



# **The New Directive on Victim's Rights and the Support of Human Trafficking Victims**

Supporting Victims of Crime in Europe

Scotland, 2013

# I - Challenges to support victims of human trafficking



- Behaviour impact
- Confusion between victims and offenders (non-punishment provision)
- National legal frameworks require participation in the criminal proceeding in order to access support measures
- Lack of evidence and insufficient investigative procedures to attest the crime of human trafficking

# II – Victims assisted in the EU



	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Identified Victims</b>	6 309	6 955	7 418
<b>Received Assistance</b>	2 183	1800	2 014

Source: *Trafficking in Human Beings*. EUROSTAT, 2013.

# III – Legal Framework

## Framework Decision 2001/220/JAI

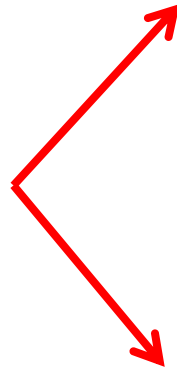
- No specific mention to human trafficking;
- Superficial reference to *vulnerable victims*;
- Lack of provisions about the protection measures to be implemented;
- No guarantee for undocumented migrants;

## Directive 2012/29/UE

- Gives guidelines to identify *vulnerable victims*;
- Rule of *Individual Assessment* to identify the specific vulnerabilities and need for protection;
- Provides specific protection measures, that are a direct consequence of the individual assessment;
- Assure that the rights provided shall be applicable regardless the victim's residence status.



## Individual Assessment



Assess the victim's protection needs

Assess the impact of the coercion method used against the victim



## Assess the impact of the coercion method used against the victim

- Methods of coercion / freedom of movement
- Witchcraft (juju rituals against Nigerian victims)

# V - Other legal instruments



Directive 2004/81/EC – reflexion period and residence permit for victims of human trafficking and of facilitation of illegal immigration

Directive 2011/39/EU - Preventing and Combating Trafficking in Human Beings and Protecting its Victims



## Directive 2011/39/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims

- Non-prosecution of victims;
- Provision of assistance and support regardless the victim's willingness to cooperate with criminal investigations;
- Provision of appropriate and safe accommodation, material assistance, medical treatments, psychological assistance, legal counselling and interpretation services;
- Attention to victim's special needs (pregnancy, disability, mental disorder);
- Rights during the criminal proceeding (legal assistance, protection measures);
- Special provisions concerning child victims (specialized support, access to education, support to the family);
- Right for compensation.



# VI – Portuguese Legal Framework



## Support measures provided by law:

- Reflexion period and residence permit for victims of human trafficking and human smuggling that are identified by authorities and decide to collaborate with the investigations;
- Shelter for woman and their children; shelter for men is yet to open;
- Subsistence, medical treatments, social and psychological support, protection measures, translation services, legal aid and professional training.

# VII - THB in Portugal



## Statistical Development | 2009 to 2011\*

Year	Confirmed Victims	Labour Exploitation	Sexual Exploitation
2009	17	2	<b>12</b>
2010	21	<b>13</b>	5
2011	23	<b>18</b>	3

\* Data of the Observatory of Trafficking in Human Beings

# VII - THB in Portugal



## According to official data of the Annual Report of the national Observatory of Trafficking in Human Beings

- 81 potential victims (36 children);
- 7 confirmed victims so far;
- 32 victims received sheltering (only 2 in the shelter for THB victims);
- 2 victims received a residence permit.

# VIII – Final Thoughts



- Protection only for victims identified by authorities – is this what we want?
- Lack of training of first line police authorities concerning human trafficking indicators
- Trafficking is still considered as a gender issue and linked to migration movements and prostitution



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