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Subject:	Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings – second implementation report/update of information on Member States' external action

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Second report on the implementation of the Action Oriented Paper

This note constitutes the second and final report on the implementation of the Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings"<sup>1</sup>. The first report was agreed by GENVAL in May 2011<sup>2</sup> and subsequently taken note of by the Justice and Home Affairs (JHA) Council on 9 June 2011. Since the recently adopted Commission Strategy<sup>3</sup> covers also the external aspects of trafficking in human beings (THB), the Presidency suggests, in order to avoid overlaps and duplication, concentrating efforts on implementing this new comprehensive Strategy.

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<sup>1</sup> Adopted by the Council on 30 November 2009 (6865/10 CRIMORG 38 JAIEX 22 RELEX 163 JAI 168).

<sup>2</sup> 9501/3/11 GENVAL 46 JAIEX 34 RELEX 418 JAI 270.

<sup>3</sup> "The EU Strategy towards the Eradication of Trafficking in Human Beings 2012 - 2016" (COM(2012) 286 final (11780/12 JAI 465 GENVAL 43 COSI 53 ENFOPOL 208 JAIEX 48 RELEX 589 EUROJUST 58)).

## Summary of recent achievements and current actions

Since the adoption of the Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims<sup>1</sup>, to be implemented by Member States by 6 April 2013, a number of EU instruments, legislative and non-legislative, in various policy areas contribute to addressing THB. The Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography<sup>2</sup>, as well as the very recently adopted horizontal Directive on victims' rights, the Directive establishing minimum standards on the rights, support and protection of victims<sup>3</sup>. Both of these Directives will, when implemented, require Member States to duly consider the needs of victims of THB, in relation to support, assistance and protection.

The most comprehensive instrument concerning THB, including its external dimension for the years to come is "The EU Strategy towards the Eradication of Trafficking in Human Beings 2012 - 2016", adopted on 19 June 2012 by the Commission. The objective of the Strategy is to provide a coherent framework for existing and planned priorities, to fill gaps and complement the Directive on combating THB. It is a set of concrete and practical measures to be implemented over the next five years and is based on five key priorities, including specific actions with deadlines. The Anti-Trafficking Coordinator (ATC), appointed in March 2011 by the Commission for a five-year period, to provide the overall strategic policy orientation in the field of trafficking in human beings, also in relation to third countries, will oversee the implementation of this Strategy.

Council Conclusions on this new strategy were adopted on 25 October 2012 by the JHA Council<sup>4</sup>. These conclusions give an overview of the most important EU-instruments adopted within the area of preventing and combating THB since the adoption of the Stockholm Programme in 2009 and aim at supporting and complementing the strategy.

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<sup>1</sup> OJ L 101, 15.4.2011, p. 1.

<sup>2</sup> OJ L 335, 17.12.2011, p. 1.

<sup>3</sup> PE -CONS 37/1/12 REV 1 DROIPEN 88 JUSTCIV 251 ENFOPOL 205 DATAPROTECT 82 SOC 606 FREMP 99 CODEC 1755.

<sup>4</sup> 11838/6/12 REV 6 GENVAL 46 DROIPEN 91 JAI 473 JAIEX 52 MIGR 68 RELEX 601 COSI 65.

The Strategy insists on the need to increase cooperation with third countries of origin, transit and destination on preventing and fighting THB. This is also the approach taken in the Council Conclusions on the Global Approach to Migration and Mobility<sup>1</sup> - the overarching framework of the EU external migration policy - which identifies preventing and reducing irregular migration and THB as one of its four pillars, highlighting the holistic approach of the EU policy, focusing on prevention, prosecution of criminals and protection of victims. This integrated view is consistent with the human rights- and victim-centred approach that inspires the Global Approach to Migration and Mobility (GAMM) and is at the basis of the cooperation of the EU and third countries in this field.

