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From: General Secretariat of the Council
On: 8 April 2014
To: Delegations
Subject: Summary of conclusions of the meeting of the JHA-RELEX Working Party (JAIEX) on 8 April 2014

1. Adoption of the agenda

The agenda was adopted as set out below.

2. Update on Trafficking in Human Beings and on External Cooperation – Presentation by the Commission and EEAS

The Commission recalled the instruments relating to trafficking in human beings (THB):

- In 2009, the Council adopted an Action-Oriented Paper on the external dimension of THB;
- In 2011, the Council and EP adopted Directive [2011/36/EU](#) on preventing and combating THB and protecting its victims;

- In 2012, the Commission adopted the EU Strategy Towards the Eradication of THB 2012-2016, subsequently endorsed via Council Conclusions.

The representative of the Commission's anti-trafficking coordinator underlined the Global Approach to Migration and Mobility (GAMM) as a key instrument to fight THB. In April 2013, a Eurostat Report on THB and an overview of legislation on the rights of victims - "The EU Rights of Victims of Trafficking in Human Beings" - were issued. The Council adopted Conclusions on this paper under the Irish Presidency. Member States (MS) are encouraged to develop similar overviews of the development of THB victims' rights at national level.

MS systems differ as regards the protection of child victims. The Commission and the Fundamental Rights Agency (FRA) are preparing a report on this to be issued in June 2014.

The Commission has set up a Civil Society Platform for NGOs against THB, the next meeting of which is scheduled for May 2014. In October 2014, it will launch its initiative to promote private sector involvement via the European Business Coalition.

Implementation Reports on the 2009 Action-Oriented Paper were issued in June 2011 and December 2012. In the second one, the Council invited the Commission and the EEAS to draw up THB activities in the priority countries and regions, to develop a list of available tools for the EU and MS and to prepare a report on progress for 2014.

An information package to facilitate EU and MS work with third states is in its last stages, covering:

- an overview of THB within EU policies;
- an overview of structured dialogue mechanisms with priority countries and regions, as well as a list of EU- and MS-funded projects in these countries and regions;
- an overview of THB in priority countries and regions as identified by the Council.

The Commission favoured a comprehensive and integrated approach to THB which would be both victim-centred and gender-specific. It stressed the importance of coordination between Institutions and MS, as well as of a systematic raising of THB issues in external relations, especially human rights dialogues. The Commission called upon MS experts in embassies to exchange information with EU delegations.

3. Nigeria - Trafficking in Human Beings (THB) - Presentation by the French delegation

The French delegation gave an overview of the situation in the Republic of Nigeria, a Federation of 36 states whose 170 million inhabitants make it the most populated African country. Though it is the continent's richest country, it is plagued by unemployment, poverty, terrorism (Boko Haram) and corruption.

Forced labour and sexual exploitation fuel a destabilising underground economy. Three human trafficking axes make Nigeria a THB hub and the world's leading country of origin of victims:

- Nigeria to Coastal States;
- Togo to Central Africa, Cameroon and Gabon;
- Coastal States to Northern Africa, Middle East and Europe.

Sexual exploitation concerns two thirds of victims and forced labour one third of victims.

Neighbouring and EU states are transit as well as destination countries. In France, Nigerian prostitution and procuring (via the matriarchal system of “Mamas”) involves a complex scheme: victims are lured with the promise of jobs, then forced into prostitution to pay off their debt (up to EUR 60 000) through confiscation of their passport and threats (juju sorcery).

Nigeria's legal framework is covering THB as a specific offence since 2003 (Child Rights Act and Trafficking in Persons Act). A National Agency for the Prohibition of Traffic in Persons (NAPTIP) has been set up. In addition, a national Action Plan was adopted in 2006. The state offers legal protection, temporary residence permits and medical support; NGOs provide housing and shelter.

However, NAPTIP is lacking human and material resources. Furthermore, not all 36 Nigerian states take action to enforce the ban on prostitution. The “Hawala” system of underground financial networks makes the fight against prostitution and procuring more difficult.

Collaboration is taking place between NAPTIP and several EU States: Belgium, France, Germany, Greece, Italy, the Netherlands, Slovakia, Sweden and the UK. France is taking action via a Priority Solidarity Fund of EUR 800 000 for 2013-2016, committed to fighting THB on the West Coast.

