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REPORT

on the amended proposal for a Council decision on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime (8174/2006 - COM(2005)0503 – C6-0130/2006 – 2003/0197(CNS))

(Renewed consultation)

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jean-Marie Cavada

(Simplified procedure - Rule 43(1) of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	6
PROCEDURE.....	8

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the amended proposal for a Council decision on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime (8174/2006 - COM(2005)0503 – C6-0130/2006 – 2003/0197(CNS))

(Consultation procedure - renewed consultation)

The European Parliament,

- having regard to the Council draft (8174/2006),
 - having regard to the amended Commission proposal to the Council (COM(2005)0503)¹,
 - having regard to its position of 13 January 2004²,
 - having regard to Articles 62(2), 63(3), 66, 179 and 181a in conjunction with Article 300(2), first subparagraph, of the EC Treaty,
 - having been reconsulted by the Council pursuant to Article 300(3), first subparagraph, of the EC Treaty (C6-0130/2006),
 - having regard to Rules 51, 43(1), 55(3) and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0214/2006),
1. Approves the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States.

¹ Not yet published in the OJ.

² OJ C 92 E, 16.4.2004, p. 75.

EXPLANATORY STATEMENT

Background

The United Nations Convention Against Transnational Organised Crime and the protocols thereto against trafficking in persons and the smuggling of migrants are based on United Nations General Assembly Resolution 53/111 of 9 December 1998. This resolution provided for the establishment of an intergovernmental committee charged with elaborating an international convention against organised crime, supplemented by protocols.

The Commission participated in the negotiations, in close cooperation with EU Member States. The negotiations on the Convention itself were completed in July 2000 while those on the Smuggling and Trafficking Protocols lasted until October 2000. In December 2000 a high-level conference was held in Palermo for the purpose of signing the Convention and the Protocols. At this conference, the Commission officially signed the three instruments, one of which, i.e. the Convention, entered into force on 29 September 2003, following the deposit of the fortieth instrument of ratification. The Protocol to prevent trafficking in persons came into force on 25 December 2003.

Aim of the Convention

The Convention is designed to enable signatory states to cooperate effectively in fighting organised crime by harmonising definitions of individual offences in the different national legal systems, so that an act constituting an offence in one state party will also be recognised as such in the other signatory states. In this way, it will be the first global instrument designed to combat criminal networks laying down universal definitions of certain fundamental criminal law concepts relating to the fight against organised crime. It is also the first legally binding United Nations instrument in this field.

The Convention requires states to criminalise four types of serious offences: involvement in an organised criminal network, money laundering, obstruction of justice and corruption. It also identifies means of improving cooperation between states, in particular with reference to mutual legal assistance, joint investigations and extradition. Specific provisions also deal with the traceability of criminal money, the seizure and confiscation of proceeds of crime and the protection of victims and witnesses. The two protocols being considered here provide for stringent measures to combat the smuggling of migrants and trafficking in human beings - in particular women and children - by protecting such people against slavery, sexual exploitation and illegal employment. It should be noted, in this connection, that the Trafficking Protocol includes measures to provide victims with both legal and material assistance. Article 6 of this protocol requires each State Party to ensure not only that information is made available on relevant court and administrative proceedings but also those measures are taken to provide for the physical and psychological recovery of victims.

Rapporteur's position

Your rapporteur unreservedly approves the Community's signing of these instruments of international law, adopted under the aegis of the United Nations, which represents the only

possible response to world-scale such problems. To tackle highly organised networks which fully exploit any loopholes in national legal systems, the widest possible cooperation is required, based on common procedures and minimum harmonisation of legal standards. In this connection, the fact that the Convention has been ratified by 121 States, plus the European Community is to be applauded. However, it is regrettable that 7 EU Member States have yet to ratify the Convention¹.

Since the Community signed the Convention in December 2000, the EU desire to move towards the establishment of an area of freedom, security and justice has been illustrated by the elaboration of a number of instruments coming under the Convention's scope, including the European arrest warrant and measures adopted to tackle money laundering, trafficking in human beings and illegal immigration, to mention but a few examples. By adopting these instruments, the EU has been able to go further than the United Nations because of the smaller number of countries it comprises, the mutual trust on which relations among its Member States are, to a large extent, based, and the relatively homogeneous nature of their legal systems and procedures. It has also been obliged to go further as a result of the abolition of internal borders, which has provided a strong incentive to remove obstacles to closer cross-border cooperation.

¹ As of 1 May 2006, the following Member States still have not ratified the Convention: The Czech Republic, Germany, Greece, Hungary, Ireland, Italy, and Luxembourg.

PROCEDURE

Title	Amended proposal for a Council decision on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime	
References	8174/2006 - COM(2005)0503 – C6-0130/2006 – 2003/0197(CNS)	
Date of Parliament's position - P number	13.1.2004	P4_TA(2004)0007
Date of renewed consultation of Parliament	7.4.2006	
Committee responsible Date announced in plenary	LIBE 15.5.2006	
Committee(s) asked for opinion(s) Date announced in plenary	FEMM 15.5.2006	
Not delivering opinion(s) Date of decision(s)	FEMM 9.6.2006	
Rapporteur(s) Date appointed	Jean-Marie Cavada 1.6.2006	
Simplified procedure – date of decision	1.6.2006	
Discussed in committee		
Date adopted	19.6.2006	
Date tabled	19.6.2006	