

STATEMENT

EUROPEAN DAY AGAINST TRAFFICKING IN HUMAN BEINGS

The Location of the Exploitation Must Not Condition Victim's Access to Rights

La Strada International

Ensuring Protection for All Trafficked Persons, Regardless of Asylum Status or Where Exploitation Occurred

On the European Day Against Trafficking in Human Beings, **La Strada International** calls on European governments and institutions to make sure that all victims of human trafficking are identified and receive assistance, regardless of where they were exploited or their legal status.

Under the EU Anti-Trafficking Directive (2011, as amended in 2024), victims must receive assistance and support as soon as there are reasonable grounds to believe they have been trafficked, regardless of their willingness to act as witnesses. For those unlawfully residing in a Member State, support must be provided unconditionally at least during the reflection period. Similarly, the Council of Europe Convention (2005) requires that potential victims are not removed from a Party's territory until the identification process is complete and that they receive assistance.

But what happens when a person is identified in one country and the exploitation took place in another?

Being a presumed victim of human trafficking should be sufficient to access rights. Yet, across Europe, these rights can depend on where exploitation occurs and a victim's legal residence. Victims are entitled to information in a language they understand, legal assistance, access to international protection and residence permits where applicable, privacy safeguards, protection during legal proceedings, and compensation. Any return must respect their rights, safety and dignity, preferably be voluntary, and include reintegration assistance.

Where the system fails

Despite the existing legal framework, implementation gaps leave many trafficked persons without protection, particularly those who cross borders. Under the EU's asylum responsibility rules (AMMR, replacing the Dublin Regulation), potential victims may face barriers to support while Member States determine responsibility for their asylum claims, with transfers often prioritised over identification and protection. Victims exploited abroad may also face authorities unwilling to investigate due to jurisdictional or evidentiary barriers. This creates a vicious circle: victims need evidence to access protection, yet may lack documentation, while authorities' failure to investigate prevents evidence from being gathered.

For example, Nigerian and Cameroonian women trafficked through Libya and entering the EU through Italy and later moved to other EU countries were not recognised for their victimhood, neither formally identified as victims, nor were criminal proceedings initiated, despite reasonable grounds to believe they had been trafficked. This lack of recognition for their victimhood, makes it extremely difficult to argue against the transfer of the women back to Italy under the EU's asylum responsibility rules. It also makes it hard to justify their access to specialised protection and accommodation, because there is no official record of the human trafficking experienced.

Our members have supported many people showing clear signs of severe exploitation who remain unrecognised as presumed victims and are denied identification, reflection and recovery periods, temporary assistance and residence permits. Some applicants subject to asylum transfer the Dublin/EMMR procedures are even told to report the crime only after returning to the EU country through which they first entered.

Victims often lack information about their rights and safe reporting channels, while fear of detention or deportation discourages those in irregular situations from seeking help. They also continue to face punishment for offences committed as a direct result of their exploitation, including immigration offences, document fraud and crimes they were forced to commit. These practices breach Europe's legal obligations. Protection must not depend on where exploitation occurred, and transfers without adequate safeguards risk re-trafficking and violating the principle of non-refoulement.

European countries can grant victims their rights, including temporary residence on personal or humanitarian grounds. Under Article 35 of the AMMR, Member States can assume responsibility for an asylum claim to prevent unsafe transfers and ensure victims access protection, safe accommodation and recovery time. Neither cross-border exploitation nor an ongoing asylum transfer should justify denying victims their rights.

Our call to action:

On the European Day Against Trafficking in Human Beings, we call for urgent action to:

1. **Fully implement existing legal protections and ensure all trafficked persons can access their rights in practice.**
2. **Ensure safe reporting and prioritise victim protection over immigration control**, ensuring that migration procedures do not obstruct access to support and adequate vulnerability screening takes place.
3. **Use the sovereignty clause to prevent unsafe transfers of suspected trafficking victims** and facilitate access to protection.
4. **Separate protection from criminal cooperation**, granting access to safe accommodation and residence permits regardless of victims' ability to provide immediate evidence or testify.
5. **Apply the non-punishment principle**, ensuring victims are not penalised, detained or prosecuted for offences committed as a direct consequence of their exploitation.
6. **Strengthen cross-border cooperation** to share testimony securely and gather evidence.
7. **Follow the lower reasonable-grounds threshold for initial identification**, allowing protection to begin as soon as there are reasonable grounds to suspect human trafficking, rather than requiring evidence that victims may be unable to obtain.
8. **Recognise and fund the role of civil society organisations** in identifying potential victims and referring them safely to specialist support services.