

The Duties of the Authorities within European Union Member States regarding Victim of Human Trafficking

European Union legislation already requires or requests Member States to do many things regarding human trafficking. Here is a summary of the main points focused on how they treat Victims of Human Trafficking (VoTs). Please refer especially to [Directive 2011/36/EU](#) and [Directive 2004/81/EC](#). See also the separate EFN text on other responsibilities of the authorities in EU Member States - which put many more requirements upon them.

Member States should:-

1. Help all victims of human trafficking (VoTs)

According to EU law, if someone may be a VoT, help should start immediately they are identified as a victim. A VoT can receive help whether or not they want to cooperate with criminal proceedings. All VoTs have the right to:

- Know their support & legal rights
- Say 'yes' or 'no' to help
- Shelter and basic resources to live on
- Medical and psychological care
- Legal help
- Translation help
- Witness protection
- Ask for compensation for suffering serious violence

See [Directive 2011/36/EU](#) on preventing and combating trafficking in human beings and protecting its victims. Paragraphs 17, 18, 19 & 21. Article 11, 12 & 17.

2. Especially help Child Victims of Trafficking

According to EU law, a child is anyone under 18 or perhaps under 18. A child has increased vulnerability and the right to extra care. A child's rights include:

- All the support needed to recover
- Ongoing protection from the exploiters
- Education
- Free legal help
- A guardian to represent where a parent cannot
- Interviewing and medical examinations with trained professionals, and a representative in the room.



The European Freedom Network (EFN) is a Christian community that exists to prevent and combat human trafficking and commercial exploitation in Europe and to seek the restoration of victims, in collaboration with strategic stakeholders.

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- The courtroom experience to be as easy as possible with video recorded evidence. The child does not have to be present. No public should be present and privacy must be protected
- Big efforts to be made to reunite an unaccompanied child with family.

See [Directive 2011/36/EU](#) on preventing and combating trafficking in human beings and protecting its victims. Paragraphs 22 & 23. Articles 13, 14, 15 & 16.

3. Help Victims of Trafficking in legal matters

EU anti-trafficking law states that all VoTs have the right to:

- Legal aid as determined by national law
- Translation assistance to testify in court
- Reimbursement of expenses related to a criminal proceeding
- Privacy and protection during court proceedings (e.g. from their trafficker or criminal networks)
- Access to information about the trial, decision and sentencing of their traffickers
- The right to witness protection
- Not be prosecuted for crimes they were compelled to commit while being trafficked.

See [Directive 2011/36/EU](#) on preventing and combating trafficking in human beings and protecting its victims. Paragraphs 14, 19 & 20. Articles 8, 11 & 12.

4. Help victims of trafficking who are not European Union citizens

A VoT from a non-EU nation has the right to all the above rights plus

- A reflection and recovery period to decide if they want to cooperate with the authorities
- A residency permit of +6 months if they cooperate with the authorities

A VoT from a non-EU nation who obtains a residency permit has the right to:

- Help to recover and normalise. This can include education & the right to work
- Help to prepare to return to their home country

A VoT from a non-EU nation has all these rights, even if they entered the EU illegally.

An EU Member State may choose to let a VoT from an EU nation stay indefinitely but EU law does not require them to do so.

See [Directive 2004/81/EC](#) on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. Articles 3, 6, 7, 9, 11 & 12.

EFN believes that the authorities should partner more strongly with appropriate NGOs who work with the victims of human trafficking. NGOs are more able to build relationships of trust with victims, supporting them to come forward to be identified and to have the courage to testify in court. An increased number of successful convictions can result, as well as justice and recovery for survivors.

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