The GAMM takes into account the Council's recommendations on the first implementation report on the AOP which call for systematic inclusion of THB in all relevant EU agreements and strategic partnerships with non-EU countries. Hence, THB is a permanent topic in all migration and mobility dialogues conducted between the EU and its partners, both at regional and bilateral level. Several dedicated workshops or seminars have been organised, with the aim of exchanging experiences and knowledge and strengthening capacities in the area of THB such as, among others, in the framework of the Africa-EU Migration, Mobility & Employment (MME) Partnership. The topic of THB is also addressed in Mobility Partnerships concluded by the EU with third countries. In particular, capacity-building is a central component in all these processes. Implementation of the provisions on THB in these instruments is done on a continuous basis. In line with this, the conference "Management models within the field of combating and preventing trafficking in human beings present in EU countries and countries of the Eastern Partnership" organised by the Polish Presidency in autumn 2011, contributed to the exchange of best practices between EU and the Eastern Partnership countries (Belarus, Ukraine, Moldova, Georgia, Azerbaijan and Armenia) with a main focus on the identification of victims of THB and the return of victims to their countries of origin.

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<sup>1</sup> 9417/12 ASIM 50 RELEX 396 DEVGEN 116.

The annual progress reports on candidate and potential candidate countries and on countries of the European Neighbourhood Policy (ENP), the roadmaps and action plans regarding visa liberalisation dialogues with third countries, the Country Strategy Papers and National and Regional Indicative Programmes and programmes in the framework of the European Neighbourhood Policy also include action on THB. It is also addressed in bilateral Action Plans and ENP Action Plans, ongoing political dialogue with these countries, and sectoral dialogues in respective Subcommittees (JLS/migration) with ENP partner countries. Progress in the implementation of these actions is regularly monitored.

Within the framework of the Brdo Process, the National Anti-Trafficking Coordinators of the South-East European (SEE) countries gathered in Ljubljana on 4 October 2012, stated in a Joint Declaration to foster structured and efficient communication and effective cooperation across borders with partners in the wider European region, acting together to prevent trafficking in human beings, protect the rights of those exploited and prosecute those who take advantage of other people's vulnerability.

The Joint statement of the Heads of the EU Justice and Home Affairs Agencies (CEPOL (the European Police College), EASO (European Asylum Support Office), EIGE (European Institute for Gender Equality), Eurojust, Europol, FRA (the Agency for Fundamental Rights) and Frontex signed in Warsaw in October 2011, on the occasion of the fifth Anti-Trafficking Day, deserves mentioning. This statement can be found on the website launched by the Commission in December 2010: "Together against Trafficking in Human Beings"<sup>1</sup>, includes information on EU legislation and policy, EU Member States and EU activities in third countries, as well as information from international organisations and stakeholders, and aims to function as a "one-stop-shop" for practitioners and the general public.

Likewise, both the EU legislation and policy (notably the Strategy and the GAMM) call for compliance with international standards in this area, in particular on human rights and data protection.

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<sup>1</sup> <http://ec.europa.eu/anti-trafficking>.

One of the strategic goals in the EMPACT (European Multidisciplinary Platform Against Criminal Threats) THB project, based on the priorities as identified within the EU policy cycle, is to increase cooperation with important non EU source and transit countries, such as those identified by OCTA (Organised Crime Threat Assessment) and other ad hoc threat assessments.

To strengthen cooperation and partnerships in third countries and increase knowledge in EU delegations, the Commission organised a three day training session on migration with a main focus on trafficking in human beings in Bangkok in March 2012 for EU delegations in Asian countries. The workshop had a geographic focus on the South East Asia region. Staff from a total of 14 EU delegations participated (including also Pakistan, India and Papua New Guinea).

Under the Polish Presidency, Council Conclusions on combating THB were adopted with a main focus on trafficking in children<sup>1</sup>. They included recommendations on better prosecution of child trafficking, increased assistance and protections of victims and increased training for stakeholders.

