. Methodology

#### 5.1. Planning

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The range of operational activity included in the plan corresponds to the agreed threat assessment for the crime area.

Where possible, the agreed actions will consider holistic and innovative approaches to crime disruption inclusive of inter-agency thinking, effort and delivery.



Each participant is invited to integrate actions developed in the OAP into national planning activities and dedicated resources should be identified and allocated to ensure full support to the common EU approach.

The OAP will be validated by COSI, and the tasking responsibilities contained in the plan confirmed. That process has also identified any actions contained in this plan which are related to other plans, and vice versa, and these issues will be included in the agenda of the OAP kick-off meeting in early 2016 and will be managed by the Driver in conjunction with the Action Leaders, participants and Europol, in cooperation with the Drivers of the other pertinent OAPs involved.

## 5.2. Implementation

The activities will be implemented according to the timetable and any reliance on funding as documented in the OAP. The Driver 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. Of course this process is wholly reliant on the participants in each group agreeing to take leadership and proactive delivery of aspects of the OAP.

In order to enable the 6 monthly monitoring by COSI as foreseen in action 37 of the Policy Cycle, the Action Leaders will report to the Driver and Co-Driver, and include each participant where the action is described as 'all participating'. This will allow the Driver and Co-Driver to monitor the progress through 2016, acknowledge the successes and identify the challenges. It is expected that learning from this reporting process will influence the OAP's throughout the policy cycle.

## 5.3. Monitoring and reporting

The templates include the means for recording results. Monitoring and reporting shall be done in line with the regime established by the Commission and using the template provided for the policy cycle reporting.

This regime for on-going monitoring & periodical reporting<sup>4</sup> should include:

- Progress and results within the individual operational activities, including targets and key performance indicators (KPIs).
- Progress and results within the overall operational action plan, including the measurement of achievement as agreed at the MASP 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 Unit and of the National EMPACT Coordinators for wider sharing.

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<sup>4</sup> Including possible reference to resources allocated and their use

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#### 5.6. Funding actions

Funding was identified from ISEC in 2014, and will continue to support 2 of the actions within Strategic Goal 5 (trafficking from third countries) into 2016.

Funding from the Delegation Agreement was secured in 2015 and is being directed at Strategic Goal 3 (Criminal Finances associated to THB) and Strategic Goal 4 (The Internet as an enabler to THB crime). This funding will run into May 2016.

Additional funding was secured in 2015 from Europol to facilitate activity against Strategic Goal 3 (Criminal Finances associated to THB) and funding from the Ministry of Security, DELETED helped develop Strategic Goal 4 (the initiative on developing multidisciplinary approaches to trafficking for labour exploitation).

An extant vulnerability is around MS committing to this OAP, participating fully and ensuring that, wherever possible, the actions are taken forward in each individual MS. This fact has been exacerbated by national responsibilities to action the increasing migrant crisis which is affecting Europe. We have been notified that kindred resources have to deal with this issue and as such it is predicted that some activities will be impacted in 2015-16.

The Driver and Co-Driver accept responsibility for encouraging this and reporting on the success or otherwise; the participants within the EMPACT THB project will have the responsibility for leading on the integration of this OAP within their own MS or Agency and reporting to the Driver and Co-Driver on a regular basis on progress, challenges and successes. This will allow the Driver and Co-Driver to provide regular reporting that is not solely quantitative based, but also has a strong qualitative element allowing for the integration of activities to improve over the term of this policy cycle.

The OAP acknowledges the need to improve training and awareness, the participants recognise the importance of CEPOL in delivering on this, especially in areas of THB that are not as widely understood such as child trafficking, labour exploitation, the use of the internet and financial investigations. This will be addressed by engaging with CEPOL as full partners of EMPACT THB and designing new courses for delivery from 2016 to the end of the policy cycle.

#### 5.7. Existing activities and policies

The participants of the EMPACT THB workshop recognise the importance of existing EU strategic plans, including the EU Strategy towards the eradication of Trafficking in Human Beings 2012-2016, the EU Directive 2011/36 and the Eurojust action plan.

The EMPACT THB participants feel that this OAP complements the activities and actions contained within these documents. DELETED the Driver and Co-Driver understand the importance and value of demonstrating how this OAP supports other plans, as well as being open to the developments that come from these, such as through multi-disciplinary working.

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DOCUMENT (page 30)