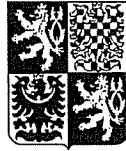


# THE PARLIAMENT OF THE CZECH REPUBLIC

## SENATE



7<sup>th</sup> term

## 256<sup>th</sup> RESOLUTION

### OF THE SENATE

delivered on the 9<sup>th</sup> meeting held on 22<sup>nd</sup> July 2009

**on Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA**

(Senate Press no. M 043/07)

#### The Senate

- I. **1. Is aware**  
of the social gravity and awfulness of trafficking in human beings that by its nature always leads to violation of fundamental rights of individuals and often also to immense human suffering;
- 2. States**  
that with regard to the cross-border nature of trafficking in human beings it is necessary to fight against it effectively both on the European and international levels of cooperation;
- II. **1. Is of the opinion**  
that there is need for definition of "*unlawful activities*" in the Article 1, paragraph 3 of the proposal, as the term appears very broad and unclear with regard to the obligation of Member States to penalize such activity, impacting on the principle of legal certainty;
- 2. Is convinced**  
that instead of general and overall non-application of sanctions according to Article 6 of the proposal, the (non-)prosecution and (non-)imposition of penalties should be based on individual assessment by the competent body as there might arise situations where these persons in a certain phase have voluntarily taken part in a criminal activity;
- 3. Recommends**

clarification of Article 8 with regard to the use of the term "*habitual residence*" as it is not commonly used in all Member States;

**4. Proposes**

with regard to the nature of the proposal to assess the possibility of prolongation of the period for adoption of necessary measures;

**III.**

**1. Requests**

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

**2. Authorizes**

the President of the Senate to forward this resolution to the European Commission.

Přemysl Sobotka  
sign manual  
President of the Senate

Rostislav Slavotínek  
sign manual  
Senate Verifier