

Ensure effective protection of victims Rights in Europe

Today it is EU Victim Rights Day. Every year more than 75 million people across Europe become victims of crime. Around 7000 victims of human trafficking are annually reported across the EU.

La Strada International is a European NGO Platform against Trafficking in Human Beings, of which members work a grass roots level and are assisting a large portion of identified trafficked people in Europe. Through our direct assistance and prevention work, we monitor the situation on the ground and the implementation of legislation in practice.

We welcome the current negotiations around new and existing EU legislation to promote victims' rights. The revisions of the EU Anti-Trafficking Directive; the EU Victim Rights Directive and the proposal for a Directive on Violence against Women/Domestic Violence are excellent and timely opportunities to strengthen victims' rights in Europe. Evaluation reports are clear: EU law is not adequately implemented and victims lack rights.

EU Member States have the responsibility to offer effective protection to victims of crime under international human rights obligations and EU law. We therefore urge the members of the European Council and the European Parliament to propose clear and binding measures to strengthen victims' rights and to remove existing legal and practical obstacles, that currently prevent the adequate identification, protection of and support to victims of crime. We demand clear guidance and commitment by EU Member States to enforce EU law and ensure that victim rights can be effectively applied in practice.

Our recommendations

- 1. Ensure that all victims of crime can have access to support.** This support should not be tied to criminal justice systems and conditioned on cooperating with the authorities. There should be alternative pathways offering protection and support based on personal grounds and victimhood.
- 2. Strengthen specialised support services.** Victims need access to appropriate and safe accommodation, medical treatment including psychological assistance and trauma care, counselling and information and access to remedy.
- 3. Enhance victim's access to residence.** Ensure that victims have the possibility to obtain residence on personal and humanitarian grounds. A regular residence status is essential to enable victims to claim and exercise their rights and it allows non-EU citizens to have equal access to victim rights.
- 4. Improve outreach to victims.** Ensure that those fleeing wars and conflict, those working in irregular sectors or with an irregular status are reached and have access to information on their rights and can safely report crime. Hence, safe reporting mechanisms and complaints mechanisms are crucial, including a clear firewall between labour inspection and immigration enforcement activities. The establishment of such mechanisms will prevent crimes and enhance the identification of victims of crime.

5. **Establish adequate referral structures** at national and international level and ensure these are not (mis)used as a vehicle for victim return, including an increase of Dublin returns. It should no longer be possible to detain or deport victims of crime.
6. **Commit to data protection and privacy rules.** Ensure that plans for EU wide databases and extending mandates of law enforcement are carefully monitored on data protection and privacy rules. Increased surveillance and data collection should not negatively impact people' rights.
7. **Involve civil society and stop the shrinking space.** Legislation should reflect the need for involvement of civil society expert organisations in the identification, referral and assistance of victims of crime, as well as the development of national and international referral mechanisms and specialised structures.
8. **Ensure non-punishment of victims** – oblige states legally to apply the non-punishment principle as early as possible and to discontinue any proceedings or measures implying restrictions of victims' rights. The non-punishment principle should apply to criminal, civil, administrative and immigration offences, regardless of the gravity or seriousness of the offences committed.
9. **Strengthen victims' access to remedy** - Victims should be able to claim compensation for damages, including material and moral damages, medical expenses and expenses afforded for legal assistance or participation in criminal procedures. Ensure that compensation schemes are in place; that assets recovered from crimes and administrative fines are used to compensate victims of crime and consider advance payments.
10. **Enhance access to legal aid and support.** Provide specialised legal support to victims before and during legal procedures, including for claiming compensation and execution of awarded compensation. Financial barriers to access legal aid should be lifted. Authorities should keep victims updated on the progress of legal procedures including providing more explanation for reasons of non-investigation, dismissal of cases or non-prosecution of perpetrators.
11. **Make sure that those responsible for the crime are held accountable.** Stop conflating human trafficking with prostitution, smuggling, irregular migration or irregular work. Ensure that those that intend to exploit persons, are responsible for, or gain financial profit from exploitation are held accountable.
12. **Do no harm.** Ensure that EU law and other measures will not negatively affect the rights of victims of crime or the rights of other people. Commit to regular assessments to review measures on its impact on victims and related vulnerable groups.

Make sure that the rights of victims of human trafficking in Europe are guaranteed by law and in practice.