



Call for evidence for the EU Strategy on Combatting Trafficking in Human Beings

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Many victims and potential victims continue to face significant barriers to accessing their rights under the directive, particularly when undocumented.

- People who have an irregular residence status are still in most cases unable to engage with the police to safely report experiences of abuse that may amount to trafficking, without risking immigration enforcement action.
- As police identification and/or formal complaints continue to be major gateways to accessing victims' services and a reflection period, this problematic interaction with the police can be an insurmountable barrier to people accessing their rights and necessary protections.
- This creates major gaps in implementation of the directive and efforts to address human trafficking, leaving many victims unable and unwilling to come forwards, without the support they need, and trapped in protracted situations of exploitation and abuse.

Therefore, it is crucial that MS be encouraged and supported through the next EU strategy, to improve implementation of key provisions in the directive that provide **protection, support and remedy**, in particular when victims or potential victims are undocumented. In particular, activities in the strategy should focus on:

- **Identification:** working with civil society organisations to reduce the reliance on police identification as a gateway to accessing vital supports and services.
- **Unconditional access to assistance:** Victims and potential victims should be ensured access to services and supports regardless of their status and through a social path, not linked to criminal investigations. Funding should be allocated to independent information and service provision, including safe and suitable accommodation. Service and justice providers should be able to guarantee that personal data of undocumented migrants will not be shared with or accessed by immigration authorities for immigration enforcement purposes.
- **Non-punishment:** promote better application of the principle:
 - at all stages, including from early stages of identification as soon as relevant grounds have been found

- to all activities that may be subject to sanctions, including irregular entry, stay, undeclared work, and offences related sex work,
- unconditionally (it should not be dependent on ability or will to cooperation with criminal investigations or legal proceedings),
- practically (it should lead to e.g. lifting of fines, sanctions and any measures restricting rights, including release from detention/ prison, as well as discontinuation of any legal proceedings).
- **Access to compensation and remedy:**
 - piloting of safe reporting measures and effective complaints mechanisms that enable to victims and potential victims to engage with the police, labour inspection, and civil and criminal legal procedures without risking immigration enforcement action;
 - exchange with key stakeholders to assess policy options regarding residence and work permits that can reduce vulnerabilities and promote secure and long-term permits that provide respite and remedy to victims;
 - promotion of measures found to facilitate access to compensation, both in legal and administrative procedures, for example by reducing the steps required by victims and by strengthening the powers of the labour inspection, and through state financing such as legal aid and state compensation funds for advance payments.

When looking at **prevention**, the Strategy should focus on measures that address the systems that produce vulnerability and enable exploitation. This requires linking to measures that can be taken to improve labour standards and their enforcement for all workers, including through sectoral initiatives in key sectors and through regulation of business practices and responsibilities, as well as measures to improve migration pathways and promote fair recruitment.

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for social justice.

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