# Countering Trafficking in Human Beings, Protecting Victims and Enhancing Financial Investigations

*Providing better access to and realise the rights for victims of THB: an analysis of the EU Victims' Rights Package and the way forward to ensure that victims are identified and treated as "rights holders"*

Trier | December 2018

# THB  Victims' rights package

**international standards**

- Convention on the Elimination of all Forms of Discrimination Against Women
- Convention on the Rights of the Child
- ILO Forced Labour Convention and ILO Worst Forms of Child Labour Convention
- Convention Against Transnational Organised Crime
- Protocol to Prevent, Supress and Punish Trafficking in Persons, Especially Women and Children

**THB** **Victims' rights package**

Council of Europe Convention on Action against Trafficking in human Beings

Council Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims
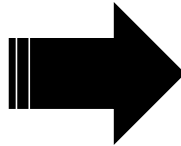
**EU victim's rights package**

Council Directive 2011/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime

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# trafficking in human beings

**most victims are never identified** → most victims don't access the assistance and protection they are entitled to



**Trafficking in human beings is the largest and fastest growing criminal industry in the world.**

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# **trafficking in human beings**

complex characteristics of the crime

probative demand

lack of sensitivity of legal practitioners

restrictive interpretation of the law

lack of consideration for the characteristics and particularities of THB cases – e.g. effectiveness of coercion methods; victims' psychological condition

low number of identified cases and low number of convictions

# trafficking in human beings

Correct identification of victims of Human Trafficking at an early stage is the first step towards making sure they are treated as rights holders and effectively exercise their rights
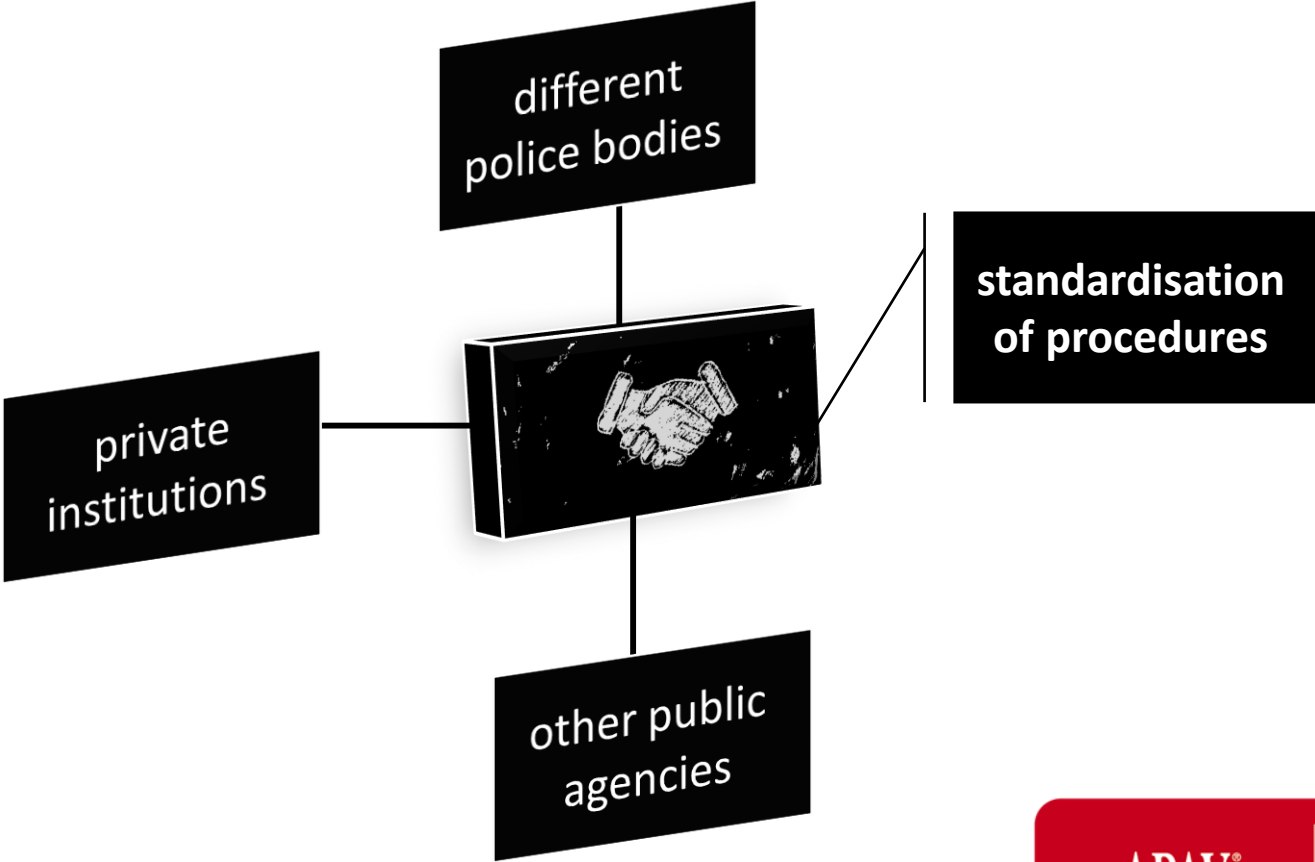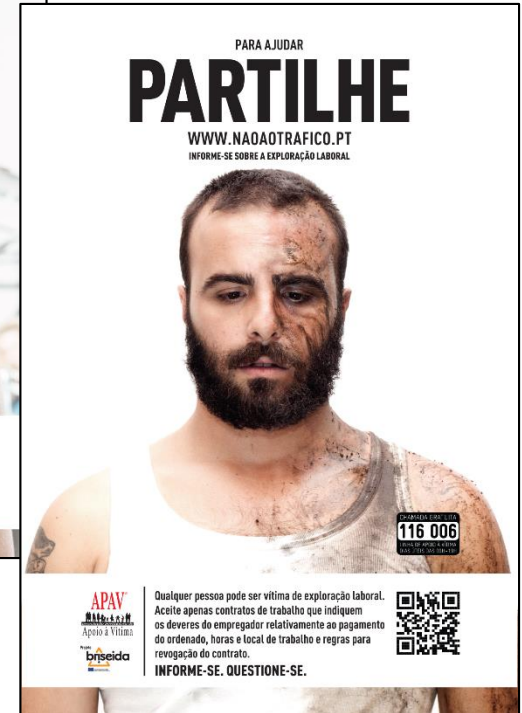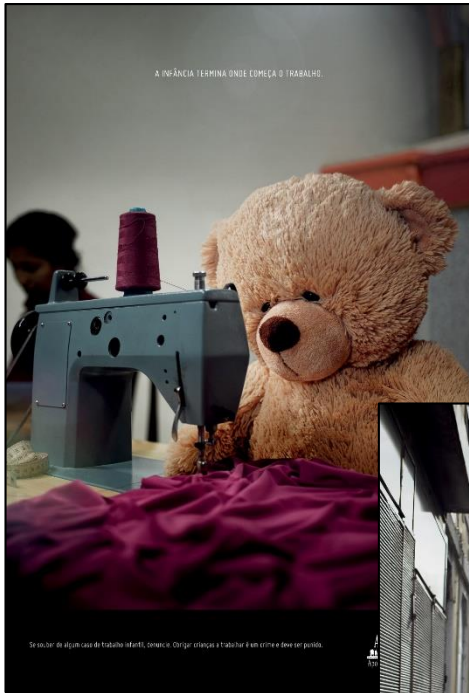
**it is thus essential to**

