



## VICTIM'S EMPOWERMENT AND ACCESS

**T**he essence of the trafficking experience is the denial of freedom – including the freedom to choose where and how you live, the freedom to work or choose not to work, the freedom from threats, and the freedom of bodily integrity. Unless carefully crafted and adopted with flexibility, victim assistance programs can sometimes replicate the trafficking experience by removing victims' prerogative from questions of housing, employment, residency, and disclosure. For example, in order to stay in many government shelters throughout the world, victims surrender their right of movement – they are restricted to the shelter grounds or may only leave with the permission of shelter staff. In some countries, the disclosure of victims' identities by government authorities results in victims' stories and name being revealed to the press or to their families. A fundamental premise of victim assistance programs should be to place choices back into the hands of the trafficking victims.

The following "good practices" set the stage for a victim-centered approach to care that allows victims the opportunity to make choices in their care. These approaches can help victims put distance between the trafficking experience and the rest of their lives.

### **Open Shelters**

Victims should not be detained in shelters in any form. Victims should be allowed to leave the shelter at will and without chaperones. Staying in a shelter should be an option; many victims may have access to other accommodation and should be allowed to choose those alternatives.

### **Full Information to Victims**

Victims should be informed of their rights as early as possible in a language they understand. Victims should be informed about what will and will not be expected of them during a criminal trial. Victims should be educated about their options in the immigration context and told that they have right to consular or diplomatic access. Countries can accomplish this in a variety of ways, including appointing counsel for trafficking victims, appointing victim advocates for victims, or involving NGOs.

Some countries develop brochures and other literature in many languages to facilitate early disclosures. Victims of trafficking crimes should also be put in touch with their country's embassy or consulate for additional assistance.

### **Confidentiality**

Victims should be given the choice of how much of their information is shared. They should not be exposed to media without their full and informed consent. It should be their choice whether their families are told about their trafficking.

### **Residency**

Generous benefits for trafficking victims, including permanent residency, facilitate the law enforcement process. Immigration regulations that offer victims permanent residence, rather than mandating forced return, are best practices. Residency schemes should allow some flexibility for victims of trafficking to have time to determine if they wish to participate in the criminal process, with special exemptions for victims who are minors or who have experienced severe trauma. There are many reasons a victim of trafficking may initially refuse to cooperate with an investigation. Sometimes victims do not trust the police to protect their rights; sometimes law enforcement has participated in a victim's exploitation; and sometimes victims are simply too traumatized by their experiences to discuss them with law enforcement.

### **Access to Work**

Countries should consider granting foreign national trafficking victims the right to work. In many countries, even formal entry to a victim assistance program does not give a victim the right to a work permit. Accordingly, without material aid, victims are again placed in vulnerable situations.