

## I

(Information)

## COUNCIL

**EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings**

(2005/C 311/01)

1. Section 1.7.1 of the Hague Programme required the Commission and the Council to develop in 2005 a plan with a view to the development of common standards, best practices and mechanisms to prevent and combat trafficking in human beings.

**Broad principles to guide the implementation of the action plan**

Such a plan should aim at strengthening the commitment of the EU, and the Member States to prevent and fight trafficking in human beings, committed for the purpose of all forms of exploitation and to the protection, support and rehabilitation of its victims. It should be based on the recognition that in order to address effectively human trafficking an integrated approach is needed, having as its basis the respect of human rights and taking into account its global nature. This approach calls for a coordinated policy response notably in the area of freedom, security and justice, external relations, development cooperation, social affairs and employment, gender equality and non-discrimination; it should also benefit from a broad public — private dialogue. The attached table of actions has been drafted in the spirit of these considerations.

It will be reviewed, revised and updated regularly. The implementation of the table of actions will be guided by the following broad principles and will be regularly reviewed and updated. The broad principles (...) can also be regularly examined to ensure they still accurately reflect the position of Member States as they take forward the implementation of the action plan.

2. EU action should be focused on improving our collective understanding of the issues and joining up our efforts to maximise our effectiveness.

(i) Action at EU level requires permanent improvement of the Member States' and Commission's collective under-

standing of the scale and nature of trafficking in human beings, including the root causes in countries of origin as well as factors in countries of destination facilitating human trafficking and related forms of exploitation, the specific groups, victims and perpetrators involved and the links to other crime types. This is fundamental to designing a strategy to prevent and combat trafficking. Practical experience and research findings should be widely shared as appropriate throughout the EU. In so far as is possible, Member States and the Commission should take forward an evidence-based approach to trafficking in human beings with third countries and with international organisations.

3. The EU recognises the importance of taking forward a human rights and victims-centred approach.

(i) It is indispensable that EU Member States ensure that the human rights of victims of trafficking are protected fully at all stages in the process.

(ii) Member States should ensure that appropriate referral mechanisms are in place, as necessary and in line with national practice and law, to enable the early identification and referral of trafficked persons. Member States should work to develop, in line with national traditions, circumstances and practice, an appropriate governmental coordination structure to coordinate and evaluate national policies and ensure appropriate handling of individuals.

(iii) Member States and the Commission should actively pursue policies reinforcing the criminalization of human trafficking including the protection of (...) potential victims at national, regional, EU and at a wider international level. This should include, as appropriate and where relevant, prevention strategies specific to vulnerable groups such as women and children.

