

EUROPEAN PARLIAMENT

1999



2004

Session Document

24 February 2004

FINAL
A5-0099/2004

REPORT

on the proposal for a Council Directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subjects of an action to facilitate illegal immigration who co-operate with the competent authorities
(14432/2003 – C5-0557/2003 – 2002/0043(CNS))

(Renewed consultation)

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Patsy Sørensen

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
PROCEDURAL PAGE.....	4
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET	15
OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES.....	18

PROCEDURAL PAGE

At the sitting of 5 December 2002 the Parliament adopted its position on the proposal for a Council directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subjects of an action to facilitate illegal immigration who co-operate with the competent authorities (COM(2002) 71 – 2003/0043(CNS)).

By letter of 18 November 2003 the Council consulted the Parliament again, under Article 67 of the EC Treaty, on the draft Council directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subjects of an action to facilitate illegal immigration who co-operate with the competent authorities (14432/2003).

At the sitting of 20 November 2003 the President of Parliament announced that he had referred this proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Legal Affairs and the Internal Market and to the Committee on Women's Rights and Equal Opportunities for their opinions (C5-0557/2003).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Patsy Sørensen rapporteur at its meeting of 19 March 2002.

The committee considered the Council draft and draft report at its meetings of 2 December 2003, 22 January 2004 and 19 February 2004.

At the last meeting it adopted the draft legislative resolution by 28 votes to 1, with 1 abstention.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman), Robert J.E. Evans (vice-chairman), Johanna L.A. Boogerd-Quaak (vice-chairwoman), Patsy Sørensen (rapporteur), Mary Elizabeth Banotti, Kathalijne Maria Buitenweg (for Alima Boumediene-Thiery), Michael Cashman, Carmen Cerdeira Morterero, Gérard M.J. Deprez, Koenraad Dillen, Adeline Hazan, Marie-Thérèse Hermange (for Charlotte Cederschiöld), Margot Keßler, Timothy Kirkhope, Eva Klant, Lucio Manisco (for Ole Krarup), Luís Marinho (for Sérgio Sousa Pinto), Marjo Matikainen-Kallström (for Thierry Cornillet), Erik Meijer (for Ilka Schröder pursuant to Rule 153(2)), Elena Ornella Paciotti, Paolo Pastorelli (for Hartmut Nassauer), Hubert Pirker, Bernd Posselt, Gerhard Schmid, Olle Schmidt (for Baroness Ludford), Ole Sørensen (for Bill Newton Dunn), Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco, Christian Ulrik von Boetticher.

The opinions of the Committee on Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities are attached.

The report was tabled on 24 February 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council Directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subjects of an action to facilitate illegal immigration who co-operate with the competent authorities

(14432/2003– C5-0557/2003 – 2002/0043(CNS))

(Consultation procedure - renewed consultation)

The European Parliament,

- having regard to the Council draft (14432/2003)¹,
 - having regard to the Commission proposal to the Council (COM(2002) 71)²,
 - having regard to its position of 5 December 2002³
 - having been reconsulted by the Council pursuant to Article 67 of the EC Treaty (C5-0557/2003),
 - having regard to Rules 67 and 71(3) of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities (A5-0099/2004),
1. Approves the Council draft as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

² OJ C 216 , 28.5.2002, p. 393.

³ P5_TA(2002)0591, 05.12.2002

Amendment 1
Recital 1 (new)

(1) The European Union, in view of enlargement and its cultural affinities with its new neighbours, has an important responsibility to fight trafficking in human beings and to provide help to victims of action to facilitate illegal immigration.

Amendment 2
Recital 2 (new)

(2) Trafficking in human beings is a grave violation of human rights and should be combated actively.

Amendment 3
Recital 3 (new)

(3) With a view to the protection of third-country nationals who are victims of trafficking, Member States should conduct an assessment of the risks such persons run whether they choose to return to their country of origin or not.

Justification

Since the most critical aspect of this Directive concerns the securing of the co-operation of victims the protection as well as assistance to victims is the key to the effectiveness of the Directive.

Amendment 4
Recital 4 (new)

(4) With a view to enabling victims to overcome their dependence and ensuring that they do not re-establish contact with the criminal network responsible for their plight, Member States may arrange for victims who have been issued with such a

residence permit to take part in programmes to foster their integration into society or to prepare them for a return to their home countries.

Justification

The directive provides for the issuing of residence permits to the victims of trafficking in human beings or of actions to promote illegal immigration - a sufficient incentive to cooperate with the competent authorities.