invest in training of professionals who have responsibilities in this area
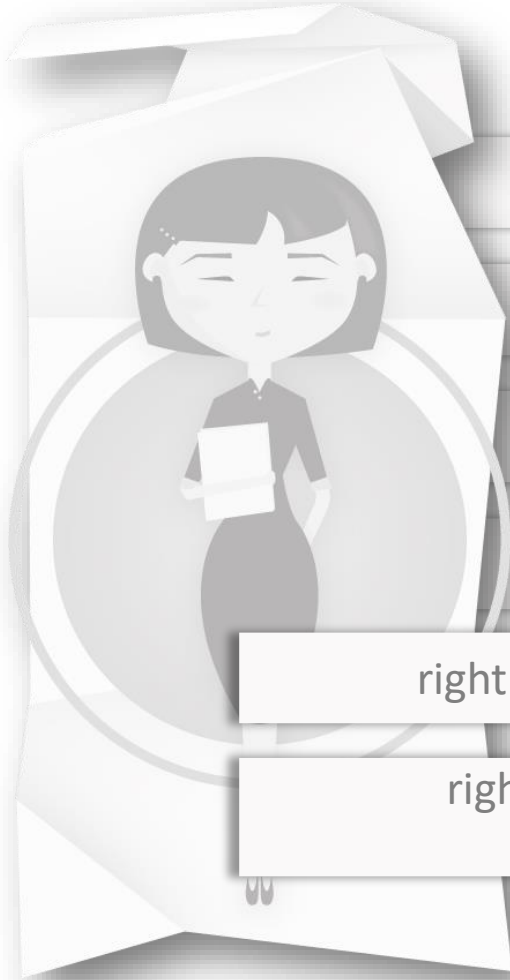
involve other actors that are not usually called upon