- (iv) Member States and the Commission should strengthen political dialogue with third countries bilaterally and multilaterally on the human rights dimensions of anti-trafficking policies and continue to raise the issue in relevant regional and multi-lateral fora.
- (v) Member States and the Commission should ensure that EU anti-trafficking policy reflects a child rights approach based on globally recognised principles, respecting in particular the principles laid down in the UN Convention of the Rights of the Child and taking account of the Council of Europe Action Programme on Children and Violence (2006 — 2008). Such approach must consequently apply to any person below the age of 18.
- (vi) EU institutions and Member States should promote gender specific prevention strategies as a key element to combat trafficking in women and girls. This includes implementing gender equality principles and eliminating the demand for all forms of exploitation, including sexual exploitation and domestic labour exploitation.
- (vii) Member States should, where necessary, speed up the transposition of Directive 2004/81/EC and take into consideration legally binding instruments, political commitments and other relevant documents, in particular the recently concluded Council of Europe Convention on Action Against Trafficking in Human Beings when developing national strategies.
4. The EU should strengthen its operational response to trafficking in human beings.
- (i) Enhancing operational cooperation should be a priority in strengthening EU activities in combating trafficking in human beings.
- (ii) Human trafficking is a serious crime against persons, which must be addressed as a clear law enforcement priority. Human trafficking has to be converted from a 'low risk — high reward enterprise for organised crime' into a high risk — low reward one. Law enforcement must use all the resources and capacity available to enforce the prohibition of human trafficking, to deprive it of any economic advantage and, where financial gain has been made, to seize and confiscate any assets. The investigation of human trafficking should be afforded the same priority as other areas of organised crime in that specialist investigative techniques and disruption strategies should be employed.
- (iii) Member States should provide for necessary organisational structures, specialised personnel and adequate financial resources to their law enforcement authorities to effectively combat human trafficking. In as far as is possible, the Council in close cooperation with the Commission as appropriate should promote regular monitoring on the basis of clear and measurable criteria.
- (iv) Human trafficking for labour exploitation requires new types of specialisation and cooperation with partners, e.g. agencies responsible for the control of working conditions and financial investigations related to irregular labour.
- (v) Member States' law enforcement strategies should, as appropriate, include measures to confiscate the proceeds of crime.
- (vi) Measures should continue to be taken to facilitate the more rapid identification of potential victims of trafficking at the EU's borders. Member States should consider reviewing policies on unaccompanied minors to protect this particularly vulnerable group.
- (vii) Member States should, as appropriate and in line with national conditions and practice, provide protection and assistance to (...) victims as a part of a balanced, effective prosecution. Member States should further develop pro-active intelligence led investigations, which do not necessarily depend on the testimony of the victims.
- (viii) Member States should ensure that national law enforcement agencies regularly involve Europol in the exchange of information, in joint operations and joint investigative teams and use the potential of Eurojust to facilitate the prosecution of traffickers.
- (ix) Member States should promote combating human trafficking as a priority in their law enforcement relations with third countries. Police cooperation between special units to fight trafficking in human beings in Member States and in countries of origin should be enhanced. Common projects should be set up to enhance the capacity of the special units of the countries of origin to fight trafficking in human being in the line with EU standards.
- (x) Anti-corruption and anti-poverty strategies should be an integral part of anti-trafficking strategies.
5. Member States should find more and more intensive ways of taking forward cooperation.
- (i) Member States should consolidate the cooperation of public authorities with civil society organisations related to the protection of victims, prevention of and the fight against human trafficking, for example by setting up rules agreed upon by both sides that promote mutual understanding and trust.

Where appropriate employer organisations, trade unions and representatives of specific industries/economic sectors should also be involved.

- (ii) Member States and EU institutions should continue to cooperate with relevant international organisations (e.g. UN, OSCE and Council of Europe) and at a national level, as appropriate and where necessary, relations with and capacity of relevant NGOs should be strengthened and institutionalized.

- (iii) Regional solutions to prevent trafficking in human beings, to protect and assist those in need and to ensure the safe return and to ensure the effective, and secure reintegration of victims are essential. Member States and the Commission should continue to promote regional initiatives that complement and inspire EU wide cooperation (*inter alia* the Nordic Baltic Taskforce against Trafficking in Human Beings; the Southeast European Cooperative Initiative; the Southeast European Cooperation Process; the pan-European Budapest Process; the '5+5 dialogue' between the Western Mediterranean countries; and the Mediterranean Transit Migration Dialogue, the 'Alliance Against Trafficking in Persons' as well as other *fora/organisations*).

**TABLE OF ACTIONS FOR THE EU PLAN ON BEST PRACTICES, STANDARDS AND PROCEDURES FOR COMBATING AND PREVENTING TRAFFICKING IN HUMAN BEINGS**