At the informal meeting of the National Rapporteurs or Equivalent Mechanisms in July 2011 the issue of THB within the EU was discussed, and in February 2012 was discussed the issues of National Referral Mechanisms and Safe return of victims of THB.

Follow-up to the recommendations made in the first implementation report:

- As stated in the first implementation report, this second implementation report could include the preparation of **a list of priority third countries and regions** with which the EU should develop more concrete partnerships and identify specific areas of cooperation amongst the EU, third countries, regions and organisations at international level, while remaining coherent with geographic priorities identified by the EU in its Global Approach to Migration and Mobility. Cooperation with the priority countries should primarily aim at capacity building and should take into account the human rights situation in the priority country involved. It should also take into account agreements of EU agencies such as Europol, Eurojust and Frontex with third countries. The list of priority countries and regions should be updated at regular intervals.

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<sup>1</sup> 18071/1/11 GENVAL 133 ENFOPOL 456 DROIPEN 150.

Based on the available statistics on the number of identified victims and traffickers by Eurostat (preliminary data) and Frontex, and data specifically on victims by IOM and information on victims and criminal networks from Europol and UNODC and on victims' assistance and law enforcement from ILO, and in the geographical and operational priorities identified in the GAMM, it is suggested to further strengthen and streamline cooperation with the following countries and regions:

- Specific countries in alphabetical order: Albania, Brazil, China, Dominican Republic, Morocco, Nigeria, Russian Federation, Turkey, Ukraine and Vietnam; (sources of most identified traffickers and victims in the EU);
- Priority regions shall include: candidate and potential candidate countries from the Western Balkans, countries covered by the European Neighbourhood Policy, both Eastern Partnership and Southern Mediterranean countries. Cooperation with these regions on trafficking in human beings has already been established and regularly monitored. In particular, trafficking in human beings is being addressed specifically under negotiation Chapter 24 of the EU *acquis*, as well and in the context of the visa liberalisation dialogues with Western Balkans Countries and Turkey;
- Other regions and countries of particular importance for cooperation on trafficking in human beings based on the statistical data and information referred above: the CELAC countries (Community of Latin America and Caribbean States) (in particular Paraguay and Colombia), the Silk Route region (in particular India), South East Asian countries (in particular Thailand, Laos, Cambodia and the Philippines) and Western Africa (in particular Sierra Leone).
- Consistency with other policy areas, in particular the EU external and development policies, embedded in the GAMM, and the EU Enlargement policy, need also be taken into consideration as well as the interest and commitment of the third country. This recommendation is repeated in the Strategy (Action 2: "Coordinating EU External Policy Activities"). ~~Cooperation should be tailor made and the Commission and EEAS will develop a list of available tools and instruments that the EU delegations in the priority countries and regions will have at their disposal.~~

- The Council acknowledges that strengthening cooperation and partnership with third countries is a shared effort of Member States, EU institutions and agencies.
- The Council invites the EEAS and the Commission to make an inventory of all trafficking in human beings activities in the priority countries and regions and to develop a list of available tools and instruments that the EU and the Member States will have at their disposal. The Commission is invited to report on the progress made in 2014.

Delegations are requested to agree on this list.

- The second recommendation contained in last year's report was to further streamline EU actions and to bring together the internal and external aspects of THB. In the Presidency's opinion, the comprehensive Strategy and the action suggested meet both this recommendation as well as the third recommendation made, namely the reinforcement of the coordination of the different initiatives, actions and activities within different sectors and in relation to other international organisations dealing with THB, in particular UN and the Council of Europe, **(including GRETA)**.

#### Follow-up to this second implementation report

Since the recently adopted Commission Strategy covers also the external aspects of THB, the Presidency suggests concentrating efforts on implementing this new comprehensive Strategy, in particular those actions mentioned under "Priority D". Consequently, the Presidency proposes that this second update of the AOP be the final.

The Council will continue to follow the implementation of measures strengthening the EU external dimension on action against trafficking in human beings, and discuss it in GENVAL and JAIEX at regular intervals.