



Code of Practice for Ensuring the Rights of Victims and Survivors of Human Trafficking



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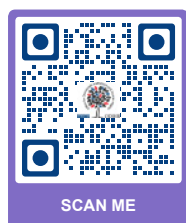
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Introduction

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been active in preventing and combating human trafficking in the OSCE region since 1999. ODIHR addresses human trafficking through an approach that is based on human rights, rule of law, equality and non-discrimination, and is trauma-informed and victim- and survivor-centred. ODIHR has developed extensive expertise and plays a significant role in victim protection and the promotion of the rights of trafficked people and at-risk groups. This approach recognizes that those trafficked are holders of rights and ensures that responses to human trafficking protect these rights, as reflected in tools such as the ODIHR [*National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook – Second Edition*](#) (NRM Handbook). Moreover, ODIHR recognizes survivors of human trafficking as key stakeholders within the multidisciplinary approach to combating human trafficking.

1.1 A note on terminology

This **Code of Practice for Ensuring the Rights of Victims and Survivors of Trafficking** (Code of Practice hereafter) strongly encourages recognition of the term ‘trafficking survivor’ in international law and national legislation, policy and protocols, referring to the 2021 Declaration and OSCE Ministerial Council Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, including of Unaccompanied Minors, which both recognize the term ‘survivor’. The term ‘victim’ in the Code of Practice is used only for: (a) contexts in which a person is under the control of traffickers or (b) contexts in which the formal recognition of a person’s status as a victim of trafficking is directly relevant to obtaining specific legal rights and entitlements. The term ‘survivor’ in the Code of Practice is used for all other contexts, emphasizing the individual lived experience and the process of survival, rather than the limitations of victimhood. Therefore, references to both ‘victim’ and ‘survivor’ are used throughout the Code of Practice for adults and children who are experiencing or who have experienced any form of human trafficking.

Furthermore, a survivor leader is a survivor who is a professional innovator in any discipline within the field of anti-trafficking. Survivors and survivor leaders are at the heart of effective approaches to combat human trafficking. They have lived experience, knowledge and insight into the methods and activities of traffickers, together with an unrivalled understanding of survivors’ individual needs and the specific risks that they face. This Code of Practice has been developed in solidarity with all victims and survivors of human trafficking.

Survivor leaders are highly active in international efforts to combat trafficking. They are founders of NGOs and businesses, consultants, training providers, public speakers, authors, and advocates across governmental, civil society and private sectors. They provide expert testimony for trafficking cases and court trials, manage NGOs, deliver services and author books, reports and other documents on human trafficking. They are lawyers, judges, policy makers, health-care professionals, social workers, charity founders and artists. Many survivors are frontline service providers and cultural mediators, lending their expertise and insight into meeting vic-

tims' complex needs. Survivor leaders should inform and influence all aspects of anti-trafficking work including NRM structures. This includes service delivery and procedures, as well as anti-trafficking legislation, governmental policy making, public awareness-raising, provision of education and training and ensuring high standards of frontline support for victims and survivors. They can enhance and inform procedures for effective identification of victims, as well as guide the protection of victims and the prevention of re-trafficking. The consistent presence of survivor leaders in the anti-trafficking field as key NRM stakeholders supports all other stakeholders to better understand trafficking crime and how to meet the needs of victims and survivors. It also helps to de-stigmatize experiences of trafficking, to raise awareness of trafficking crime and develop effective trafficking prevention and response strategies.

1.2 The importance of survivor inclusion

Individuals are trafficked for various forms of exploitation and each of their experiences is unique, as are their needs once identified as victims and survivors. Although survivors have been included by some OSCE participating States in anti-trafficking policy development and work, they have been largely excluded across the OSCE region. There are stakeholders working to combat human trafficking and to assist survivors with their expertise, but to be effective, their work needs to be informed by and reflect the experiences and realities faced by victims and survivors. In order to ensure a victim- and survivor-centred, child-friendly, age-appropriate, gender-sensitive, trauma-informed and human rights-based approach to combating human trafficking, the expertise of survivors needs to be included in all aspects of anti-trafficking work, particularly in policy development.

