

Europol - Trade in abandoned children

[Arun Dohle](#) made this access to documents request to [European Police Office](#)

This request has been **closed to new correspondence**. [Contact us](#) if you think it should be reopened.

The request was **partially successful**.

Arun Dohle **June 11, 2015**

Delivered

Dear European Police Office,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

documents, letters, minutes, email, phone logs etc, related to the decision to put Europol in charge of the issue of Trade in Abandoned Children.

Also, all documents related to Europol's activities in this domain.

Yours faithfully,

Arun Dohle

G24 EU & International Law, European Police Office **June 17, 2015**

3 Attachments

MB Rules on Public Access to Europol Documents.pdf

36K **Download View as HTML**

council decision.pdf

936K **Download View as HTML**

socta2013.pdf

4.1M **Download View as HTML**

Dear Mr Dohle,

With regard to the first point of your request below, 'documents, letters, minutes, email, phone logs etc, related to the decision to put Europol in charge of the issue of Trade in Abandoned Children', we find no documents containing the information you request. Please note that this does not mean you have been refused public access, but rather that the documents you seek containing the specific information you mention are not present. As a matter of clarification, Europol's competence is defined in Article 4 of its legal basis, the Council Decision 2002/187/JHA (herewith enclosed) and covers 'organised crime, terrorism and other forms of serious crime as listed in the Annex affecting two or more Member States in such a way as to require a common approach by the Member States owing to the scale, significance and consequences of the offences'.

With regard to the second point of your request below, 'all documents related to Europol's activities in this domain', we would like to inform

you that unfortunately your request is too broad and insufficiently precise and it is not practically possible for us to satisfy it. Therefore, we would like to invite you to reconsider the scope of your request, by limiting it to certain events or time frames, or by indicating further your specific interest, in line with the applicable rules on public access as established by the Management Board, attached for your convenience. Please find attached the EU Serious and Organised Crime Threat Assessment (SOCTA) from 2013 which may orientate you in this regard.

Thank you for showing interest in our organisation.

Kind regards,

G24 – EU & International Law

-----Original Message-----

From: Arun Dohle [[1]mailto:[FOI #2043 email]]

Sent: 11 June 2015 01:24

To: G1 Cabinet

Subject: access to information request - Europol - Trade in abandoned children

Dear European Police Office,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

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Also, all documents related to Europol's activities in this domain.

Yours faithfully,

Arun Dohle

This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request:
[2][FOI #2043 email]

If [3][EUROPOL request email] is the wrong address for information requests to European Police Office, please tell the AsktheEU.org team on email [4][email address]

This message and all replies from European Police Office will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at [5]<http://www.asktheeu.org/en/help/officers>

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References

Visible links

1. [mailto:\[FOI #2043 email\]](#)
2. [mailto:\[FOI #2043 email\]](#)
3. [mailto:\[EUROPOL request email\]](#)
4. [mailto:\[AsktheEU.org contact email\]](#)
5. <http://www.asktheeu.org/en/help/officers>

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Arun Dohle **July 04, 2015**

Delivered

Dear G24 EU & International Law (Europol),

Thank you for your request for clarification. Let me give it a try.

In the annex to the Europol Convention Trafficking in Human Beings is defined. It states: "traffic in human beings means subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children.

Hence, as far as I understand, the subject of trade in abandoned children is included in bilateral agreements between Europol and third countries.

I have a Europol report here, which i think is from 2000, on THB, and chapter 2.4.3. is about the trade in abandoned children for adoption (one of the ways in which abandoned children are exploited).

Unfortunately I only have the body of the report, but not the cover page, so no title, exact date et.

For my current research I am looking for documents that show why the trade of abandoned children was included in the annex of the Europol Convention. Some country must have suggested to include it. And likely with well documented motivations?

As for second point of my request 'all documents related to Europol's activities in this domain':

- Scope: documents related to Europol investigations (including studies) into the exploitation children by means of the trade of children for adoption

- Timeframe: from 1999 until now.

I hope this helps.

Yours sincerely,

Arun Dohle

[Arun Dohle](#) left an annotation (July 04, 2015)

Time Limit 27 July 2015

G24 EU & International Law, European Police Office **July 06, 2015**

1 Attachment

Dear Mr Dohle,

Thank you for the clarification on your initial application. With regards to the first point thereof we would like to confirm that Europol does not have any documents concerning 'the decision to put Europol in charge of the issue of Trade in Abandoned Children'. As already explained in the reply of 17 June, this does not mean you have been refused access, but rather that the documents you seek containing the specific information you mention are not present.