Amendment 5
Recital 5 (new)

(5) The Council, the Commission and the European Parliament consider the Brussels Declaration on Preventing and Combating Trafficking in Human Beings as the primary reference text for the further development of anti-trafficking policy at European level; this Directive falls within the scope and is in line with the ambitions of that document.

Justification

It is important to underline that this Directive should be understood in the context of the ambitions of the Brussels Declaration.

Amendment 6
Article 4

This Directive shall be without prejudice to the protection extended to refugees, to beneficiaries of subsidiary protection and persons seeking international protection under international refugee law and without prejudice to other human rights instruments, such as the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Justification

Reinstates Amendment 15 from Parliament's resolution A5-0397/2002. (In the Council draft, the text of Article 4 of the Commission proposal was moved to the recitals).

Amendment 7 Article 6

This directive shall not prevent Member States from adopting or maintaining more favourable provisions for the persons covered by this Directive.

This Directive shall not prevent Member States from adopting or maintaining more favourable provisions for the persons covered by this Directive, ***including minors who have fallen victim to trafficking in human beings or to actions to facilitate illegal immigration.***

Amendment 8 Article 7

When the competent authorities of the Member States take the view that a third-country national may fall into the scope of this Directive, they shall inform him/her of the possibilities offered under this Directive.

When the competent authorities of the Member States take the view that a third-country national may fall into the scope of this Directive, they shall inform him/her of the possibilities offered under this Directive ***in a language which he/she understands.***

Justification

It is important that victims should be able to understand clearly what is involved in the possibility of obtaining a short-term residence permit and the conditions under which it may be issued.

Amendment 9 Article 8, paragraph 1, subparagraph 2

The duration ***and starting point*** of the period ***referred to in the first subparagraph shall be determined according to national law.***

The duration of ***this*** period ***shall be 30 days from the time when the third-country national breaks off all relations with the suspected of the offences referred to in Article 2(b) and (c).***

Amendment 10
Article 8, subparagraph 2 a (new)

2a. The reflection period shall be extended in exceptional cases such as physical or psychological distress or for reasons relating to the safety of third parties.

Amendment 11
Article 9, paragraph 1

(1) Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. They shall attend to the special needs of the most vulnerable, including, where appropriate ***and if provided by national law***, psychological assistance.

Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. They shall attend to the special needs of the most vulnerable, ***such as pregnant women, victims of sexual and other forms of violence, disabled persons and, insofar as Member States make use of the possibility provided for in Article 3(3), minors***, including, where appropriate and if provided by national law, psychological assistance.

Amendment 12
Article 9, paragraph 3, subparagraph 2

Member States ***may*** provide the third-country nationals concerned with free legal aid, ***if established and*** under the conditions set by national law.

Member States ***shall*** provide the third-country nationals concerned with free legal aid, under the conditions set by national law.

Justification

Failure to provide free legal aid seriously risks jeopardising the successful use of the Directive since it would offer insufficient incentive for the victim to cooperate. Free legal aid enhances successful co-operation of the victim, who in most cases have little or no financial means of their own.

Amendment 13
Article 9, paragraph 3 subparagraph 2a (new)

Member States shall ensure the effective availability of the third-country national

to cooperate with the competent authorities for the duration of the residence permit.

Justification

Since the purpose of the Directive is to encourage successful cooperation between the victim and the competent authorities, the availability of the victim for the duration of the residence permit should be ensured.

Amendment 14
Article 10, paragraph 2 a (new)

2a. When issuing a residence permit, the Member States shall consider issuing family members accompanying the victim a residence permit for the same limited period.

Justification

Reinstates the part of Amendment 25 from Parliament's resolution A5-0397/2002 which relates to Article 10(4).

Amendment 15
Article 10, paragraph 2 b (new)

2b. The absence of papers or possession of false papers shall not constitute obstacles to the issuing and renewal of a residence permit.

Justification

It very often happens that victims of illegal immigration or of trafficking in human beings have no identity documents or have been given false ones. This state of affairs should not constitute an obstacle to their situation being taken into account and to their being issued with a residence permit.

Amendment 16
Article 12, paragraph 1

1. Member States shall define the rules under which holders of the residence

1. Member States shall define the rules under which holders of the residence

permit shall be authorised to have access to the labour market, to vocational training and education.

permit shall be authorised to have access to the labour market, to vocational **and language** training and education.

Justification

In order to integrate well into the training system, the labour market and education, it is essential that holders of short-term residence permits should have access to language training.

