

## Thematic Overview: Survivor and Victim Support

Looking at the resources and policies available to support survivors and reach victims of modern slavery, human trafficking, forced labour and child labour.

Victim protection is a key part of international agreements against forced labour, modern slavery, human trafficking and child labour.

The extent to which victim and survivor rights are codified in national law and policy frameworks varies considerably.

The importance of trauma-informed care and harm reduction are widely recognized. Research into this field is relatively new, and the information presented below is based on the current research available.

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There is no one policy or model of support and care that fits all survivors of forced labour, human trafficking and child labour. The needs of the individual vary drastically based on their experiences, histories and environment; a female migrant farm worker exploited for labour may not require the same treatment as a male survivor of sex trafficking. Nonetheless, there are overarching principles and approaches for policy and practical assistance that are based on the primacy of victim protection and the inclusion of victim and survivor voices.

### Policy Approaches to Survivor and Victim Support

#### United Nations

Victim protection is a key part of the approach taken by the United Nations in fighting modern slavery, as embodied in the following documents:

- [International Covenant on Civil and Political Rights](#)
- Article 9(5) (right to compensation)
- [Convention on the Rights of the Child](#)
- Article 39: (promote physical and psychological recovery and social reintegration)
- [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)
- Article 7(2) (importance of education in eliminating child labour)
- [Worst Forms of Child Labour Recommendation, 1999](#)
- Article 2(b) (preventing the engagement of children in or removing them from the worst forms of child labour)
- [The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#)
- Article 2 (b) (victim protection)
- Article 6 (victim assistance)



- [Recommended Principles on Human Rights and Human Trafficking](#)
- 1 (human rights-based approach)
- 9 (legal assistance)
- 10 (identification of child victims)
- 11 (safe return)
- [UN Resolution on Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking](#) (victim protection)
- [United Nations Global Plan of Action against Human Trafficking](#) (human rights-based approach)
- [Protocol 29 to the Convention Against Forced Labour](#)
- Article 3 (identification, release, protection, recovery and rehabilitation of victims)

## National Efforts

The general principles of victim protection, outlined in the above documents, cover basic tenets that should be included in victim protection frameworks, including:

- Victim identification;
- Immediate protection and support for victims according to individual needs;
- Legal assistance;
- Residency provisions; and
- Non-criminalization of victims.

On the national level, the level of victim protection and the number of general principles codified in national law varies considerably. Some countries have incorporated victim assistance into anti-trafficking legislation. In Europe, trafficking survivors are entitled to protection and care under the [Council of Europe Convention on Action Against Trafficking in Human Beings](#) and the [EU Directive on Preventing and Combating Trafficking](#). Other countries have passed specific victim assistance legislation, separate from anti-trafficking legislation. In Argentina, for example, [Law 26.364](#) on the Prevention and Punishment of Trafficking in Persons and Assistance to Victims states that victims of trafficking cannot be punished for any crimes they commit as a result of being trafficked and details the rights that are guaranteed to victims. Other countries have no mention of victim or survivor assistance in their anti-trafficking laws, and instead victim assistance, such as immunity and witness protection, is part of the national criminal code or is based on policy alone. The latter can lead to a lack of clarity as to victims' rights and entitlements or who is responsible for delivering these. This can undermine victim identification and recovery.

## National Referral Mechanisms

National Referral Mechanisms (NRMs) are often used by states as a key means of providing victims and survivors [access to assistance](#) in accordance with their legal obligations to protect



the human rights of victims. Victim care and support provided within a NRM [are generally a collaborative effort](#) between government agencies, international organizations and civil society with the aim of protecting the rights of victims of human trafficking and modern slavery, helping them access support and assistance. NRMs [can help improve](#) victim identification, strengthen a range victim-related policies and improve cross-sectoral cooperation.

NRM systems have been criticized for basing survivor support [on an arbitrary and limited time frame](#). Arbitrary timeframes mean that even people who are conclusively identified as trafficked through an NRM process often find that they [have difficulty accessing mainstream services](#) once support provided through the NRM ends. With NRM-based support systems, people who are not identified as possibly trafficked through an NRM may [receive no support](#), regardless of vulnerabilities they face.

