



EUROPEAN COMMISSION

Brussels, 11 DEC. 2009
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Dear Mr Sobotka,

The Commission would like to thank the Czech Senate for its Resolution on the proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA {COM(2009)136}. Trafficking in human beings is a serious crime and a gross violation of fundamental rights of trafficked persons.

Unfortunately, the Commission does not dispose of reliable figures or assessments concerning the scale of trafficking. Although the legal definition is agreed and worldwide accepted,¹ the criteria to identify cases of trafficking are still controversial especially when means of abuse are used by traffickers.

One of the most recent developments in the modus operandi of trafficking in human beings is the increased abuse of a position of social vulnerability of the victims. This does not mean that trafficking based on extreme violence has disappeared. However, nowadays victims are often convinced to migrate with the promise of a gainful job abroad, and subsequently taken in slavery-like conditions by means of debt bondage. Abuse of a position of vulnerability is the means normally used by traffickers especially in the case of child trafficking, due to the situation of dependency of children. Children are trafficked to be exploited in prostitution, forced labour, begging, unlawful activities, and even for the removal of their organs.

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Palermo 2000. The same definition is contained in the Council of Europe Convention on Action against Trafficking in Human Beings. Warsaw 2005. A slightly different definition of trafficking is contained in the EU Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA).

Mr. Přemysl Sobotka
President of the Senate
of the Parliament of the Czech Republic

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For these reasons, anti-trafficking action at the European level should become more effective, and fully consistent with a human rights-centred approach. This is the aim of the proposal for a new Framework Decision on trafficking in human beings.

The comments of the Czech Republic Senate touch upon some crucial aspects of the proposal and give a substantial contribution to the discussion underway in the competent working group of the Council. Such comments will be taken in due consideration by the European Commission. In particular, the issues raised by the Senate concerning the definition of "unlawful activities", the scope of the provision regarding the non application of sanctions to the victim, the notion of "habitual residents" in the framework of the provision on jurisdiction, and the deadline for transposition will be further discussed during the following sessions.

I am looking forward to further developing our policy dialogue,

Yours sincerely,

Margot WALLSTRÖM
Vice-President of the European Commission