The French delegation welcomed EU multilateralism, e.g. the Operational Action Plan 2014 related to the EU Crime Priority B, and financial crime-fighting tools for Nigeria: the Development Cooperation Instrument (DCI), the Instrument for Stability (IfS), and JHA Funding (FAMI, FSI).

Finally, the French delegation called for an enhancement of the EEAS' role through such fora as the Nigeria-EU Joint Way Forward Dialogue and the Dialogue on Migration and Development. It suggested maximising JAIEX WP's role as a hub for information exchange among EU stakeholders. It asked the Presidency to invite the EEAS to coordinate an EU-Nigeria THB reflection group at the local level, so that JAIEX may lead the Council's way forward based on this input.

Portugal thanked the French delegation for its comprehensive analysis. It supported the extension of EU civilian missions (CIVCOM) to Western Africa and Nigeria. It advocated greater strategic reflection on this matter in interchange with Nigerian authorities.

Poland likewise thanked the French delegation. It also backed cooperation with Nigeria, while citing its own 2012-2013 projects to combat and prevent THB through reinforced cooperation between law enforcement agencies and NGOs with countries of the Eastern Partnership.

The Commission underlined the importance of funding local NGOs to empower them in cooperation with national authorities, helping the EU to ensure “safe return” for THB victims. The next HLWG on Migration, at the end of April 2014, would also take stock of relations with Nigeria.

The EEAS stressed the advanced collaboration with Nigeria on migration that has taken place since 2008, through local dialogues and the yearly Ministerial Dialogue (most recently in May 2013). It highlighted the Foreign Affairs Council's adoption of an EU Strategy on the Gulf of Guinea on 17 March 2014, as this may provide another angle for cooperation: maritime security and organised crime also cover THB. The strategy will support African initiatives to tackle interrelated criminal challenges from Senegal to Angola.

Frontex stressed its direct contact with NAPTIP and the Agencies' work in the EU-Nigeria dialogue.

4. EaP developments in the sector of JHA – update by the Commission

The Commission gave an overview of the state of play of negotiations with EaP countries.

- On Ukraine, the Commission welcomed unprecedented EU-level and transatlantic coordination. It referred to a recent meeting between the Commission and the Prime Minister of Ukraine, and stated that Visa liberalisation (VLAP) was shown to be a priority of Ukraine at the 26 March Senior Official Meeting. The Commission is now waiting to start Phase II, pending the

Ukrainian Parliament's decision on a package of measures to address discrimination on sexual grounds, biometrics on passports and asylum provisions. The Commission wants to accelerate engagement without dropping any standards. It stressed the foreseeable issue of controlling the implementation of some VLAP provisions, e.g. border security, and the importance of promoting the mobility partnership as the best way to coordinate assistance. Finally, it underlined that a positive communication campaign was key to fending off negative propaganda.

- In Moldova, the Commission will now be monitoring the situation following visa liberalisation.
- In Georgia, a peer-review mission with experts from the Commission, MS and Agencies is now underway as part of the VLAP. Georgia hopes to implement it by next year's Riga Summit.
- In Azerbaijan and Armenia, visa facilitation and readmission agreements are now in place.
- Negotiations started with Belarus in January on visa facilitation and readmission agreements. The Commission stressed the importance of the preliminary talks soon to be held in Minsk.

Germany supported the Commission's approach to Ukraine and the other countries cited. It suggested holding three-way talks between technical experts with all relevant partners to promote confidence-building and maintain a positive, results-orientated approach.

In addition, Germany mentioned receiving a letter from the Ukrainian government requesting its help. It enquired whether other MS had received similar letters from Ukraine and if so, suggested coordinating responses through the JAIEX WP. The Presidency would reflect on the most appropriate follow-up.