local/municipal government officials

healthcare staff

social workers

public offices and services

private employment agencies/companies

trade unions

# THB  multidisciplinary teams



different police bodies

standardisation of procedures

private institutions

other public agencies

right to understand and be understood

right to translation and interpretation

right to access victim support services
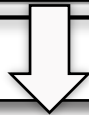
right to protection during proceedings

right to legal counselling and representation

right to compensation for victims of violent intention crimes

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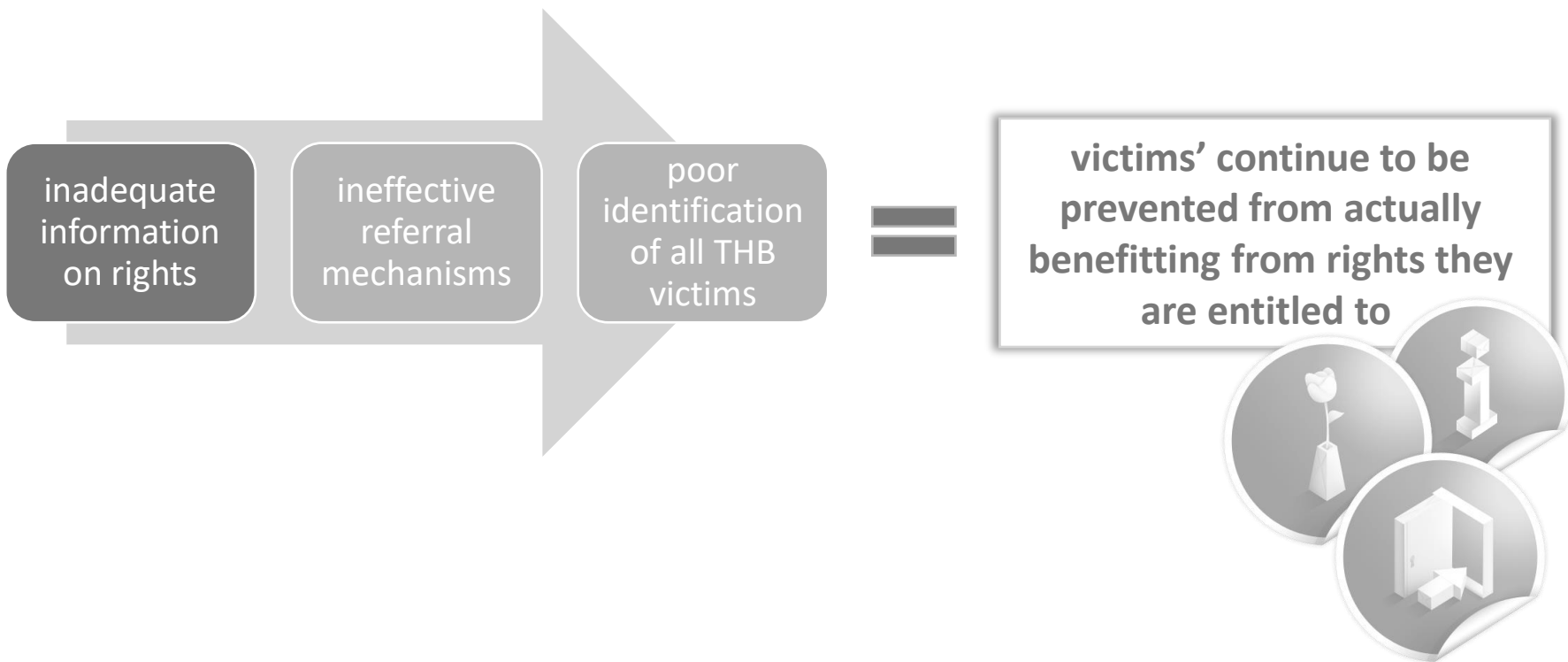# **THB** victims' informed exercise of rights

