

Statement for the World Society of Victimology (WSV) — As read by Michael O’Connell, Secretary-General, WSV

The Review Mechanism of the UNTOC is intended to be a means for identifying technical assistance needs, and for facilitating international cooperation. If this intent is to be achieved, then the constructive dialogues should be embraced with free-ranging enthusiasm. Non-state entities, such as NGOs, play a central role in augmenting government interventions, holding state institutions to account and driving evidence-based measures to tackle organised crime, such as trafficking in human beings. They must be allowed to provide open, honest, and directly relevant information on such crime, even if that information is unpalatable.

Much of the data collected on trafficking in human beings reflects the numbers of victims identified by police, law enforcement and other institutions, which represents only the ‘tip of the iceberg’, rather than the actual magnitude of such crime. As the Global Initiative Against Transnational Organized Crime states, “[Trafficking] is not a problem of the few” ... rather ... [it] is the most pervasive of all criminal markets globally.”

The WSV asserts that more needs to be done to protect victims. In broad terms, efforts to protect victims and prevent trafficking have been dominated by a crime-centric approach, which is necessary but only a partial solution. The WSV advocates for a victim-centric approach that is not so much focused on the criminal phenomenon but rather on safeguarding the rights of victims.

Both approaches have foundations in international law. The crime-centric approach emphasises the criminalisation of acts of fraud, violence, and abuse of trafficked victims and punishment of offenders, whereas the victim-centric approach emphasises the importance of protecting human rights and human dignity of victims, as well as harm reduction.

The rule of law should be integral to both approaches but in some countries, this is not so. This is particularly evident in countries in conflict and those with fragile states institutions that are vulnerable to undue influence by those perpetrating trafficking and other organised crime. The WSV reminds Member-states that Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power protects the rights of victims of acts that constitute serious abuses of political or economic power. Paradoxically, state actors are the most dominant agents in facilitating illicit economies and inhibiting resilience to organised crime, such as trafficking in human beings.

The WSV asserts that victims should not be punished for acts they commit because of trafficking. Trafficking victims can often have a dual status before the law. They may have been victims of trafficking, but they might also have attained a criminal status. Fear of criminal prosecution might inhibit victims’ preparedness to seek help and to co-operate.

Another challenge is providing services to victims of human trafficking. Victims have often suffered physical, sexual, and psychological abuse and have survived ordeals at the hands of abusers and traffickers. In some countries there is a lack of victim assistance programmes developed specifically for trafficking victims. Instead, they might be referred into programmes developed for victims of more conventional crimes. Though victims of trafficking may have much in common with victims of other forms of violence and/or exploitation, placing them in such programmes may not match their specific needs, which is integral to harm-reduction.

Such said, the WSV urges victim assistance services to also adapt to the changing dynamics of trafficking. Their responses should be trauma-informed and evidence-based, and they should have a willingness to co-operate to improve access to the mechanisms of justice and to treatment.