### National Action Plans

Many countries have also established National Action Plans (NAPs) to combat human trafficking and modern slavery. Tailored to the specific needs of each country, NAPs can cover a one- to five-year period and set out key focus areas such as prevention, improved victim identification and better cooperation between government agencies and civil society. The [Call to Action to End Forced Labour, Modern Slavery and Human Trafficking](#) and [Global Plan of Action to Combat Trafficking in Persons](#) call for the development of national strategies that set out comprehensive approaches to modern slavery.

### Ensuring Effective Survivor Care

Human trafficking and other forms of exploitation are a violation of a person's fundamental human rights. Care and support provided to victims and survivors should help them reclaim their rights, not contribute to further rights violations.

In order to promote sustained recovery, it is crucial that service providers have [a minimum level of organizational and care standards](#) in place to ensure no further harm is experienced. As outlined in *The Slavery and Trafficking Survivor Care Standards*, a compilation of standards produced by the Human Trafficking Foundation, with input from government, civil society and international organizations, the provision of assistance and care should aim to address issues in partnership with individuals and should provide support that is integrated, holistic and trauma-informed, and geared towards meeting each person's individual needs. Service providers should work in partnership with other agencies to ensure that survivors can fully access their entitlements while they are gaining the confidence and skills necessary to recover from trafficking and rebuild their lives.

Those same standards suggest the delivery of care should reflect the following overarching principles:



## Human Rights-Based Approach

Support should never be contingent upon survivors' ability or willingness to cooperate with the authorities. Support should always be [offered on an informed and consensual basis](#), respecting survivors' choices and human dignity and promoting their rights.

A human rights-based approach should also take the concepts of universality, equality and non-discrimination, participatory decision-making, accountability, inalienability, indivisibility, interdependence and inter-relatedness into account.

## Trauma-Informed Care

Trauma-informed programmes and organizations [understand the widespread impact of trauma](#); recognize the signs and symptoms of trauma in clients, families, staff and others involved with the system; and respond by fully integrating knowledge about trauma into policies, procedures and practices, and seek to [actively resist re-traumatization](#). Services that support survivors should adopt a [Trauma-Informed Code of Conduct](#) to inform all of their practices and services.

## Harm Reduction

Harm reduction originally referred to policies, programmes and practices that aim to minimize negative health, social and legal impacts associated with drug use, but can also be utilized for victims of modern slavery and human trafficking.

Survivors seeking services may be addressing alcohol and/or drug use, self-mutilation, eating disorders, do-it-yourself transitioning for transgender survivors along with other complex behaviours [that can negatively affect health](#). Programmes that demand adherence to certain guidelines, up to and including complete abstinence, fail to understand the complexity of survivors' situations, and may ultimately inhibit access to necessary support. The use of professionally run low threshold access services—such as [drop-in centres](#), street-based outreach, shelters—allows survivors to develop healthy behaviours at their own pace. Acknowledging that an individual may not know they are actively being exploited is an important part of harm reduction. Harm reduction [focuses on positive change](#) and working with people without judgement, coercion, discrimination or requiring that they cease risky behaviours as a precondition of support.

## Accessibility and Non-Discrimination

Identification, protection, care and support should be equally accessible to all survivors of trafficking and modern slavery regardless of their race, nationality, immigration status, ethnic origin, language, age, physical ability, gender, pregnancy, religious belief, marital status or [sexual orientation](#). Providers should actively promote equity and diversity, making sure that



survivors are treated with dignity, and service provision should be inclusive and flexible to meet the various needs of each person.

### **Holistic and Victim-Centred care**

For every survivor there should be an appropriate pathway for provision that is tailored to individual risks and needs. This includes all survivors who have complex needs and require specialist provision.

Integrated, appropriate support should be provided in collaboration with each person and must consider all aspects of an individual's psychological, physical, spiritual, financial, legal and social well-being. Survivors must be placed at the centre of any decision-making process and support must be prioritized in accordance with their individual needs.

