Trafficking in human beings: prevention and control of trafficking in human organs and tissues. Framework Decision. Initiative Greece

2003/0812(CNS) - 13/02/2003 - Document attached to the procedure

This document consists of the explanatory note to the delegations concerning the Greek Initiative for the adoption by the Council of a draft Framework Decision on the prevention and control of trafficking in human organs and tissues. As stated in the initial proposal, the aim of the proposed draft is to contribute to combating trafficking in human organs and tissues as a form of organised crime. The draft text sets out to describe the basic forms of trafficking in human organs and tissues which must be treated as offences in all the Member States. In addition, minimum penalties are proposed which are deemed necessary, proportionate and just given the seriousness of the crimes involved. The need for common action to combat trafficking in human beings and, thus, trafficking in organs and tissues was stressed by the European Council at Tampere (1999) and confirmed by the Santa Maria da Feira European Council in June 2000. Common action specifically concerned with combating trafficking in human organs and tissues is particularly necessary in view of the considerable differences in Member States' legislation on the matter, both as regards the elements constituting the relevant crimes and as regards the potential penalties. These differences are an obstacle to combating this form of organised crime within the single European area. It should be stated that Council Framework Decision 2002/629/EC on combating trafficking in human beings did not include trafficking in human organs. It is necessary to introduce penalties on perpetrators sufficiently severe to allow for trafficking in human organs and tissues to be included within the scope of instruments already adopted for the purpose of combating organised crime, such as Council Joint Action 98/699/JHA on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime and Council Joint Action 98/733/JHA on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union. Therefore, it is necessary that the serious criminal offence of trafficking in human organs and tissues be addressed not only through individual action by each Member State but by a comprehensive approach, of which the definition of the elements of the offence, common to all the Member States, and effective, proportionate and dissuasive penalties should form an integral part.