Amendment 17
Article 13 a (new)

Article 13a

Court proceedings

Member States shall protect the privacy and identity of persons who take part in court proceedings and shall guarantee, in particular, that such proceedings are not held in public.

Justification

Persons who act as witnesses in court proceedings above all have the right to be protected against intimidation and/or reprisals. The confidentiality of such proceedings represents a basic precaution.

Amendment 18
Article 14, point (c) a (new)

(ca) In addition, Member States shall ensure that unaccompanied minors are accommodated on the basis of arrangements in the following order of preference:

- with adult relatives;***
- with a foster family;***
- in institutions which specialise in accommodating minors;***
- in other forms of accommodation suitable for minors.***

Justification

Consideration must also be given to accommodating victims who are minors.

Amendment 19
Article 16, paragraph 1

1. The residence permit issued on the basis of this Directive shall not be renewed ***if the conditions of Article 10(2) cease to be satisfied or if a decision adopted by the competent authorities has terminated the relevant proceedings.***

1. The residence permit issued on the basis of this Directive shall not be renewed ***in the following cases:***

(a) where it is no longer necessary for the purpose of the investigation or of the judicial proceedings to prolong the stay of the third-country national concerned, or

(b) where a decision of the competent authorities concludes the proceedings.

Amendment 20
Article 16, paragraph 2

2. When the residence permit issued on the basis of this Directive expires ordinary aliens law shall apply.

2. When the residence permit issued on the basis of this Directive expires ordinary aliens law shall apply. ***If the third-country national concerned submits an application for another type of residence permit, and without prejudice to the relevant rules of ordinary aliens law, Member States shall take into account their cooperation when considering their application.***

Justification

In order to clarify the difference between non-renewal and withdrawal – the latter having the form of a sanction.

Amendment 21
Article 17, points (a) to (e)

(a) if the holder has actively, voluntarily and in his/her own initiative renewed contacts with those concerned of

(a) for reasons relating to the protection of public policy and public security, or

contacts with those suspected of committing the offences in question, or

(b) if the competent authority believes that the victim's co-operation or complaint is fraudulent or wrongful, or

(c) for reasons relating to public policy and to the protection of national security, or

(d) when the victim ceases to cooperate;

(e) when the competent authorities decide to dismiss the case.

(b) when the victim ceases to cooperate, or

(c) if the holder has renewed contacts with those suspected of committing the offences in question, or

(d) if the competent authority believes that the victim's cooperation or complaint is fraudulent or wrongful.

Justification

In order to clarify the difference between non-renewal and withdrawal – the latter having the form of a sanction.

Amendment 22

Article 17, paragraph 1 a (new)

Should they decide not to renew or to withdraw a third-country national's residence permit, the competent authorities shall assess the risks to that person's safety regardless of whether or not he or she intends voluntarily to return.

Justification

To enhance the successful use of the Directive and thus of the cooperation of the victim a risk assessment of either voluntary return possibilities or the safety of the victim under a different residence permit must be made.

Amendment 23

Article 17, paragraph 1 b (new)

A decision taken by the competent authorities not to renew a third-country national's residence permit or to withdraw it may be the subject of an appeal to a court.

Justification

Since both decisions usually have far-reaching consequences for the persons concerned and, more importantly, since it will strengthen the trust of the victim in the competent authorities in view of potential cooperation the possibility to appeal these decisions is very important.

19 February 2004

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subjects of an action to facilitate illegal immigration who cooperate with the competent authorities

(14432/2003 – C5-0557/2003 – 2002/0043(CNS))

(Renewed consultation)

Draftsman: Ioannis Koukiadis

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Ioannis Koukiadis draftsman at its meeting of 1 December 2003.

It considered the draft opinion at its meetings of 27 January 2004 and 18 February 2004.

At the latter meeting it adopted the following amendments by 15 votes, with 1 abstention.

The following were present for the vote: Ioannis Koukiadis (vice-chairman and draftsman), Bill Miller (vice-chairman), Maria Berger, Ward Beysen, Bert Doorn, Janelly Fourtou, Marie-Françoise Garaud, Evelyne Gebhardt, José María Gil-Robles Gil-Delgado, Malcolm Harbour, Kurt Lechner, Klaus-Heiner Lehne, Manuel Medina Ortega, Elena Ornella Paciotti (for Carlos Candal), Ian Twinn (for Marianne L.P. Thyssen), Joachim Wuermeling.

SHORT JUSTIFICATION

The case-law of the European Court of Justice¹ requires the Council to reconsult Parliament further to any substantial changes it intends to make to the Commission's original proposal, particularly to Article 3.