5. EU – US in the Sector of JHA

- a) EU-US Senior Officials' Meeting on JHA area, Athens, 24-25 February – debriefing by the Presidency and the Commission – follow-up

The Presidency debriefed on the EU-US SOM Meeting on JHA, which took place in Athens on 24-25 February. The proceedings can be found in document 7014/14. Topics covered were:

- Mobility, migration and borders: visa reciprocity, Electronic System for Travel Authorization (ESTA), Global Forum on Migration and Development (GFMD), state of play of the EU-US Platform, EU update on the Task Force Mediterranean and Smart Borders;
- Cybercrime: cooperation under the EU-US Working Group, Global Alliance secretariat transfer;
- Counterterrorism and security: Countering Violent Extremism (CVE), Syrian foreign fighters, update on EU-US PNR;
- Organised crime: state of initiatives in the fight against corruption, US Transnational Organised Crime Rewards Program, wildlife trafficking;
- Data protection: state of play with reference to the Umbrella Agreement, Safe Harbor and legal redress for EU citizens;
- Judicial cooperation: US-EU MLA state of play, Judgment Project involving the EU's view on a worldwide convention, e-discovery in proceedings before US courts involving EU companies;
- Rights agenda: update on victims' rights and the disability policy;
- Drugs: preparation of future high-level meetings, EU response to new psychoactive substances.

The Commission's DG JUST and DG HOME elaborated on the meeting.

On data protection, the Commission underlined the need for a swift conclusion of the Umbrella Agreement, including judicial redress measures. On MLA, in addition to regular videoconferences, it mentioned the possibility of setting up practitioner seminars in early 2015.

On the rights agenda, the Commission welcomed positive stock-taking.

On drug cooperation, the Commission mentioned the US's interest in the EU's work on new psychoactive substances and stressed both sides' willingness to work together in international fora.

As regards the Home agenda, the Commission emphasised the importance of agreeing with the US to move forward on migration and visas and solve visa reciprocity issues. At present, the EU-US Platform's scheduled meeting in Brussels on 29 April 2014 would focus on four issues:

- Resettlement, with special focus on Syria;
- Migration management capacity-building in third countries, with focus on the Mediterranean;
- Coordination of positions in multilateral fora, especially the upcoming GFMD;
- Labour migration, to be further assessed.

The Commission welcomed the inclusion of organised crime on the SOM agenda and the prospects for EU-US cooperation on investigation and prosecution of cases of corruption.

The Presidency informed the audience that the draft agenda for the ministerial meeting with the US on 25 June 2014 was under preparation and would be circulated in time for MS to comment.

b) EU-US Summit – debriefing

The EEAS gave a debriefing on the EU-US Summit which took place in Brussels on 26 March 2014. Some of the topics underlined in the Joint Statement (document 8228/14) were:

- On the foreign policy agenda: focus on Ukraine, reassertion of the Euro-Atlantic Community and of the prominence of joint security concerns;
- On the economy agenda: focus on the benefits of the TTIP for both sides;
- On the JHA agenda: reiterated commitment to visa-free travel arrangements with all EU MS; assertion of the significance of TFTP and PNR in the fight against terrorism; acknowledgement of the importance of expedited negotiations on an umbrella agreement and judicial redress, the MLA, Safe Harbor; announcement of the launch of an all-encompassing cyber dialogue.

The EEAS referred the audience to its Fact Sheet on EU-US Cooperation on Cyber Security and Cyberspace (document 140326/01).

Portugal stressed the importance of effective judicial redress and expressed its confidence that the Commission would be firm in the upcoming negotiations on this subject. It asked about a possible multiplication of fora on cyber issues upon the announcement of the new EU-US cyber dialogue.

The Commission reasserted its readiness to seek effective judicial redress with the US. It stressed that EU-US dialogue on cyber issues would not be dispersed across different fora.

6. Debate on ways to enhance the functioning and the output of JAIEX

The Presidency invited the audience to conduct an informal follow-up of the debate held during the last meeting. It thanked the delegations for their input, summarized as follows:

1. Document 14145/11 "Recommendations for JAIEX working methods" guides the WP's work;
2. Full advantage should be taken of the WP's specificity as an interface between several actors;
3. The WP should hold debates on JHA cooperation with third countries or specific JHA themes;
4. It should take stock of relations with US, Russia, the WB and EaP countries once a year;
5. It should discuss the possibility to engage with additional strategic partners;
6. It should optimise its role as an information hub;
7. It should regularly update an executive summary of events and activities relating to JHA;
8. It should put special emphasis on preparation of Ministerial and Senior Official Meetings;
9. It should envisage joint meetings with other WPs;
10. It should encourage the presence of JHA experts in EU delegations.