The 2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons (Declaration) affirmed the central role of victims and survivors of trafficking in all anti-trafficking work, stating:

“We express solidarity with and compassion for victims and survivors, call for full respect of their human rights, and, recognizing their role as agents of change in the global fight against trafficking in persons, acknowledge the need to incorporate their perspective and experience in all efforts to prevent and combat trafficking in persons. We aim to actively involve victims of trafficking in persons in designing, implementing, monitoring and evaluating such efforts. We will provide victim-centred and trauma-informed care, assistance and services for their recovery and rehabilitation, access to health, including sexual and reproductive health-care services and mental health and psychosocial support services and, working with civil society and other relevant partners, monitor and regularly assess such assistance, with the input of victims, and seek to enhance the provision of long-term support and reintegration, including protection and assistance. We will ensure that victims are treated with respect and dignity and are not inappropriately penalized or adversely affected by laws, policies and other actions taken by government authorities and communities for acts that they commit as a direct consequence of their trafficking situation”.¹

¹ [2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons \(A/76/L.11\)](https://digitalibrary.un.org/record/3948046) <<https://digitalibrary.un.org/record/3948046>>.

OSCE participating States have clearly stated their commitment to the inclusion of survivors' expertise in the OSCE anti-trafficking efforts in OSCE Ministerial Council Decisions Nos. 6/18, 6/17 and 7/17. On the basis of these commitments and in line with its mandate to assist participating States in the implementation of their human dimension commitments, in 2021, ODIHR established the International Survivors of Trafficking Advisory Council (ISTAC), which concluded its two-year term in January 2023. The ISTAC consists of 21 members, who are all survivor leaders of human trafficking, with due attention to diversity in terms of expertise, gender and geographical location.

OSCE Commitments in the Area of Combating Trafficking in Human Beings pertaining to the work of the OSCE/ODIHR ISTAC

MC.DEC No. 6/18 Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors

2. Adopt a victim-centred and trauma-informed approach that takes into account the respective gender-specific concerns of girls and boys and the best interests of the child, and fully respects the human rights and fundamental freedoms of children subjected to human trafficking;

6. Promote national anti-trafficking mechanisms, including (...) input and recommendations from survivors of human trafficking when providing immediate assistance and looking for durable and sustainable solutions;

MC.DEC No. 7/17 Strengthening Efforts to Combat All forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children

2. Encourages participating States to adopt a victim-centred and trauma-informed approach that takes into account the respective gender-specific concerns of girls and boys, in the best interests of the child, and fully respects the human rights and fundamental freedoms of children subjected to human trafficking or sexual exploitation;

MC.DEC No. 6/17 Strengthening Efforts to Prevent Trafficking in Human Beings

2. Promote dialogue and co-operation among governments, international organizations, civil society, and the private sector, (...) and recognizing the importance of the voice of victims of human trafficking in elaborating effective anti-trafficking strategies;

7. Adopt a victim-centred, trauma-informed and, in that respect and in line with Ministerial Council Decision No. 14/06, gender-sensitive approach, that fully respects human rights and fundamental freedoms in all preventive and assistance efforts.

The **role of the ISTAC** is to provide advice, guidance and recommendations to ODIHR, and through ODIHR to the OSCE participating States, on matters pertaining to combating human trafficking, including but not limited to:

- (draft) legislation
- policies and state practices
- the implementation of relevant OSCE commitments
- research, drafting and/or review of material related to the international normative framework in the area of combating human trafficking
- educational and capacity-building efforts undertaken by ODIHR in the implementation of its efforts to combat human trafficking in the OSCE region
- At ODIHR's request, the ISTAC may provide guidance to survivor leaders on the tools necessary to foster the growth of national and international survivor networks

1.3 The objective of the Code of Practice

In response to the lack of survivor inclusion to date, and in line with its objectives, ODIHR, in consultation with ISTAC and other relevant anti-trafficking stakeholders, developed this policy guidance. It reflects participating States' obligations as well as international good practices to protect victims and survivors of human trafficking under international, regional and national laws as well as with National Referral Mechanisms (NRMs) or equivalent mechanisms. It aligns with OSCE commitments and draws on ODIHR's NRM Handbook, which also recognizes the importance of the contributions of survivor leaders to all aspects of effective anti-trafficking work.