**1. COORDINATION OF EU ACTION**

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
1. To establish common priorities to enable better targeted EU level action. To improve the effectiveness of EU action.	(a) Member States to share lists of priority origin and transit countries and most frequently encountered routes.	March 2006	Member States/Presidency	Member States to have shared information with the Presidency and the Commission by end of April 2006. Information should also be sent to Europol especially for the continuous work being taken forward at Europol on the Organised Crime Threat Assessment (OCTA).
	(b) EU funding (i.e. Agis and other appropriate existing funding programmes) to be prioritised against bids which match areas highlighted by Action Plan.	Ongoing	Commission	Commission to evaluate current funding streams and, as far as possible, to prioritise bids concerning trafficking against the priorities contained in the action plan.
	(c) Prevention and combating trafficking to be a thematic priority for the future EU financial arrangements/programmes for JHA.  These arrangements/programmes should include flexible funding arrangements, which allow financial support to be made available to support Member States' operationally, and to strengthen regional forms of police cooperation.  In this context consideration should be given to funding projects concerning operational action which only one Member State takes forward. In this context, consideration should also be given to ways in which sustainable financing may be made available to non governmental support and reintegration services.	Ongoing	Commission and Member States	Commission to evaluate proposals for future funding streams and in negotiation/revision of the proposals with Member States and the European Parliament to appropriately prioritise trafficking as far as possible in line with the terms set out in the action plan.
2. To ensure an ongoing debate on the subject, including the human rights issues.	(a) A political debate on the EU anti-trafficking policy (...) should be held, and compliance of the latter policy with human rights standards and the need for further action be assessed.	Once per year	Council and Commission	Debate takes place.

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
3. To ensure common standards across the EU.	(a) Council to adopt the proposal for a Decision on the conclusion, on behalf of the EC, of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly women and children of the UN Trafficking Protocol.	By the end of 2006.	Council	Protocols concluded.
	(b) To develop proposals for coordination and cooperation mechanisms needed at EU level.	By the end of 2006	Commission to present proposals.	Proposals presented to Council by end of 2006, which may include an examination of the possibilities for a peer evaluation mechanism with respect to anti-trafficking in human beings policy and practice.
	(c) Member States to consider as a priority signature and ratification of the Council of Europe Convention on trafficking in human beings.	by the end of 2007	Commission and Member States	Review of state of play with respect to ratification/conclusion by each Member State.

## 2. SCOPING THE PROBLEM

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
1. To improve knowledge on the scale and nature of trafficking in human beings (including links to other forms of criminality) affecting the EU, to enable the EU to target efforts better.	(a) To develop common guidelines for the collection of data including comparable indicators. To take account of differences between types of trafficking and categories of victims. Such work should also take account of re-trafficked victims.	Autumn 2006	Commission (Eurostat) and Europol. It should also be considered whether the future EU Agency for Fundamental Rights and the European Migration Network should have a role in this work thereafter.	Guidelines issued.
	(b) To review current EU wide work on estimating the scale of the problem with the aim to target all forms of trafficking.	Autumn 2006	Member States/Presidency/Commission	Initiate consultation exercise and possibly issue EU wide questionnaire to map existing data and estimates.
	(c) To develop a common research template for Member States to use to increase research available on specific areas, starting with child trafficking.	Autumn 2006	European <u>Migration Network</u>	Common research template is available.

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
	(d) To convene a meeting of appropriate representatives from national coordination structures (e.g. national rapporteurs where they exist), including law enforcement and immigration experts, depending on national arrangements. To consider the scale of and issues relevant to trafficking within the EU in addition to trafficking from outside the EU	End of 2006	Presidency	Meeting convenes, organised either by Commission or Presidency.

