

18 October 2021

European Day against trafficking in human beings

Access to rights and protection for all trafficked persons through adequate implementation of the current legislative framework

Currently much efforts are taken to evaluate anti-trafficking and related legislation and debates about the need for revision of international legislation or additional legislation is ongoing. At EU level the European Commission has launched public consultations and road maps to evaluate the EU Trafficking Directive of 2011 as well as review the 2011 Victim Rights Directive. Recently, the implementation of the Employers Sanctions Directive was assessed and a communication report has been published by the Commission. While GRETA continues to evaluate how CoE States comply with the Convention on action against trafficking in human beings, this year at UN level, the Review of the Implementation of the UN Convention against Transnational Organized Crime and the Protocols thereto, has started. All these reviews show so far that major gaps remain in implementation of legal provisions to ensure trafficked persons rights.

La Strada International, European NGO Platform against trafficking in human beings, uniting 30 anti-trafficking NGOs in 24 European countries, supports the efforts for assessment and review of the implementation of the legislative framework, even though we know for long quite well what is happening on the ground. Our members daily report that trafficked persons do not get the assistance and support they are entitled to, according the legislative framework in place.

According international legislation, victims of human trafficking must be formally identified, receive a recovery and reflection period for at least 30 days and regardless of whether victims are prepared to cooperate with the criminal investigation or act as a witness, they are entitled to appropriate and secure accommodation, at least temporary. Trafficked persons are also entitled to information regarding their rights, have the right to legal assistance and to free legal aid (under specific conditions), residence permits and the protection of private life and identity as well as protection during investigations and court procedures. Victims of trafficking should further have access to financial compensation and victims' return has to take place with due regard for their rights, safety and dignity, while upon return, they must be offered reintegration assistance.

We note that still many trafficked persons are not (formally) identified; not offered the reflection and recovery period or do not receive a temporary residence permit. Those with a 'Dublin claim' are sometimes even told to report the crime, after their return to the EU country of entry. Many trafficked persons do still not receive adequate assistance and support. Information is lacking and not structurally provided to (potential) trafficked persons and workers at risk, neither are safeguards in place for them to safely report when in undocumented situations or irregular work. We also see that victims are still punished for crimes committed as a direct result of their trafficking situation.

Therefore today, on the EU day against Trafficking in Human Beings, we call for:

- 1. Prompt adequate implementation of the current legislative framework** to ensure real access to rights and protection for all trafficked persons.
- 2. Recognition for civil society and its monitoring work** including for the services provided by civil society to trafficked persons and related vulnerable groups.
- 3. Inclusion of workers and trafficked and exploited persons** in policy making and the review of current legislation.