The Council intends to amend the wording of the directive following some amendments by Parliament in its original resolution of 5 December 2002². For this reason the draftsman is now confining himself to proposing just two amendments. These are two amendments by Parliament which the Council has not incorporated in its recent text, 14432/03.

One concerns the reinstatement of Article 4, the safeguard clause, which the Council has deleted. In its resolution of 5 December 2002 Parliament proposed making explicit reference to the Charter of fundamental rights of the EU of 7 December 2000 and to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 giving additional protection at both international and constitutional level to the persons concerned. In view of the Council's frequent practice of not including recitals in such texts it is impossible to tell at this stage of renewed consultation whether the intention to transfer the content of Article 4 to the recitals³ will be satisfactory.

The other concerns the reintroduction of an amendment giving Member States the opportunity, if they so wish, to issue a limited residence permit for family members accompanying the victim (Article 10, para.2a (new)).

AMENDMENTS

The Committee on Legal Affairs and the Internal Market calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Council text⁴

Amendments by Parliament

Amendment 1
Article 4

deleted

Safeguard clause

This Directive shall be without prejudice to the protection extended to refugees, to beneficiaries of subsidiary protection and

¹ Judgment of 16 July 1992 in Case C-65/90, *Parliament v Council*; judgment of 10 June 1997 in Case C-392/95, *Parliament v Council*.

² A5-397/2002.

³ Council document 14432/03, footnote 1, p. 4.

⁴ Not yet published in OJ.

persons seeking international protection under international refugee law and without prejudice to other human rights instruments, such as, in particular, the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Justification

Reinstates Amendment 15 to Article 4 in A5-0397/2002.

Amendment 2
Article 10, paragraph 2 a (new)

2a. When granting a residence permit, the Member States shall consider granting family members accompanying the victim a residence permit limited to this period.

Justification

Reinstates Amendment 25 to Article 10(4) in A5-0397/2002.

18 February 2004

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subjects of an action to facilitate illegal immigration who cooperate with the competent authorities

(14432/2003 – C5-0557/2003 – 2002/0043(CNS))

(Repeat consultation)

Draftswoman: Marialiese Flemming

PROCEDURE

At its meeting of 4 December 2003 the Committee on Women's Rights and Equal Opportunities appointed Marialiese Flemming draftswoman.

It considered the draft opinion at its meetings of 20 January and 18 February 2004.

At the latter meeting it adopted the following amendments unanimously.

The following were present for the vote: Anna Karamanou (chairwoman), Marianne Eriksson (vice-chairwoman), Marialiese Flemming (draftswoman, represented by Ria G.H.C. Oomen-Ruijten), Regina Bastos, Lone Dybkjær, Marie-Hélène Gillig (for Christa Prets), Koldo Gorostiaga Atxalandabaso, Lissy Gröner, Mary Honeyball, Rodi Kratsa-Tsagaropoulou, Miet Smet, Patsy Sørensen, Joke Swiebel, Elena Valenciano Martínez-Orozco and Anne E.M. Van Lancker (for Olga Zrihen Zaari)

SHORT JUSTIFICATION

In February 2002 the Council consulted Parliament on the proposal for a Council directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities. On 5 December 2002 Parliament adopted a resolution on that subject.

On 13 November 2003 the Council reached a political agreement amending key points of the original Commission proposal.

Given that substantial changes had been made to the Commission proposal, the Council decided to consult Parliament once again.

The aim of the proposal for a directive is to combat illegal immigration involving gangs of smugglers acting on non-humanitarian grounds and exploitation in the form of trafficking in human beings. With that aim in view, victims of actions to facilitate illegal immigration and trafficking in human beings who cooperate with the competent authorities are to be granted a short-term residence permit.

According to a study carried out by the German Federal Office of Criminal Investigation, a total of 926 victims of trafficking in human beings were registered in the Federal Republic of Germany in 2000. Of these 926, 81.5% were nationals of a Central or Eastern European country and all were women. Your draftswoman is therefore advocating the incorporation into the proposal of two recitals which highlight this problem.

In the text on which political agreement has been reached the Council proposes that victims of actions to facilitate illegal immigration and trafficking in human beings should be granted a reflection period to enable them to recover and escape the influence of the perpetrators of the offences in question. It is left to the Member States to determine the precise duration of that reflection period. With a view to laying down a uniform reflection period applicable in all the Member States, your draftswoman is suggesting a period of 30 days from the point at which the third-country national breaks off all contact with the perpetrators. Leaving the decision as to the precise duration of the reflection period entirely to the discretion of national authorities would seem to be a step too far. At the same time, too long a reflection period would not be compatible with the aim of the directive, namely the speediest possible identification and arrest of the perpetrators of the offences involved.