The Code of Practice seeks to provide guidance for participating States on ways to ensure not only the inclusion of victims' and survivors' voices but also their full engagement on all anti-trafficking responses. The lived experience and professional expertise of survivor leaders contributes to the understanding of the importance of ensuring a victim- and survivor-centred, child-friendly, age-appropriate, gender-sensitive, trauma-informed and human rights-based approach throughout the Code of Practice. The Code of Practice also gives participating States guidance on how to implement their commitments to protect the rights of trafficked people, including on identification and protection, support and access to services, justice and redress, social inclusion and victim- and survivor-engagement strategies.

The Code of Practice encourages States to define clearly in their national laws the rights and entitlements of victims and survivors of human trafficking. States may implement this Code of Practice in national legislation, guidance and policy, including in NRMs or equivalent mechanisms — anything that contains specific standards for the identification, protection and support, access to criminal justice and redress, and the social inclusion of victims and survivors of all forms of human trafficking, including prevention, with specific guidance for adults and children. This guidance aligns with OSCE commitments and is informed by the guidance in ODIHR's NRM Handbook.

The Code of Practice is drawn from the lived experiences and professional expertise of the members of the ISTAC as survivor leaders of trafficking. While not representative of all survivors everywhere, this brings a crucial survivor-centric perspective to the recommendations.

Relevant international and regional standards are laid down in:

- United Nations Convention against Transnational Organized Crime²
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children³
- Universal Declaration of Human Rights⁴
- Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others⁵
- The United Nations Convention relating to the Status of Refugees⁶ and Protocol Relating to the Status of Refugees⁷
- The International Labour Organization Convention on the Abolition of Forced Labour⁸
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁹
- Convention on the Rights of the Child¹⁰
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography¹¹
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict¹²

² [United Nations Convention against Transnational Organized Crime](https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html), Res 55/25, adopted 15 November 2000, entry into force 29 September 2003, <<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>>.

³ [United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons), 15 November 2000, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>>.

⁴ [United Nations Universal Declaration of Human Rights](https://www.ohchr.org/en/resources/educators/human-rights-education-training/universal-declaration-human-rights-1948), Res 217 A (III), adopted 10 December 1948, <<https://www.ohchr.org/en/resources/educators/human-rights-education-training/universal-declaration-human-rights-1948>>.

⁵ [United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation), Res 317 (IV), adopted 2 December 1949, entry into force 25 July 1951, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>>.

⁶ [United Nations Convention relating to the Status of Refugees](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees), Res 429 (V), adopted 28 July 1951, entry into force 22 April 1954, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>>.

⁷ [United Nations Protocol relating to the Status of Refugees](https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees), Res 2198 (XXI), adopted 16 December 1966, entry into force 4 October 1967, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees>>.

⁸ [International Labour Organisation Convention concerning the Abolition of Forced Labour](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C105), No. 105, adopted 25 June 1957, entry into force 17 January 1959, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C105>.

⁹ [United Nations Convention on the Elimination of All Forms of Discrimination against Women](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women), New York, adopted 18 December 1979, entry into force 3 September 1981, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>>.

¹⁰ [United Nations Convention on the Rights of the Child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child), Res 44/25, adopted 20 November 1989, entry into force 2 September 1990, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

¹¹ United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Res /RES/54/263, adopted 25 May 2000, entry into force 18 January 2002, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>>.

¹² [United Nations Optional Protocol to the Convention on the Rights of the Child of the Involvement of Children in Armed Conflict](https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children), A/RES/54/263, adopted 25 May 2000, entry into force 12 February 2002, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children>>.

- International Labour Organization (ILO), Worst Forms of Child Labour Convention¹³
- UN Security Council resolution 2379 [on trafficking in persons in armed conflicts]¹⁴
- Council of Europe, Convention on Action Against Trafficking in Human Beings¹⁵
- Council of Europe Convention against Trafficking in Human Organs¹⁶
- UN Sustainable Development Goal 5.2: Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation¹⁷
- UN Sustainable Development Goal 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms¹⁸
- UN Sustainable Development Goal 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children¹⁹

2. Principles

The survivor leaders requested by ODIHR to assist in drafting the Code of Practice highlighted the following eight key principles as the foundation for ensuring the rights of victims and survivors of human trafficking, drawing on international obligations and standards, OSCE commitments and recommendations reflected in the NRM Handbook.