With regards to the second point of your initial application concerning 'documents related to Europol investigations (including studies) into the exploitation children by means of the trade of children for adoption', we will process your request in line with the Management Board Decision laying down the rules concerning access to Europol documents, attached for your convenience.

Kind regards,

G24 – EU & International Law

-----Original Message-----

From: Arun Dohle [mailto:[FOI #2043 email]]

Sent: 04 July 2015 12:53

To: G24 EU & International Law

Subject: Re: @EXT: access to information request - Europol - Trade in abandoned children

Dear G24 EU & International Law (Europol),

Thank you for your request for clarification. Let me give it a try.

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Thank you for showing interest in our organisation.

Kind regards,

G24 – EU & International Law

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G24 EU & International Law, European Police Office **July 27, 2015**

Dear Mr Dohle,

Europol has assessed your request and identified the following document possibly falling within its scope:

#507953 - Bulgarian / Greek Operation on trafficking of children for illegal adoption. Eurojust, 26 October 2010

I regret to inform you that access to this document cannot be granted. In accordance with the Management Board Decision laying down the rules concerning access to Europol documents ("the MB Decision"), access to a document or to parts of it shall be refused, inter alia, when the disclosure would undermine the protection of the public interest as regards the public security, the proper fulfilment of Europol's tasks, investigations and operational activities of Member States, as well as the privacy of individuals, in line with Article 4(1)(a) and (b) of the MB Decision. The document contains sensitive information on operational activities undertaken by law enforcement authorities of two EU Member States as well as on their modus operandi and their cooperative relations. Consequently, the disclosure of such information would undermine the effectiveness of the investigations, and hinder Europol's position as a reliable partner for the law enforcement authorities of the EU Member States, and other EU bodies.

Please note that you may make a confirmatory application asking Europol to reconsider its position within 30 working days of receiving Europol's reply, in accordance with Article 7(3) of the MB Decision.

Thank you for showing interest in our organisation.

Kind regards,

G24 – EU & International Law

-----Original Message-----

From: G24 EU & International Law

Sent: 06 July 2015 16:34

To: 'Arun Dohle'

Cc: G24 EU & International Law

Subject: @EXT: RE: access to information request - Europol - Trade in abandoned children

Dear Mr Dohle,

Thank you for the clarification on your initial application. With regards to the first point thereof we would like to confirm that Europol

does not have any documents concerning 'the decision to put Europol in charge of the issue of Trade in Abandoned Children'. As already explained in the reply of 17 June, this does not mean you have been refused access, but rather that the documents you seek containing the specific information you mention are not present.

With regards to the second point of your initial application concerning 'documents related to Europol investigations (including studies) into the exploitation children by means of the trade of children for adoption', we will process your request in line with the Management Board Decision laying down the rules concerning access to Europol documents, attached for your convenience.

Kind regards,

G24 – EU & International Law

-----Original Message-----

From: Arun Dohle [mailto:[FOI #2043 email]]

Sent: 04 July 2015 12:53

To: G24 EU & International Law

Subject: Re: @EXT: access to information request - Europol - Trade in abandoned children

Dear G24 EU & International Law (Europol),

Thank you for your request for clarification. Let me give it a try.

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- Scope: documents related to Europol investigations (including studies) into the exploitation children by means of the trade of children for adoption

- Timeframe: from 1999 until now.

I hope this helps.

Yours sincerely,

Arun Dohle

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Dear Mr Dohle,

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Thank you for showing interest in our organisation.

Kind regards,

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Arun Dohle **September 02, 2015**

Delivered

Dear European Police Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of European Police Office's handling of my FOI request 'Europol - Trade in abandoned children'.

The replies given are not satisfactory.

The initial question was about Europol's mandate and competence in the trade of abandoned children. I am interested to access documents that justified including the trade in abandoned children into Europol's mandate.

As for the trafficking case related to the Bulgarian/Greek Operation on trafficking of children for illegal adoption, this case as such does not seem to fall under that definition.

Europol's 2005's Organised Crime report, shows that Bulgarian illegal adoption schemes concerns the sale of children by gangs. Not the organised trade in abandoned children. From my research I deduct that the 2010 Operation was about a similar case.

The trade in abandoned children (children "left" in residential care/"orphanages") is clearly a different matter. Such children are traded for multiple purposes, among which intercountry adoption (illegal and legal, but still falling within the trafficking/trade definition).

Considering the above, I would welcome Europol to reconsider its replies.

