

18 October 2021

European Day Against Trafficking in Human Beings

Ensuring access to rights and protection for all trafficked persons, through *full implementation* of legislation

Significant effort is underway to evaluate the status of current anti-trafficking and related legislation, and debates are on-going around the need to revise or expand this body of law. At the EU level, the European Commission has launched public consultations and roadmaps [to evaluate the EU Trafficking Directive of 2011](#), as well as to review the [2011 Victim Rights Directive](#). The Commission recently assessed the implementation of the Employers Sanctions Directive and published a [report \(communication\)](#) on its findings. Alongside GRETA's work to evaluate CoE States' compliance with the Convention on action against trafficking in human beings, this year the UN also began its Review of the Implementation of the UN Convention against Transnational Organized Crime and the Protocols. These efforts so far reveal that major gaps remain in implementation of legal provisions to ensure the rights of trafficked persons.

La Strada International, European NGO Platform against trafficking in human beings, unites 30 anti-trafficking NGOs in 24 European countries. We support the efforts outlined above to assess and review the implementation of the current legislative frameworks, although we emphasise that the realities of what is happening 'on the ground' are already well known to us. Our members report daily that trafficked persons continue to lack the assistance and support to which they are entitled under current legislative frameworks.

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

We are acutely aware that many trafficked persons are not (formally) identified; are not offered the reflection and recovery period to which they are entitled; nor do they receive a temporary residence permit. Those with a 'Dublin claim' are sometimes even instructed to report the crime after their return to the EU country of their entry. Information provided to victims is lacking and is not provided on a systemic basis to (potential) trafficked persons and workers at risk, nor are safeguards in place for victims of potential victims to safely report when they are in undocumented situations or irregular work. We also know that victims are still often punished for crimes committed as a direct result of their trafficking situation.

Therefore, on today's European Day Against Trafficking in Human Beings, we call for the following urgent actions:

- 1. Prompt and full implementation of the current legislative framework, to ensure genuine access to rights and protections for all trafficked persons.**
- 2. Recognition of the efforts of civil society and its critical monitoring activities, including the services provided by civil society to trafficked persons and related vulnerable groups.**
- 3. Stronger inclusion of workers, trafficked persons and exploited persons in policy making and the review of current legislation.**