- The dignity, integrity and human rights of victims and survivors needs to be ensured at all times. Human rights are universal and indivisible and are central to all efforts to prevent and combat human trafficking. States shall protect the human rights of each victim and survivor of trafficking.
- Any child who may be a victim or survivor of trafficking shall be treated first and foremost as a child, with their best interests as a primary consideration, in accordance with the UN Convention on the Rights of the Child.

¹³ [International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182) (No 182), adopted 17 June 1999, entry into force 19 November 2000, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182>.

¹⁴ [United Nations Security Council Resolution 2379](https://www.refworld.org/docid/5a1802df4.html) [on trafficking in persons in armed conflicts] adopted 21 November 2017, <<https://www.refworld.org/docid/5a1802df4.html>>.

¹⁵ [Council of Europe Convention on Action against Trafficking in Human Beings](https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=197), CETS No. 197, adopted 16 May 2005, entry into force 1 February 2008 <<https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=197>>.

¹⁶ [Council of Europe Convention against Trafficking in Human Organs](https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=216), CETS No. 216, adopted 25 March 2015, entry into force 1 March 2008, <<https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=216>>.

¹⁷ [United Nations Sustainable Development Goal 5.2](https://sdgs.un.org/goals/goal5), adopted in 2015 <<https://sdgs.un.org/goals/goal5>>.

¹⁸ [United Nations Sustainable Development Goal 8.3](https://sdgs.un.org/goals/goal8), adopted in 2015 <<https://sdgs.un.org/goals/goal8>>.

¹⁹ [United Nations Sustainable Development Goal 16.2](https://sdgs.un.org/goals/goal16), adopted in 2015 <<https://sdgs.un.org/goals/goal16>>.

- All presumed and identified victims and survivors of trafficking shall be entitled to a recovery and reflection period, whether they have been trafficked transnationally or domestically. The recovery and reflection period permits essential time and support to access services so that victims may recover and reflect, and it shall not depend upon the victims' cooperation with criminal investigation or proceedings.
- Victims and survivors of trafficking shall not be detained, be liable for, nor punished for having committed crimes, offences and misdemeanors (including immigration offences established under national law) as a direct consequence of their situation as trafficked people or where they were compelled to commit such unlawful acts. States shall ensure the implementation of the non-punishment principle. All aspects of criminalization of trafficking victims compound the harm that they have already experienced. It re-traumatizes victims, denies them their rights and contributes to their distrust in law enforcement and criminal justice.
- All procedures and services for victims and survivors of trafficking should accord with the principle of non-conditionality in international law. That is, the identification, protection, individual support, redress and social inclusion shall not depend upon victims' and survivors' cooperation in criminal investigations or proceedings.
- States should ensure that the need for stable and sustainable long-term protection and social inclusion of victims and survivors of trafficking, especially for housing, health care, education, employment and the expungement of criminal records directly connected to the trafficking experience, is explicitly recognized in law, policies, procedures and practice, including in NRMs or equivalent mechanisms.
- States should recognize survivors' lived experience and expertise to lead, advise and consult on all matters pertaining to addressing human trafficking, especially in the development of legislation, policy and procedures including NRMs or equivalent mechanisms, affecting victims and survivors of trafficking.
- States should put in place a system of independent monitoring, evaluation and accountability to ensure that their obligations under international law and OSCE commitments are adhered to and that implementation is regularly reviewed.

3. Key recommendations

On the basis of the above principles, the first International Survivors of Trafficking Advisory Council (ISTAC) has formulated a short set of key policy recommendations following a request from ODIHR, which are aligned with OSCE commitments and international standards and draw on the ODIHR NRM Handbook and their own experiences as survivor leaders of trafficking. In this way, ODIHR seeks to set an example for the genuine inclusion of survivor expertise in the OSCE's anti-trafficking efforts.

The following non-exhaustive, but cross-cutting set of recommendations seeks to help States to address the gaps, challenges and shortcomings in all actions pertaining to victims and survivors of human trafficking throughout the OSCE region.