Right to a resident permit for third-country national, assistance and access to victim support services CANNOT be dependent on <u>utilitarian requirements</u>
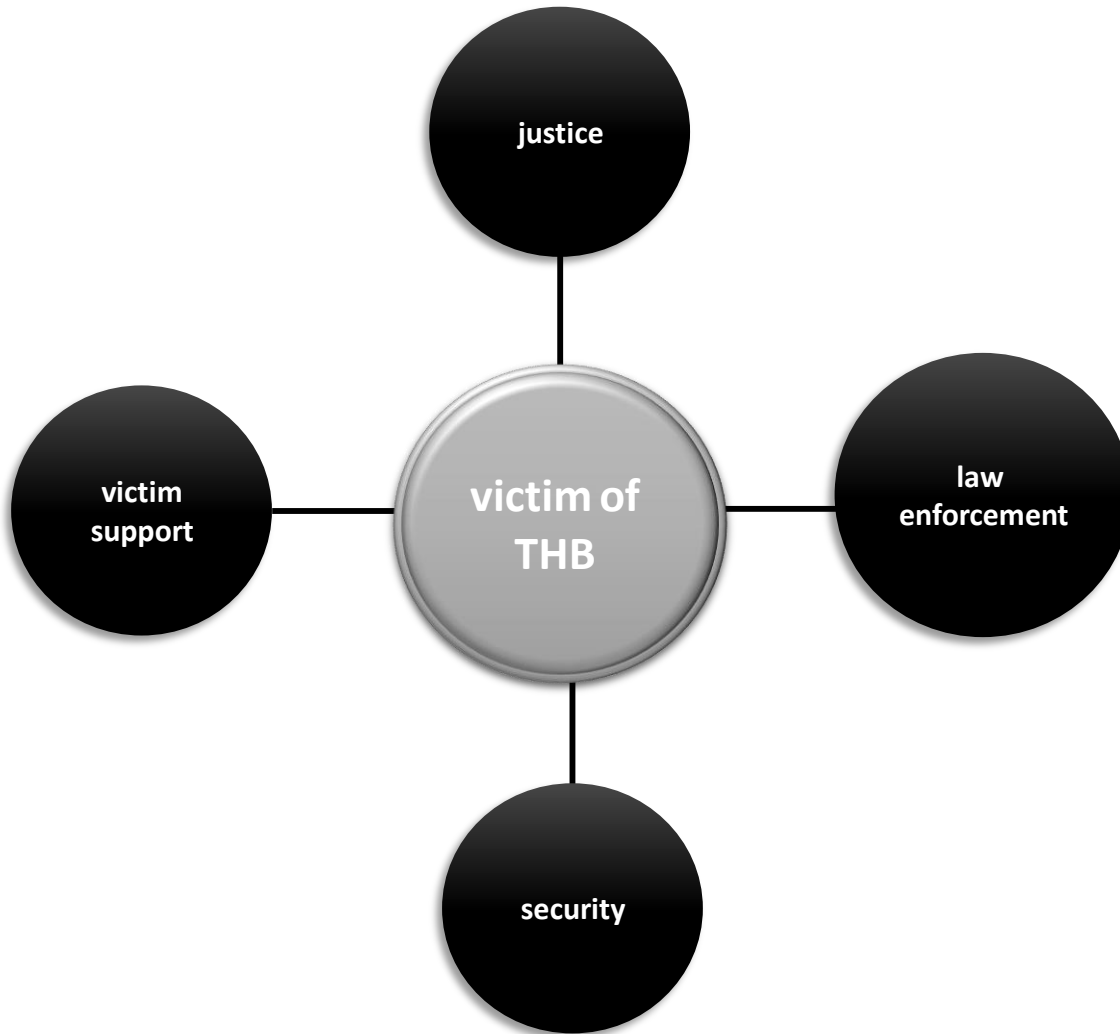
. the need for the victim to stay in national territory in the interest of the investigation and judicial proceedings;

. clear willingness to cooperate with the authorities in the investigation and prosecution of human trafficking

# THB safety, protection and dignity

GRETA's country evaluation reports clearly identify the need for a clear institutional and procedural framework for the return and repatriation of victims of human trafficking, having regard to their safety, protection and dignity.

# **THB** safety, protection and dignity

inadequate information on rights → ineffective referral mechanisms → poor identification of all THB victims

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**victims' continue to be prevented from actually benefitting from rights they are entitled to**

- human rights based

- gender-specific

- child-sensitive

# THB    Portuguese National Plan against THB

- Gratuity of all medical care from the National Health System and gratuity of all fees resultant from the administrative proceedings related to the residency status;

- Financial support aiming the victim's autonomisation, in a manner similar to domestic violence victims;

- Creation of a pilot-project shelter center specifically for children victim of trafficking in human beings.

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**THB** **the way forward**

Global political, social and structural changes that can keep up with the multifaceted complexities and its transnational and ever-changing nature

Ensure true change and improvement on the support given to victims

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# obrigado

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