Poland suggested that one high-level meeting per Presidency could be organised, to give strategic and political directions for future JAIEX work and engagement with third countries.

Portugal underlined JAIEX's potential in helping to prepare SOMs where appropriate. It suggested that the WP also focus on discussions with the African continent at large, e.g. in the context of the Rabat process. It emphasised JAIEX's direct interest in border movements and in the analyses by relevant Agencies. It stressed the need for regular back-to-back interaction with CIVCOM to ensure consistency between internal and external JHA policies, as well as the importance of assessing and encouraging the presence of JHA experts in EU delegations.

The Netherlands and Austria called for effective distribution of activity between COSI and JAIEX.

France expressed its support for most elements laid out. It underlined the need for contributions from the EEAS and EU delegations to prepare thematic discussions.

The Czech Republic supported the Polish, Austrian and French views. It stated JAIEX's priority to be informative work: debate on specific issues falls within the remit of geographic and expert WPs.

Germany warned against duplication and supported improving delegations' information exchange.

The Commission and the EEAS reasserted the need to avoid overlap with other WPs. They informed the room that three delegations (Geneva, Moscow, Washington D.C.) are hosting JHA experts and that on a regional level, JAINET (JHA Network for the Western Balkans) plays a role as well in coordinating JHA Representatives in the WB.

As to a JAIEX executive summary that would be regularly updated, the Commission mentioned an existing document, the GAMM update, prepared by the Commission in association with the EEAS to update the HLWG on migration and mobility dialogues and processes. It suggested possible reuse of this document in the JAIEX context.

The Presidency summed up the contributions and thanked the participants for their input.

7. Liaison Officers Meeting, Tirana, 28 February – debriefing by the Presidency

Due to time constraints, the Presidency referred the audience to the conclusions in doc. 8359/14. The meeting touched on drug trafficking, organised crime and cooperation with FRONTEX.

8. Meeting with Council of Europe, Brussels, 25 April – presentation of the draft agenda

The Presidency recalled the context of CATS-Council of Europe Troika meetings, which had taken place twice a year since 1996. Since 2010, only the Commission, the EEAS and the Presidency are taking part; the last meeting was held in June 2013 under the Irish Presidency. The Presidency is planning on a new meeting which would touch upon the following topics:

- Future development in the JHA area;
- Corruption;
- Procedural rights issues;
- Cyber crime and cyber security.

The Presidency requested opinions about the meeting's planned subject matter and title. It suggested renaming it the EU-Council of Europe Senior Official Meeting on JHA and asked for comments.

The Commission reminded attendees of the regular fora through which the EU engages with the CoE, e.g. in Strasbourg, in particular at technical level. A meeting between the EEAS and the CoE at the Senior Official level was also mentioned. As a result, the Commission argued against the creation of an apparently new forum without prior documentary work and discussions. It saw a clear merit in preserving the current name.

The Netherlands did not take a stance on the proposal. However, it considered that the scope of the discussions and the name of the meeting should be commensurate.

The Presidency thanked the contributors. It suggested further examination of this issue at the next JAIEX meeting, on the basis of more detailed information, in particular about the meetings pointed out by the Commission. This would give JAIEX a clear view of the effectiveness of the upcoming meeting with the CoE. The Presidency also announced the drafting of a paper to clarify the issue.

9. Member States' bilateral activities

N/A

10. AOB

- Judicial Cooperation with Russia – follow-up to the PPC Meeting (17 January 2014)

The Presidency thanked the MS who responded to the questionnaire (Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Lithuania, Poland, Romania and Slovakia).

- Liaison Officers' Meeting in Moscow (28 April 2014)

The Presidency informed delegations of its planning of an EU internal meeting on human and drug trafficking in Moscow on 28 April 2014, aiming at an exchange of experiences between MS Liaison Officers, with possible participation of third countries such as Australia, Canada or the US.

Debriefing would take place in the next JAIEX WP meeting.

- Next JAIEX WP Meeting (3 June 2014)

The Presidency invited the audience to meet again on 3 June 2014, probably in the afternoon. A draft agenda would soon be circulated.