3.1 Identification and Protection

States are responsible for the appropriate identification and protection of victims and survivors of trafficking at every stage of contact with them, including throughout immigration and asylum procedures, and administrative or criminal justice proceedings. States should ensure early and proactive identification of victims and survivors of trafficking and should refrain from imposing detention. In the event that a victim of trafficking is identified after detention, they should be released immediately, referred to the NRM or equivalent mechanism.

- States should ensure that all victims and survivors have access to unconditional and timely provision of appropriate identification documents in line with international standards.
- Risk and needs assessments should be victim- and survivor-centred, child-friendly, age-appropriate, gender-sensitive, interculturally congruent and trauma-informed, and should be used for the purposes of access to statutory, protection, social and healthcare services.
- All victim and survivor data, including their stories, should be protected and managed to the highest standard of the jurisdiction in which it is gathered and recorded. When victims' information is shared (with their informed consent) it is essential to observe the highest standards for safe and appropriate information gathering, storage and use. The confidentiality requirement should be clearly reflected in national laws and NRM or equivalent provisions to provide guidance to each agency.
- Any agency, institution, organization or service that interacts or works with victims and survivors of trafficking should have a clear and comprehensive confidentiality policy that applies to all professionals, volunteers and any service users.

- All anti-trafficking procedures and services should be gender-sensitive and based on a developed national policy and strategy to address the gender dynamics of human trafficking. Women and girls make up the majority of identified trafficking victims and survivors for the purpose of domestic servitude, forced, contract and child marriages, and sexual exploitation and sex trafficking. These types of human trafficking particularly affect women and children.
- States should ensure access to reconsideration and judicial appeal against unfavourable decisions at both the preliminary and conclusive stage of the identification process.
- Victims and survivors with insecure immigration status should be permitted to remain in the country for the duration of the recovery and reflection period. In cases where conclusive identification is delayed, any decision for enforced removal from the country should be suspended and they should be provided with temporary Leave to remain until the identification process conclusively establishes whether they are victims of trafficking or not and any reconsideration or appeal rights are exhausted in line with international obligations and standards.
- The timely provision of presumed or conclusive status of victims of trafficking is paramount to ensuring recovery, social inclusion and prevention of re-trafficking or other forms of exploitation. Lengthy identification processes create an undue burden and exacerbate the vulnerability of victims of trafficking. All presumed victims should be given access to protection, assistance, and support during the identification process.
- There should be clear explanation of rights, entitlements and processes and their purpose, as well as clear pathways to access them. It is essential that victims and survivors of trafficking are informed about their case management, including a clear explanation of the identity and role and purpose of each professional who is working with them.
- Any service or hotline that receives reports of human trafficking crime and/or NRM referrals should be run by professionals with specialist training in adult and child victim identification. Staff who answer referral calls and enquiries should be vetted within the national jurisdiction and trained to work in accordance with national laws.
- All communication, interventions and actions with child victims and survivors of trafficking should be conducted in the presence of child specialists, in child-friendly, safe environments, and in a child-centred, gender-sensitive, age-appropriate and trauma-informed manner.

- The rights of all victims and survivors of trafficking who need international protection must be recognized in accordance with international law. States need to put procedures in place to identify those whose enforced return would violate the principle of non-refoulement. All victims of trafficking who may require asylum or other forms of international protection should be provided with early access to free, independent, specialist legal advice and have access to all other entitlements and protections guaranteed.
- States should ensure that their approach to identifying victims and investigating human trafficking is proactive and adequately resourced.
- Legal, policy and regulatory frameworks should be established and strengthened, in collaboration with technology companies and online platforms, to combat all forms of trafficking via the internet and digital technologies. This should include the development of new tools and technologies to prevent distribution and assist in removal of all online trafficking-related content. The development of national legislation, policy and procedures to address trafficking for the purpose of pornography production and child sexual abuse material should be expedited. Trafficking indicators that are used to identify victims of trafficking should be regularly reviewed and updated to ensure that they are current, as trafficking crime is constantly evolving new patterns, dynamics, operational methods and ways to target victims.