A full history of my FOI request and all correspondence is available on the Internet at this address:

<http://www.asktheeu.org/en/request/europ...>

Yours faithfully,

Arun Dohle

G24 EU & International Law, European Police Office **September 08, 2015**

2 Attachments

Re EXT access to information request Europol Trade in abandoned children.txt

3K **Download View as HTML**

MB Rules on Public Access to Europol Documents.pdf

36K **Download View as HTML**

Dear Mr Dohle,

With regard to the first point of your initial request 'documents that justified including the trade in abandoned children into Europol's mandate', we confirm that we find no relevant document. As explained in our reply of 27 July 2015, please note that this does not mean you have been refused public access, but rather that the documents you seek containing the specific information you mention are not in our possession. A request for public access, as per the EU legislation, and the Management Board Rules governing access to Europol documents ('MB Decision', attached for your convenience), as well as the case law by the European Court of Justice, covers only requests for existing documents. This thereby excludes the creation of new documents. It also excludes request for information, which can be directed more generally to EU Bodies, however, are not covered by the Public Access Legal Regime. If your interest is however of a more generic nature, which it appears to be we would suggest you to fill in a form for academic request, on our website at

[1]<https://www.europol.europa.eu/content/co...>

As regards the second point of your initial application, we understand from your further explanation that it now covers 'documents related to Europol investigations (including studies) on trade of abandoned children', irrespective of the purpose. This modifies the scope of your initial request which was limited to 'documents related to Europol investigations (including studies) into the exploitation children by means of the trade of children for adoption' (see enclosed your email of 4 July). Consequently we will process it as a new public access request in line with the abovementioned MB Decision.

Kind regards,

G24 – EU & International Law

-----Original Message-----

From: Arun Dohle [[2]mailto:[FOI #2043 email]]

Sent: 02 September 2015 14:51

To: G1 Cabinet

Subject: Internal review of access to information request - Europol - Trade in abandoned children

Dear European Police Office,

Please pass this on to the person who conducts Freedom of Information reviews.

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References

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3. <http://www.asktheeu.org/en/request/europ...>
4. [mailto:\[FOI #2043 email\]](mailto:[FOI #2043 email])
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G24 EU & International Law, European Police Office **October 20, 2015**

1 Attachment

COUNCIL DECISION of 6 April 2009 establishing the European Police Office Europol Europol Council.pdf

921K **Download View as HTML**

Dear Mr Dohle,

After internal consultation, we would like to inform you that Europol holds no 'documents related to Europol investigations (including studies) on trade of abandoned children', as per your request below. This does not mean you have been refused access, but rather that the documents you seek containing the specific information you mention are not present. Please note that Europol's mandate is to support the competent authorities from the EU Member States in preventing and combatting transnational forms of crime in accordance with Europol Council Decision (enclosed for ease of reference). In particular, Europol provides operational and strategic support to the activities of Member States in the field of trafficking in human beings in relation to the various forms of exploitations as defined in the Annex to the above-mentioned Decision:

'trafficking in human beings' means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, the production, sale or distribution of child-pornography material, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'

Therefore documents in our possession do not address specifically investigations (or studies) on the trading in abandoned children. As already informed, a request for public access, as per the EU legislation, the Management Board Rules governing access to Europol documents, and the case law by the European Court of Justice, covers only requests for existing documents. This thereby excludes the creation of new documents. It also excludes requests for information, which can be directed more generally to EU Bodies, however, are not covered by the Public Access Legal Regime. If your interest is however of a more generic nature, we would suggest you to fill in a form for academic request, on our website at [1]<https://www.europol.europa.eu/content/co...>

Kind regards,

G24 – EU & International Law

From: G24 EU & International Law
Sent: 08 September 2015 17:30
To: '[FOI #2043 email]'
Cc: G24 EU & International Law
Subject: @EXT: RE: Internal review of access to information request - Europol - Trade in abandoned children

Dear Mr Dohle,

With regard to the first point of your initial request 'documents that justified including the trade in abandoned children into Europol's mandate', we confirm that we find no relevant document. As explained in our reply of 27 July 2015, please note that this does not mean you have been refused public access, but rather that the documents you seek containing the specific information you mention are not in our possession. A request for public access, as per the EU legislation, and the Management Board Rules governing access to Europol documents ('MB Decision', attached for your convenience), as well as the case law by the European Court of Justice, covers only requests for existing documents. This thereby excludes the creation of new documents. It also excludes request for information, which can be directed more generally to EU Bodies, however,

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References

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3. [mailto:\[FOI #2043 email\]](mailto:[FOI #2043 email])
4. <http://www.asktheeu.org/en/request/europ...>
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