

Vienna, 1 July 2022

Statement Constructive Dialogue on TiP

Isabella Chen, (LEFÖ – IBF)

Today I am speaking on behalf of LEFÖ-IBF, the only recognized victim protection organisation in Austria assisting trafficked women and girls from the age of 15. Our holistic services include secure accommodation, psychosocial and legal victim assistance services and prevention efforts such as online outreach work. LEFÖ-IBF is member of the European NGO Platform La Strada International and the Global Alliance Against Traffic in Women (GAATW).

For this first Constructive Dialogue, I'd like to highlight the importance of a victim-centred and human rights based approach to "Criminalization and Jurisdiction".

Trafficked persons have a right to effective and appropriate legal remedies. Remedies, or more specifically, reparation, consist of a wide range of measures including **restitution, compensation,¹ rehabilitation, satisfaction and guarantees of non-repetition.²** The States' obligation to protection must be unconditional in order to ensure that the above-mentioned rights are respected and accessible to victims. When reviewing the State's ability to fulfil its **obligations to effectively investigate, prosecute and adjudicate** human trafficking it is crucial to understand the **linkage** between access to unconditional assistance and a comprehensive and effective implementation of protection.

Therefore, we propose:

- To put the needs of trafficked persons in the centre, to allow trafficked persons to make informed decision on the cooperation with competent authorities without time pressure, by strengthening the access to a residence permit for trafficked persons independent of an investigation or legal proceeding.
- To provide legal aid and representation for the whole duration of criminal, civil and/or administrative proceedings, including pre- and post-trial: from the first interview, and trial to the eventual execution of the compensation award.
- To encourage the Judiciary to motivate their decisions concerning victims' compensation claims, including with regard to the amount and type of damages awarded; this is key to ensure the victims' right to information and to inform their and other victims' decisions on future proceedings.

¹ Efforts to improve access to remedies for trafficked persons often focus on compensation. As per Art 6.6 UN Trafficking Protocol at the very least, States are required to ensure that their domestic legal systems contain measures that offer victims of trafficking the possibility of obtaining compensation for damage suffered. This is one of the very few mandatory victim protection provisions of the Trafficking Protocol. See also Art 25.2 Organized Crime Convention.

² See UNGA (2005), Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147. For a detailed examination of the right to effective remedies for victims of trafficking in persons under international law, see ICAT (2016), Providing Effective Remedies for Victims of Trafficking in Persons, Issue Paper.

LEFÖ-IBF Interventionsstelle für Betroffene des Frauenhandels

Lederergasse 35/12-15, 1080 Wien

Tel: +43 (0)1-79 69 298 | Fax: +43 (0)1-79 69 298-21

E-mail: ibf@lefoe.at | Web: www.lefoe.at