3.2 Support and Access to Services

Victims and survivors of trafficking are entitled to protection, support, and access to services, without which they are at risk of re-trafficking and further forms of harm, crime and exploitation even after formal identification. Social inclusion represents the only lasting form of safety and stability for survivors of human trafficking, and the means by which cycles of vulnerability to trafficking can be halted. This is the mutual and shared responsibility of the survivors and State authorities, societies and communities in which they reside. It also constitutes an integral part of the State's obligations under the due diligence standard²⁰ and the right to effective remedy²¹.

- Individual support and access to multi-agency services should be ensured for as long as possible for victims and survivors of trafficking in line with international obligations and standards. This should include (but not be limited to): attendance to practical, financial, educational and material needs; allocation of individual support professionals; appropriate assessment and ongoing safety planning for adults and children; early and ongoing access to healthcare services; early and ongoing access to free legal advice and representation for all legal matters; trauma-sensitive guidance and job training; expungement of criminal records connected to their trafficking experience; and provision of long-term safe and appropriate accommodation.

²⁰ [Guiding Principles on Business and Human Rights](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf), OHCHR, New York & Geneva, 2011, <https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf>.

²¹ [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation), OHCHR, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>>.

- States should ensure that they dedicate resources to building and maintaining NRMs or equivalent mechanisms that can exercise a multi-agency partnership that includes survivor leaders. This partnership should combine the expertise of multidisciplinary professionals, agencies and services to provide the high level of skills and experience required for an integrated and holistic approach to both victim identification and meeting individual needs. These should span the different remits of national authorities and law enforcement agencies and include statutory services, child specialist professionals and specialist anti-trafficking NGOs, in line with the OSCE Action Plan on Combating Trafficking in Human Beings (2003) and NRM Handbook recommended standards.
- Effective NRMs require ongoing cooperation between government agencies, civil society and survivor leaders, including survivor-led, non-governmental organizations (NGOs).
- Interpretation and translation should always be conducted by vetted professionals and ensure a victim- and survivor-centered, trauma-informed, gender-, child- and disability-sensitive, and interculturally congruent approach.
- Support for victims and survivors of trafficking should continue after the suspension or ending of criminal justice proceedings, or the alteration or withdrawal of charges in line with NRM Handbook recommended standards.
- Evidence-based design and funding of social inclusion programmes should be included in all NRMs or equivalent mechanisms and incorporated in all anti-trafficking policy development and implementation.

3.3 Criminal Justice and Redress

Access to the NRM or equivalent mechanism and all related rights and entitlements should not be conditional upon the pursuit of criminal justice and redress. It should always be offered to and available for victims and survivors of trafficking at any stage. Victims and survivors should be provided with consistent and appropriate support, and specialist legal advice for the duration of the following procedures: identification as a victim of trafficking-related crime; victim and witness protection and support (treatment of victims as vulnerable witnesses); invocation of the non-punishment principle and statutory defence; provision of residence permits for cooperation with law enforcement authorities; measures to monitor alleged traffickers; trafficking crime investigations and interviews; criminal trials (for victims who are vulnerable witnesses and/or vulnerable defendants); retrospective actions for victims of trafficking who have been wrongly convicted of criminal offences; and access to timely compensation and restitution.

- States should ensure that their domestic legal system, as it applies to victims and survivors, is explained to them so that they are aware of their rights and the procedures. The system should contain measures that offer the possibility of obtaining compensation for unpaid wages and damage suffered. This should include access and ability to claim compensation from the traffickers or applicable entity, through criminal law, civil law or labour law procedures, or from a State fund, State-run compensation schemes and/or administrative proceedings in line with international obligations and standards.
- In line with international standards, in cases where the non-punishment principle and statutory defence should have been applied but were not, victims and survivors of trafficking who have been convicted of criminal offences should be provided with retrospective criminal record remedies such as *vacatur*, expungement or sealing of their court and criminal records.
- Requirements for witness protection should be assessed from the first contact with victims and survivors of trafficking and re-assessed at frequent intervals throughout the duration of investigations and criminal justice proceedings.
- Criminal justice system actors, including law enforcement, judges, prosecutors and court officials, should engage with survivor leaders, including through the establishment of advisory councils and provision of survivor leaders as victim advocates for victims of trafficking throughout legal proceedings.
- States should proactively address the demand for all forms of trafficking, including via the internet and digital technologies, as required by Article 9.5 of the Palermo Protocol.²² Therefore, States should adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage and reduce the demand that fosters all forms of exploitation of people, especially women and children, that leads to trafficking. Penalties for people purchasing or using the services of victims of trafficking should be implemented in national law in accordance with international law.
- Traffickers and beneficiaries of exploitation of victims of trafficking for the purpose of sexual exploitation should be held accountable in line with criminal law, regardless of their background or social or diplomatic status.
- States should regulate and monitor the employment conditions of domestic workers, including in private and diplomatic households, and ensure that the perpetrators of all related human trafficking crimes are prosecuted in line with international obligations and standards.
- Victims and survivors should have the right to information in a form that is easy to understand and they should be helped to understand, including, where necessary, via access to interpretation and translation services.