### 3. PREVENTING TRAFFICKING

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indication
1. To address the root causes of trafficking.	(a) Member States and EU institutions to support anti-trafficking initiatives as well as broader measures addressing root causes, especially poverty, insecurity and exclusion and gender inequalities.	Ongoing	Member States/ Commission	Commission to host seminar to gather information and share best practice in this area. The seminar could lead to the development of indicators in this field.
	(b) Development cooperation also to include gender specific prevention strategies and strategies aimed at strengthening the economic, legal and political position of both women and children.	Ongoing	Member States/ Commission	Commission to host seminar to gather information and share best practice in this area. The seminar could lead to the development of indicators in this field.
2. To prevent trafficking in countries of origin, transit and destination by raising awareness of the dangers involved and publicising crime prevention and criminal justice in the EU, including successful prosecutions, to deter traffickers (...).	(a) To develop EU campaign materials in cooperation with the NGO community. Campaign to <ul style="list-style-type: none"> <li>— Include all relevant information, for example methods of recruitment, focus on successful prosecutions in member states</li> <li>— Be aimed at identified target groups, including children</li> <li>— Be based on real case studies</li> <li>— Consider approaches needed within and outside the EU</li> <li>— <u>Be aimed at reducing demand.</u></li> </ul> Campaigns to be evaluated for effectiveness.	Mid 2006	Council/Commission	Campaign materials available by end of 2006. To be evaluated by end of 2007.
	(b) To create a network of media contacts on trafficking to publicise successes within and outside the EU.	End 2006	Presidency to coordinate	Contacts distributed to MDG on organised crime by end of June 2006.

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indication
3. To enable identification of victims early to prevent exploitation.	(a) To hold a seminar <u>firstly with the airline industry</u> . To involve relevant enforcement agencies and ILOs. To explore models of regional/national cooperation and joint working that have been effective to set the scene for further events at national/regional level, to be organised by Member States	Mid 2006	Presidency	Seminar takes place. Recommendations published which also consider the success of the approach and value in extending to other sectors of the transport industry, i.e. ferry companies etc.
	(b) Complete development of common Visa Information System as soon as possible.	Ongoing	Presidency with Commission and European Parliament	Report from Presidency by end 2006 on progress on negotiation/status of implementation if instrument is adopted.
	(c) To hold a seminar with immigration services, bodies responsible for social services and other relevant authorities to share best practice regarding the identification of children at risk, in particular unaccompanied minors.	End of 2006	Presidency to coordinate	Conference Conclusions circulated.
	(d) Consular staff <u>and ILOs</u> of Member States in countries of origin to <u>consider</u> human trafficking in local consular discussion working groups and <u>ILO meetings</u> , in order to exchange information and improve recognition of applications which could involve human trafficking.	End of 2006	Member States	Awareness raised among visa issuing officers. Presidencies to report by end 2006 on discussions held in local (...) <u>consular and ILO</u> discussion working groups <u>and meetings</u> and any key trends identified.
	(e) Following consideration and agreement in the FRONTEX Management Board, trafficking to be mainstreamed into the work of FRONTEX including:  (i) through the coordination and organisation of joint operations and pilot projects at the EU's external border. (ii) through the supply of risk analyses to Member States. (iii) through the development of common strategies to tackle trafficking through ports (iv) and through the dissemination of training materials. (v) <u>complementary cooperation with Europol</u> .  FRONTEX's work will take into account the particular circumstances of the most vulnerable victims, in particular children and women.	End of 2006	FRONTEX	Frontex annual work programmes and annual reports to detail work on trafficking.
	(f) Implement the use of biometric identifiers in issuing and verifying EU residence permits and visas.	As soon as possible.	Commission and Member States.	Biometrics implemented.

#### 4. REDUCING DEMAND

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indication
1. To develop the expertise on reducing demand for labour exploitation	(a) To establish an expert group to consider relevant issues concerning employment regulations and their impact on trafficking. This group should consider the role of private employment services and consider the development of appropriate materials to raise awareness with potential employers of trafficked victims.	End of 2006	Council with the Commission	Working Group to have met by end of 2006 and have agreed terms of reference.
2. To reduce the demand for trafficked persons in destination countries.	(a) Member States to report any current best practice on community engagement and community policing strategies adopted to deter trafficking that may occur informally within communities, <u>for example trafficking for domestic service</u> . This process should cover strategies used for all forms of trafficking <u>for whatever purpose (sexual exploitation and more widely)</u> and including specific groups of victims, i.e. women and children.	End of 2006	Presidency to coordinate (be the point to which best practice is sent) supported by Member States.	Member States to report any best practice to the Presidency, copying it to Europol as appropriate, by the end of 2006.