### **Returning Power to Survivors**

Supporting survivors in [regaining power is crucial](#) for individual liberation from exploitation. Resiliency to rebuild independence may come in gradual stages [taking into account individual needs and circumstances](#). Supportive services should seek to provide guidance, autonomy and information for when support is terminated or ends.

### **Freedom of Thought, Religion and Belief**

Services should be provided equally to those of any religion or belief. Service providers should not engage in proselytization or recruitment. Cultural humility [is a fundamental requirement](#) of all services for survivors. Societal and [cultural differences](#) must [be considered throughout service provision](#) in order to ensure victim-centred and effective care.

### **Multi-Agency Approach**

Working in partnership [with other providers and support services](#) ensures that survivors are able to access [necessary rights and entitlements](#), including access to healthcare services, early legal advice and representation, police services, financial and housing assistance. It can also support the continuity and consistency of care for survivors over time, by establishing ongoing provision from other professionals in accordance with individual needs. Sub-national and multi-agency partnerships [are a mechanism to enable communication and collaboration](#) between agencies, helping to ensure providers work together in the interests of victims and survivors.

### **Professional Boundaries**

Fostering positive attachments and healthy relationships within clear and explicit boundaries are a crucial step [to keeping both survivors and practitioners emotionally safe](#). Breaches in boundaries may lead to survivors feeling betrayed and/or dependent on individual workers,



leading to unclear outcomes for treatment and services. For this reason, staff must be clear on the limitations of their role and the services they provide, while making sure not to over commit or make promises that are outside of their control or role within their agency. If this does happen, survivors can lose trust in services, leading to a loss of contact.

The safety of survivors, staff and volunteers can be supported by adopting and implementing appropriate policies and procedures which cover health and safety, professional boundaries and supporting staff, [including vicarious trauma](#). Agencies providing care should update these policies regularly and monitor their implementation.

### Care/Aftercare

Recovery and reintegration support should be available well beyond the point of identification. Support [is likely to be long-term](#) and needs to address the vulnerabilities that may have led to exploitation as well as issues-whether individual, communal or cultural- that laid the groundwork for exploitation to occur. If support is cut off too early, it is likely that survivors will be at risk of re-exploitation and destitution. Each individual's length, extent and service needs will vary through short-, medium- and long-term survivorship.

The lack of housing, education and employment for survivors of exploitation are serious issues preventing individuals from moving past their victimization and into healing. Long-term, affordable and appropriate housing, including [transitional housing](#), [are a necessary element of recovery](#), and the stability that comes with housing can [make other parts of the recovery process easier](#), such as dealing with legal issues or finding employment. Poverty and unstable housing or homelessness are root causes of vulnerability and need to be addressed to reduce the risk of re-victimization. Individuals may lose faith in the systems and professionals, which can result in them becoming socially withdrawn or isolated, suffering mental health deterioration or losing contact with essential services.

Support should be provided according to the individual needs of each survivor. However, in practice, it is often dependent on services available and/or arbitrary time periods. If possible one-to-one casework support and advocacy should continue as requested by the survivor and should end only when the individual feels ready.

### Interpreters

In order to communicate fully, and therefore work effectively with survivors, it is crucial that the use of an in-person interpreter is routinely offered in all cases so that survivors [are able to speak in their language](#) and in their regional dialect. Interpreters should only be used with the informed consent of each person. This should be obtained prior to working with an interpreter and also again after they have met with the interpreter. Each person should be given a choice as to the gender of the interpreter with which they work and should feel able to request a change of interpreter.



## Data

Services must comply with legal obligations around requesting, holding of and processing data. Providers should be mindful of informed consent around data use, sharing of personal data, and of survivors' ownership of and safe access to their own data or records. Case work records must be maintained in accordance with legal requirements. Survivors must have their rights around their data clearly explained and should be provided with copies of all correspondence and information about them. Rights around access to personal data should be clearly explained and access to all correspondence and information should be provided.

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## Further Reading

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