

# CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS



## VICTIM PROTECTIONS: PRINCIPLES FOR PROGRESS

The “3P” paradigm of prevention, prosecution and protection created by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, or Palermo Protocol, guides government action to combat human trafficking worldwide. The 3Ps hold that criminalization alone will not lead to a reduction or elimination of human trafficking; prevention efforts are required. State action does not end with the prosecution and incarceration of a trafficker; governments must also afford victims the support and services they need in order to restore their rights and return them to society.

As the 2012 *Trafficking in Persons Report* demonstrates, governments continue to struggle with victim protection. The Palermo Protocol outlines critical victim protection measures, and a decade of further developing and implementing victim protections helps illustrate the steps governments have taken in implementing programs for the protection of victims:

- Proactively identifying victims within the immigration system, criminal justice system, low income populations, low-wage labor sectors, and other venues where victims have previously been identified;
- Informing workers of their rights to facilitate the self-reporting of labor violations, exploitation and trafficking;
- Recognizing trafficked persons as crime victims and, therefore, not penalizing them for unlawful acts committed as a direct result of their trafficking;
- Providing victims with access to shelter and comprehensive services appropriate for their age, gender and special needs;
- Supporting, including through funding, NGOs that provide services to trafficking victims;
- Granting victims access to information about their rights and legal proceedings in a language that they understand;
- Taking appropriate feasible measures to protect trafficked persons and their family members from intimidation and retaliation from traffickers;

- Keeping trafficked persons’ identities and information confidential in legal proceedings consistent with domestic laws, services provision, and the media, leaving the decision of public disclosure to the victims;
- Enabling the victims’ testimony to be presented and considered at appropriate stages of criminal proceedings against the trafficker, consistent with domestic laws;
- Promoting a victim-centered approach in investigations and prosecutions;
- Allowing trafficked persons to take legal recourse against their trafficker and seek compensation for their loss;
- Making temporary and permanent immigration status available to victims;
- Permitting work authorization during victims’ authorized temporary immigration status;
- Facilitating the voluntary, safe repatriation and reintegration of trafficking victims; and
- Including the experiences and views of human trafficking survivors in the development of anti-trafficking responses.



## THE CONTINUUM OF PROTECTION

Protection begins with proactive identification, moving through stabilization with comprehensive services, often followed by participation in a legal proceeding against the trafficker, and ending with local integration, third country resettlement, or safe repatriation.

**Identification** alone can comprise a range of efforts including public awareness, training for professionals in a position to identify victims, a mechanism such as a national hotline where victims can be referred, and proactive labor and criminal enforcement investigations. Many governments have concentrated their identification efforts on training criminal law enforcement, expecting that law enforcement will encounter trafficking victims in the course of their regular duties. The reality can be far different, as uncovering this hidden crime often takes deliberate investigations into trafficking-prone industries. Still, law enforcement should not bear sole responsibility for identifying victims. Health care providers, teachers, labor inspectors, immigration authorities, child welfare advocates, and other professionals all have the potential to identify trafficking victims and intercede on their behalf, and all therefore require awareness and training.

**Services** for a victim's recovery should serve the unique needs of individual victims and may include any combination of medical care; emergency and transitional housing with long-term housing assistance; mental health counseling; food; clothing; educational and vocational training and placement; family location and reunification; translation and interpretation; advocacy in the criminal justice system; spiritual support; criminal, civil and immigration legal assistance; safety planning; repatriation; and assistance in finding and accessing these services.

While this list is long and daunting, dedicated NGOs worldwide have been refining their approaches, techniques, and services. Many are prepared and well qualified to deliver this range of assistance. What many often lack is financial support from governments to be fully operational or to offer the full range of services that survivors need.

**Participation in legal proceedings** against the trafficker is more likely to be gained and be successful when victim protections are in place. Law enforcement officials should consider the fear the victim may be experiencing, the victim's fragile emotional state, and the victim's physical needs, and adapt their approach accordingly. This is the essence of a "victim-centered" approach. Governments can promote this approach through policies, protocols, and training so that law enforcement adopts and employs victim protections during the course of identification, investigation and prosecution.

**Durable solutions** are especially necessary for trafficking victims whose exploitation occurred outside of their country of origin. Considering the options of safe repatriation, third country resettlement, or local integration can help ensure the victims' protection. At its best, repatriation is safe, dignified and voluntary, complete with services in the destination country that prepare trafficked persons for their return, as well as in the source country where trafficked persons need assistance to transition back into society. Third country resettlement can be an option if return is not safe, due to threat of the trafficker's retaliation or re-trafficking. And local integration, a legal mechanism to remain in the destination country, is urged where possible and appropriate as a permanent solution.