²² United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, *op. cit.*, note 3.

3.4 Survivor Inclusion and Engagement

Survivors and survivor leaders need to be at the heart of anti-trafficking efforts including the NRMs and equivalent mechanisms. They have lived experience, knowledge and insight into the methods and activities of traffickers, together with an unrivalled understanding of survivors' individual needs and the specific risks they face. Survivor leaders are highly active in international efforts to combat trafficking. They are founders of NGOs and businesses, consultants, training providers, public speakers, authors, and advocates across governmental, civil society and private sectors. They provide expert testimony for trafficking cases, court trials, deliver services for victims of human trafficking and develop policy and legislation. They are lawyers, judges, policy makers, healthcare professionals, researchers, social workers, civil society leaders and artists, among others. Many survivors are frontline service providers and cultural mediators, lending their expertise and insight to meet victims' complex needs.

Survivor leaders should inform and influence all aspects of anti-trafficking work. This includes service delivery and procedures, as well as anti-trafficking legislation, government policymaking, public awareness-raising, provision of education and training and ensuring high standards of frontline support for victims and survivors. They can enhance and inform procedures for effective identification of victims, as well as guide the protection of victims and the prevention of re-trafficking. The consistent presence of survivor leaders as key stakeholders in the anti-trafficking field supports all other stakeholders in better understanding trafficking crime and how to meet the needs of victims and survivors. It also helps to de-stigmatize experiences of trafficking, to raise awareness of trafficking crime and to develop effective trafficking prevention and response strategies.

- States should establish national survivor advisory bodies composed of survivor leaders to support service delivery, anti-trafficking legislation and procedures, government policymaking, public awareness-raising, provision of education and training, as well as ensuring support for victims and survivors.
- States should facilitate the provision of leadership and capacity-building training for survivors to become survivor leaders, including mentorship programmes.
- States should ensure the inclusion of survivors and their engagement with relevant stakeholders when updating and strengthening NRMs or equivalent mechanisms.
- States should support the development and implementation of survivor-led arts-based solutions for raising awareness of human trafficking and for global education about the various narratives victims and survivors of trafficking endure. Applied and performative arts serve as a prevention mechanism as well as a tool for post-traumatic treatment for victims and survivors who benefit from arts-based therapeutic methods.
- Standards for media and social media platforms in their engagement with, or representation of, victims and survivors of trafficking should ensure ethical, trauma-informed, victim- and survivor-centred, and gender-sensitive approaches.

- The identity of victims or survivors of trafficking, including their names, images, location, immigration status and other identifying information, should not be published without their informed consent. The identity and visual appearance of children must never be disclosed or displayed in public without taking into account the best interests of the child.
- Victims and survivors should be able to give or withdraw their consent or assent to the publication of material, even if they have previously given their consent.
- Survivors' stories should not be monetized and (re)used without survivors' informed consent and other standard procedures such as copyright permission.
- Survivors as professionals should be compensated adequately for their expertise, time and experience.
- States should establish and maintain systematic efforts to ensure strategies and interventions for survivor participation within their national anti-human trafficking response and discourage existing patterns of tokenism, exclusion, discrimination and inequity in survivor inclusion.
- Promotion of survivor leadership should recognize the complex and intersectional nature of survivors' needs regardless of their age, gender, sexual orientation, religion, ethnicity, disability, care status, migration status, language and economic or social status.

This Code of Practice can serve States and all anti-trafficking stakeholders as a standard of practice to ensure effective strategies for the prevention and combating of human trafficking.

