Preventing and combating trafficking in human beings and protecting victims

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The Council discussed the state of play regarding a draft framework decision aimed at strengthening the fight against trafficking in human beings.

Ministers paid particular attention to the proposed penalties' system and possible situations of parallel criminal proceedings. They ordered Council preparatory bodies to continue work with the aim of preparing a political agreement by the next Justice and Home Affairs Council meeting on

30 November and 1 December 2009.

The new framework decision, tabled by the Commission in March 2009, is intended to replace Framework Decision 2002/629/JHA. It aims to improve the existing instruments to combat trafficking in human beings and to protect victims and includes:

- a definition of the crime, aggravating circumstances and higher punishment;
- extraterritorial jurisdiction allowing to prosecute EU nationals for crimes committed abroad and to use investigative tools such as phone listening and access to financial data;
- special treatment of the victims in criminal proceedings including non-punishment of the victims who bear the consequences of the criminal activities;
- higher standard of protection and assistance to the victims, and in particular special protective measures for children;
- preventive measures aimed at discouraging the demand side of the phenomenon.

Once adopted, the framework decision will contribute to the approximation of national legislations in this field as well as to the improvement of international law enforcement and judicial cooperation.