



Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS



27.03.09

Trafficking in human beings

COM (2009) 136 - Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA

This proposal incorporates Framework Decision of 2002 on combating trafficking in human beings and includes new elements on the following matters:

- Substantive criminal law provisions
- Jurisdiction and prosecution
- Victims' rights in criminal proceedings
- Victim support
- Prevention
- Monitoring

This proposal approximates national legislations and penalties, makes sure that offenders are brought to justice even if they commit crimes abroad. It will allow police to use phone tapping, eavesdropping and other similar tools used to fight organised crime. Victims will receive accommodation and medical care and if necessary police protection so that they recover from their plight and are not afraid to testify against their perpetrators. They will be protected from further traumatising during criminal proceedings, deriving for example from probing questions about the experience related to their forced sexual exploitation. Victims will receive free legal aid throughout the proceedings including for the purpose of claiming financial compensation. The proposal encourages sanctions against clients of people forced to offer sexual services and against employers exploiting trafficked people. The proposal also establishes independent bodies to monitor implementation of these actions.

Sexual abuse, sexual exploitation of children and child pornography



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COM (2009) 135 - Proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

The proposed framework decision will repeal and incorporate Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography to include new elements on the following matters:

- On substantive criminal law in general
- On new criminal offences in the IT environment
- On criminal investigation and initiation of criminal proceedings
- On prosecution of offences committed abroad
- On protection of victims
- On prevention of offences

This proposal makes it easier to punish those who abuse children by providing criminal sanctions for new forms of abuse like 'grooming' - luring children through internet and abusing them, viewing child pornography without downloading files or making children pose sexually in front of webcams. "Sex tourists" travelling abroad to abuse children will face prosecution when they come home. Child victims will be able to testify without having to face the offender at court to spare them from additional trauma and will be helped by a free lawyer. Every offender should be assessed individually and have access to tailor made treatment so that they don't abuse again. The prohibitions from activities involving contact with children imposed on offenders should be effective not just in the country where they were convicted but across the EU. Systems to block access to websites containing child pornography will be developed

The above two proposals will guarantee full alignment with the highest European standards, provide better assistance for victims and tougher action against criminals responsible for child sexual abuse and trafficking. The proposals also deal with the rapidly changing technologies in the cyberspace.



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Schengen Information System

COM (2009) 133 - Report from the Commission to the Council and the European Parliament on the Development of the Second Generation Schengen Information System (SIS II) Progress Report July 2008 – December 2008

This progress report describes the work carried out by the Commission in the second semester of 2008 on the development of the second generation Schengen Information System (SIS II).

The SIS II Project is divided into three phases. Phase 1 was concerned with system design and was completed prior to this reporting period. Phase 2 deals with development and testing of the central system which has been problematic during this reporting period. Phase 3 addresses final test and migration activities from the currently used SIS 1+ to SIS II.

Judicial cooperation in the service of European families

On 19 and 20 March the European Commission, together with the Council of Notaries of the European Union, organised a symposium in Brussels on the theme of judicial cooperation in the service of European families. The symposium set out to examine the legal issues facing families because of their European dimension, the remedies already available under European law and the solutions to meet European citizens' expectations in future.

The symposium provided an opportunity to take a look at transnational problems that can occur at major stages in the life of a European citizen, for instance, the marriage of a couple holding different nationalities and living in a third Member State, the divorce of such a couple and the property implications, and the succession rules applicable to them.

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