

ITALIAN CHAMBER OF DEPUTIES

COMMITTEE ON JUSTICE

**FINAL DOCUMENT PURSUANT TO RULE 127
OF THE RULES OF PROCEDURE ON**

**Proposal for a directive of the European Parliament and of the Council on
preventing and combating trafficking in human beings and protecting
victims, repealing framework decision 2002/629/JHA**

(COM(2010) 95 FINAL)

Approved 2 February 2011

The Justice Committee of the Italian Chamber of Deputies,

having examined, pursuant to Rule 127 of the Rules of Procedure of the Chamber of Deputies, the proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/GAI (COM(2010) 95 final);

having obtained the opinion of the Committee for European Union Policies with regard to subsidiarity, issued on 8 June 2010;

whereas:

the measures envisaged in the proposed Directive appear necessary and appropriate, given the alarming and growing scale of trafficking in human beings and its transnational nature;

the proposed Directive can contribute to achieving significant progress in combating the phenomenon, first because it seeks to approximate the substantive criminal law and procedural rules of the Member States on a broader basis than that provided for in Framework Decision 2002/629/JHA,

and second because it is intended to promote international cooperation between law enforcement and judicial authorities;

Article 2 of the proposed Directive contains a much broader description of the intentional acts that Member States must ensure are punishable and that description could be made more specific and detailed, also with regard to the concept of the "exchange or transfer of control" over persons, in order to reduce the possibility of excessive expansion of the scope of criminal punishability or the introduction of criminal offences that are insufficiently specified in the laws of the Member States;

the provisions establishing the possibility of ex officio prosecutions even without action on the part of the victim are to be welcomed, as are those that establish that perpetrators may be prosecuted even if they commit the offence outside the territory of the European Union;

the proposed Directive appropriately provides for measures to ensure adequate material and psychological assistance and support for victims;

expresses its approval with the following comments:

a) consideration should be given to making the definitions in Article 2 more precise and specific, in particular the concept of "exchange or transfer of control" over persons;

b) as regards the severity of penalties, in order to achieve legislative harmonization to ensure a uniform level of protection for victims of trafficking throughout the European Union, be given to introducing also a minimum term of imprisonment;

c) as regards assistance measures, consideration should be given to the possibility, as noted during the examination of the proposal by the Justice and Home Affairs Council, of including provisions specifically designed to support and protect unaccompanied child victims of trafficking in human beings;

d) consideration should be given to introducing a new article with provisions to ensure that victims of trafficking have access to existing systems for compensating victims of intentional violent crime.