#### 5. INVESTIGATING AND PROSECUTING

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
1. To improve the strategic and tactical intelligence picture on trafficking in human beings and enable an intelligence led approach.	(a) Member States to agree to share information via I/24/7 and the trafficking and smuggling messaging service system to Interpol, to share pertinent information and intelligence with Europol, and Europol to strengthen links with Interpol.	By June 2006	Member States and Europol.	Europol to report to Europol Management Board on information sharing from Member States, and on status of wider cooperation with Interpol.
	(b) Make use of the Organised Crime Threat Assessment (OCTA) to assist with an EU wide assessment and prioritisation of action.	April 2006	Member States (having been supplied the OCTA by Europol)	Europol to have produced the OCTA. Member States to be using it to plan operational priorities.



Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
	(c) EU to strengthen formal links to International Organisations to tap into data on routes, sources and methods. — Europol to develop formal liaison arrangements in line with the guidance of the Europol Management Board. — Council to support a networking event for international organisations/law enforcement to develop links.	June 2006	Europol and Member States through the Council.	Networking Event takes place. Europol to report to the Europol Management Board about future external arrangements.
	(d) Member States to put intelligence into the concerned Analytical Work File at Europol.	June 2006	Member States and Europol.	Europol to report to the Council structures on further developments.
	(e) Europol and FRONTEX to develop complementary cooperation, especially with regard to their analytical activities concerning the phenomenon.	June 2006	Europol and FRONTEX	Europol and FRONTEX to report to the Council structures.
2. To improve the ability of Member States to investigate trafficking effectively	(a) CEPOL to take the lead in developing AGIS funded resources including recent guideline manuals and other resources such as the Interpol manual, into a core curriculum for senior police officers — to be cascaded as appropriate. CEPOL to then regularly organise specific training for law enforcement personnel on trafficking. Training should consider trafficking within the context of migrant smuggling also.	End of 2006	CEPOL	CEPOL to report to MDG on progress regularly. CEPOL annual report to Council to contain specific information on this work.
3. To improve the operational cooperation between Member States on trafficking.	(a) Member States to consider ways in which information concerning law enforcement officers in Member States who are involved closely in human trafficking work who have specialist language skills (e.g. specialist oriental or African languages) can be disseminated more widely (this would mean that where bi or multi-lateral joint investigation teams are being put together by different Member States they can consider including such officers in teams as appropriate and insofar as national operational demands on such officers permit).	Ongoing	PCTF/Europol Centre of Excellence	Issue to be discussed in PCTF strategic meetings.
	(b) PCTF and Europol to report annually on how trafficking has been taken forward within their work programmes.	First Report by December 2006	PCTF/Europol	Recommendations considered in drafting Europol work programme and revising COSPOL strategy.

Objective	Action	Timetable	Responsible Party	Assessment Tool/Indicator
	(c) PCTF to monitor operational cooperation between Member States on trafficking and where appropriate make recommendations for its improvement.	First Report by December 2006	PCTF	Discussion regularly in strategic meetings of the Police Chiefs' Task Force with recommendations being made to Council as and when appropriate.
	(d) Develop a manual of contacts for law enforcement agencies across EU to cover out of hours contacts and background on procedures in place in each Member State.	Mid 2006 or earlier if possible	PCTF	PCTF to report and consider manual in their strategic meeting in 2006.
4. To enable more effective cooperation in investigations and prosecutions against trafficking.	(a) Member States to make maximum use of Eurojust and its coordinating role and the European Judicial Network.	End of 2006	Member States/Eurojust	Eurojust to report to Council as part of their annual report on trafficking investigations they have assisted with.
	(b) The creation of a specialist network of practitioners with specialist expertise in prosecuting trafficking cases, including those dealing with children. This network would consider developing training for prosecutors in due course.	End of 2006	Presidency/Eurojust/ European Judicial Network	Network contacts circulated.
	(c) To develop greater awareness of the particular issues raised in trafficking cases, including those involving children, with the judiciary in Member States.	Mid 2007	European Judicial Network in partnership with Eurojust and ERA.	Efficient, effective and informed case file management. EJN to report back with recommendations concerning ways to improve case file management.
	(d) As part of the evaluation of the Council Framework Decision on trafficking in human beings, to review the legal frameworks in place across Member States to address trafficking, in particular child trafficking	End of 2006	Commission and Member States	Commission evaluation of Council Framework Decision completed.
	(e) To conduct an inventory of legislation which complements that in place to criminalise trafficking, for example legislation on the status of victims, legislation criminalising intermediaries, i.e. gangmasters, proceeds of crime legislation.	End of 2007	Commission	Document circulated.

