

As International Coordinator of La Strada International – European Platform against trafficking in Human Beings – I would like to call for a **human rights based approach** to ensure that victims of trafficking have access to protection and support, regardless of whether they **cooperate with the authorities** and regardless of their **residence status**.

All over Europe, assistance and protection are still made dependent upon reporting the crime and to victims' participation in legal proceedings; as well as the **initiation of an investigation, continuation of a prosecution** and or a successful prosecution of perpetrators and if it is **qualified as human trafficking**.

Even if victims **are able and willing** to make a complaint and **press charges** and also **cooperate with the authorities**, they risk having no access to protection and support beyond the reflection period, just because a criminal procedure has not started or is being dismissed or the crime of human trafficking could not be proven, while there are clear indications that the person has been severely exploited.

As a result many victims can only receive assistance if civil society actors or others provide them with support, while they have **no access to compensation or remedy, regular/declared employment and inclusion** and are at risk of detention and deportation or risk to be punished for offenses, they have compelled to commit as a victim.

Compensation and the recovery of unpaid wages are **crucial aspects of access to justice** for victims of severe exploitation. Compensation serves as an instrument of restorative justice and of prevention of further exploitation. It is also a **recognition** of the **violation of their rights**, the **damages** they have suffered and the **wages** they are owed. Despite international legal standards to which European countries generally comply, a number of **legal, procedural, financial and practical barriers** hinder the access of trafficked and exploited persons to effective remedies and compensation.

If victims are not able to cooperate with the authorities they do not have access to **free legal support** and it is extremely difficult to claim compensation via a **criminal or civil court procedures**; due to the risks this would entail. These victims are often also **excluded** from access to state compensation.

To conclude, the criminal justice framework **harms the rights** of trafficked persons and related vulnerable groups. Moreover, the current scope is **far too limited** to deal with the complexity of trafficking in human beings. Furthermore, as long as no guarantees can be given that victims will receive assistance and a secure residence status, when cooperating with the authorities, victims are not able and neither encouraged to cooperate. With the risk that they investigations and prosecution continue to fails and many perpetrators of human trafficking and other severe forms of labour exploitation remain unpunished.