Pregnant women, victims of sexual or other forms of violence, disabled persons and minors are particularly vulnerable. It is very important that particular account should already be taken of the needs of such persons during the reflection period, i.e. prior to the issue of the residence permit. This point is not made with sufficient force in the Council text, so that a clarification is required.

Your draftswoman is proposing that victims who are unaccompanied minors should be provided with accommodation in the following descending order of suitability: with adult relatives, with a foster family, in institutions specialising in the accommodation of minors, and in other forms of accommodation suitable for minors.

The testimony given by victims of trafficking in human beings is vital to criminal investigations and proceedings. However, persons who act as witnesses in court proceedings and/or their relatives who have remained in their countries of origin are often subject to intimidation or even reprisals by the perpetrators of the offences in question. Member States must therefore protect the privacy of persons taking part in court proceedings and must guarantee that those proceedings take place *in camera*.

The aim of the directive is to introduce a short-term residence permit for those victims of trafficking in human beings or actions to facilitate illegal immigration who cooperate with the authorities. The ultimate objective is to ensure that the perpetrators of such offences are arrested and that there is no further increase in the frequency with which such crimes are committed.

Your draftsman takes the view that the residence permit in itself provides a sufficient incentive to cooperate with the competent authorities. The third-country nationals in question are not only provided with the necessities of life and the medical treatment - including psychological counselling - they may urgently require. In addition, such persons are to be granted access to existing programmes or measures designed to prepare them for a normal life in society or for their return to their country of origin.

AMENDMENTS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the committee responsible, to incorporate the following amendments in its report:

Council text¹

Amendments by Parliament

Amendment 1
Recital 1 (new)

(1) The overwhelming majority of the victims are women. Well over half the victims of trafficking in human beings are aged below 25 and three quarters are aged below 30. In addition, more than half the registered victims of trafficking in human beings are exploited as prostitutes.

Amendment 2
Recital 2 (new)

(2) More than half the victims rescued

¹ Not yet published in OJ.

come from Central and Eastern Europe. In view of the geographical closeness of and its cultural links with that region, and looking ahead to enlargement, the EU has a particular responsibility towards such victims.

Amendment 3
Recital 3 (new)

(3) With a view to enabling victims to overcome their dependence and ensuring that they do not re-establish contact with the criminal network responsible for their plight, Member States may arrange for victims who have been issued with such a residence permit to take part in programmes to foster their integration into society or to prepare them for a return to their home countries.

Justification

The proposal for a directive provides for the issuing of residence permits to the victims of trafficking in human beings or of actions to promote illegal immigration - a sufficient incentive to cooperate with the competent authorities.

Amendment 4
Article 8, paragraph 1

(1) Member States shall ensure that the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities.

The duration *and starting point* of the period *referred to in the first subparagraph* shall be *determined according to national law*.

(1) Member States shall ensure that the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities.

The duration of the *reflection* period *shall be 30 days from the point at which the third-country national breaks off all relations with the alleged perpetrators of the offences referred to in Article 2, points (b) and (c)*.

Amendment 5
Article 9, paragraph 1

(1) Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. They shall attend to the special needs of the most vulnerable, including, where appropriate ***and if provided by national law***, psychological assistance.

Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. They shall attend to the special needs of the most vulnerable, ***such as pregnant women, victims of sexual and other forms of violence, disabled persons and, insofar as Member States make use of the possibility provided for in Article 3(3), minors***, including, where appropriate and if provided by national law, psychological assistance.

Amendment 6
Article 13 a (new)

Article 13a

Court proceedings

Member States shall protect the privacy and identity of persons who take part in court proceedings and shall guarantee, in particular, that such proceedings are not held in public.

Justification

Persons who act as witnesses in court proceedings above all have the right to be protected against intimidation and/or reprisals. The confidentiality of such proceedings represents a basic precaution.

Amendment 7
Article 14, point (c a) (new)

(ca) In addition, Member States shall ensure that unaccompanied minors are accommodated on the basis of arrangements in the following order of preference:
- with adult relatives;

- *with a foster family;*
- *in institutions which specialise in accommodating minors;*
- *in other forms of accommodation suitable for minors.*

Justification

Consideration must also be given to accommodating victims who are minors.