



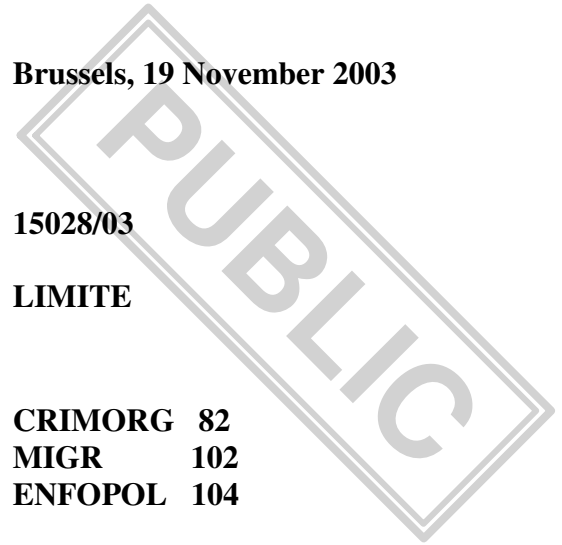
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 November 2003

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"I/A" ITEM NOTE

from : General Secretariat

to : Coreper/Council

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Subject : Draft Council Recommendation on the improvement of methods of prevention and operational investigation in combating organised crime involving trafficking in human beings

1. At its meeting of 17-18 November 2003, the Article 36 Committee agreed the draft Council Recommendation on the improvement of methods of prevention and operational investigation in combating organised crime involving trafficking in human beings. This draft Recommendation is set out in the annex to this note.
2. Accordingly, COREPER/Council is invited to adopt this Recommendation.

DRAFT COUNCIL RECOMMENDATION

of ...

**on the improvement of methods of prevention and operational investigation
in combating organised crime involving trafficking in human beings**

THE COUNCIL OF THE EUROPEAN UNION,

WHEREAS the Charter of Fundamental Rights of the European Union, proclaimed in Nice on 7 December 2000 by the European Parliament, the Council and the Commission, emphasises as a priority the protection of human rights and fundamental freedoms and, thereby, prohibits trafficking in human beings,

WHEREAS the Presidency conclusions of the European Council meetings in Laeken on 14 and 15 December 2001, in Seville on 21 and 22 June 2002 and in Thessaloniki on 19 and 20 June 2003, reaffirmed the need for firm action to combat trafficking in human beings,

WHEREAS the Commission submitted a communication (COM(2003) 323 final) to the European Parliament and to the Council in preparation for the European Council meeting in Thessaloniki on 19 and 20 June 2003,

WHEREAS on 8 May 2003 the Council adopted conclusions on the Brussels Declaration issued at the conclusion of the European Conference on Preventing and Combating Trafficking in Human Beings – Global Challenge for the 21st Century, held from 18 to 20 September 2002,

WHEREAS trafficking in human beings has particularly serious consequences for those who are victims, who should, in appropriate cases, be provided with specific assistance, protection and safety measures as well as support and social protection schemes, and which could also, if necessary, in specific cases be extended to other associated persons who are in danger while they are present in the territory of that Member State, with a view to gathering information useful for exposing illegal situations and preventing further cases of exploitation.

WHEREAS the main perpetrators of trafficking in human beings are transnational organised crime organisations, and to combat such criminal organisations it is necessary both to adopt preventive measures and to take action against those organisations, as neither measure alone appears to be sufficient, since prevention and victim protection measures cannot be effective unless accompanied by equally effective action against the criminal organisations responsible for trafficking;

RECOMMENDS THAT MEMBER STATES:

A. devise suitable prevention strategies to reduce the opportunities that facilitate organised criminal activity in trafficking in human beings for the purpose of all forms of sexual or other exploitation, including:

(A.1.) providing appropriate training for officials assigned to border control duties and to the procedures for regularisation of aliens and to establish strict criteria for the selection of such officials and those involved in combating trafficking in human beings, making use of the opportunities offered by the European Police College (CEPOL) in devising special training modules;

as part of those training and instruction activities, particular attention should be paid to training schemes aimed at improving the effectiveness of operations to combat trafficking, identifying and protecting the victims of trafficking, exchanging experiences as to the most effective and appropriate methods for implementing national and international legal instruments in the field and enhancing the specific professional expertise of liaison officers working in the areas involved in the trafficking routes;

- (A.2.) promotion of the development, at national level and in accordance with European Union initiatives, including those undertaken by Europol, of systems for the strategic analysis of trafficking in human beings, in order to improve knowledge of the modus operandi of criminal organisations in this sensitive field.
- (B.) take measures to make law enforcement agencies more effective in tackling organisations and networks engaged in such trafficking, including:
- (B.1) application, where deemed necessary, of methods to investigate organised crime which, simultaneously and from the outset, track down not only the criminals involved in trafficking in human beings for whatever form of exploitation but also their finances and assets, so that their property can be seized and confiscated as well;
- (B.2) utilisation of police and judicial liaison networks, by ensuring that liaison officers' field of work includes trafficking in human beings by organised crime, and, where appropriate, coordination through Eurojust;
- (B.3) encouraging police forces in those Member States used for transit or as the final destination of trafficking in human beings showing a likeness in type, methods and routes to adopt similar, effective methods of operation and information gathering, inter alia through the involvement of Europol;
- (B.4) consideration of the possibility of measures, including use of high-tech devices, for prompt detection of document abuse;

- (B.5) encouraging joint investigations among Member States, as provided for in the legal instruments of the European Union, where necessary using the support of Europol and of Eurojust;
- (B.6) enabling police forces, where appropriate making use of information gathered by labour inspection authorities in the course of their duties, to determine, in the context of the fight against trafficking in human beings, whether criminal networks are exploiting persons, including minors, for the purpose of illegal labour, including begging;
- (B.7) enable police forces to conduct effective investigations, acting upon information received, into the rental of buildings used by criminal organisations involved in trafficking in human beings, in order to identify those responsible and, most importantly, to ascertain whether victims are being exploited for prostitution (sexual exploitation) and/or illegal labour.
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THE COUNCIL, in adopting the Recommendation on the improvement of methods of prevention and operational investigation in combating organised crime involving trafficking in human beings, declares that it agrees to consider suitable initiatives, proposals or subject area studies to:

1. counter crime at sea, with particular regard to the possibility, within the framework of international law, of boarding and inspecting any vessels making for European Union countries' coasts that are suspected of engaging in organised transnational criminal offences involving trafficking in human beings;
2. establish ways of rendering transnational crime and criminal organisations involved in trafficking in human beings amenable to prosecution, by implementing the Joint Action of 21 December 1998 on participation in a criminal organisation;
3. assert the role of liaison officers stationed in those areas of countries of origin or transit involved in trafficking in human beings, for instance under the Council Decision of 27 February 2003 on the common use of liaison officers posted abroad by Member States;
4. involve private-sector bodies and non-governmental organisations in public schemes to safeguard victims and protect their relatives.