6. PROTECTING AND SUPPORTING VICTIMS OF TRAFFICKING

Objective	Action	Timescale	Responsible Party	Assessment Tool/Indicator
1. To ensure frontline staff have the right tools and expertise to identify victims of trafficking and offer them appropriate protection and support bearing in mind the special needs of children.	(a) To organise a seminar with Member States and NGOs which provide victims with services to take stock of best practice in the identification of victims and to consider drawing up a broad list of criteria with respect to best practice in this area.	Mid 2006	Commission and Presidency	Seminar takes place and conclusions published.
2. To build and strengthen effective links between organisations providing support and reintegration services and Member States.	(a) To hold a conference to foster existing links and build a more solid network of NGOs and International Organisations providing support and reintegration services	Mid 2006	Presidency with Commission Support	Conference takes place.
	(b) Develop an EU wide directory of services to map available support schemes.	End of 2006	Presidency with Commission support	Directory is published.
	(c) EU to consider further developing the OSCE manual (the National Referral Mechanism Manual) and to propose recommendations and amendments to the Presidency and Commission with a view to presenting a coherent set of amendments from the perspective of the EU at a future revision of that manual <u>or as necessary a standalone EU document.</u>	End of 2006 (for proposals to be sent to the Presidency and the Commission)	Commission and Presidency	Presidency to report on whether any such proposals for changes have been made.
	(d) To develop a model protocol between Member States and NGOs to include minimum levels of support, liaison points in key services and standards of working practices. The model protocol should build on existing good practice and have the input of NGOs where appropriate.	By end of 2006	Commission and Member States	Protocol is drawn up

## 7. RETURNS AND REINTEGRATION

Objective	Action	Timescale	Responsible Party	Assessment Tool/Indicator
1. To share knowledge and experience about available reintegration schemes in source countries and risk assessment processes carried out before return.	(a) Map available schemes and processes and scope possibilities for coordinating post-return assistance in third countries, including an assessment of risk in countries of return. <u>The process should seek to identify and make more widely available best practice in Member States and may be followed up by a seminar, as necessary and if appropriate, concerning this best practice.</u>	Autumn 2006	Member States/Presidency	Member States to have shared information with the Presidency by mid 2006 and document mapping services available by end of 2006.

## 8. EXTERNAL RELATIONS

Objective	Action	Timescale	Responsible Party	Assessment Tool/Indicator
1. To enhance anti-trafficking action in relations with third countries.	(a) Country and Regional Strategy Papers and Indicative Programmes to strengthen strategies to address factors facilitating trafficking, but in particular child trafficking.  EU to engage in dialogue with countries of origin, including through such regional consultative processes as ASEM and the Bali Process as well as through other appropriate multilateral processes concerning other regions (for example with respect to Latin America and the Caribbean).  Third country agreements (e.g. the EU-Russia action plan) should promote cooperation in EU, regional and international law enforcement operations as well as encourage capacity building on trafficking.	Ongoing.	Commission	Commission to review the current status of anti-trafficking strategies and initiatives with third country relations by mid-2006.
	(b) The upcoming strategy for JHA EU External Relations should reflect trafficking as a priority.	Ongoing	Commission and Presidency	Strategy gives priority to trafficking.
	(c) To put emphasis on multilateral activities on counter-trafficking such as the UNODC global fund against trafficking			