

Time to *Really* Apply the Non-Punishment Principle for Human Trafficking Victims

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World Day Against Trafficking in Persons 2024

To mark World Anti-Trafficking Day, La Strada International (LSI) has released a practical case-assessment report on the application of the non-punishment principle to human trafficking. The report looks at 28 cases from across eleven European countries to analyse how far national stakeholders are *really* applying the principle. The results paint a bleak picture.

The non-punishment principle aims to protect human trafficking victims by ensuring they aren't penalised for crimes committed due to being trafficked. It also aims to protect them from further harm and offer them assistance. But the principle is rarely applied in practice, despite legally-binding standards on non-punishment at the international and European level, along with the adoption of specific legislation in several countries. At LSI we continue to observe a variety of (often competing) interpretations of standards and legislation, a general lack of awareness among legal professionals about what they entail, and a number of serious shortcomings in their implementation.

For example, there are many cases that fail to reach the relevant specialised actors (such as legal professionals and anti-trafficking NGOs), meaning that victims remain unidentified and are often punished for criminal acts they were forced to commit by their traffickers. Our report illustrates that even when specialised NGOs are involved, the application of the non-punishment principle is weak. Indeed, our analysis found that only eight out of 28 cases successfully applied the principle; in only two of the eight the principle was applied at first contact with the authorities, with only one out of the two resulting **in the correct application of the principle**.

Four cases involved children, and some cases involved persons who were trafficked as minors but were identified as victims only long after they reached adulthood. In such cases, victims are often denied their rights and are seen by the authorities as perpetrators. This experience leads to severe traumatization, with long-term and far-reaching consequences when it comes to their future development and mental and physical health.

We say it's time to *really* apply the non-punishment principle for human trafficking victims. It should apply to *every single* civil, administrative, or criminal offence. The amended EU Trafficking Directive now extends the application of the principle to areas beyond criminal activity, which is a positive development. But this isn't enough. There must be a clear and unambiguous obligation for States to adopt specific penal provisions and prosecutorial guidelines to ensure the principle is interpreted and applied properly. Its application must be unconditional and unequivocal, and independent of victims' desire or ability to cooperate with criminal investigations, prosecutions, and trials. Where relevant, criminal records and fines should be cleared.

We call on all stakeholders to intensify their support for human trafficking victims by fostering even stronger cross-sector collaborations and ensuring that everyone involved in combatting human trafficking understands how to correctly interpret and apply the principle.¹

[Download report](#)

¹ For more information on the Non-Punishment Principle, our [Explanatory Brief](#) is available in multiple languages.