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# 5.5.1. Policy, legislative and judicial developments at the national level

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icon for policy developments vulnerable groups

In 2022, EU+ countries introduced policy and legislative changes to better identify, refer and protect victims. For example, the French Ministry of the Interior published an instruction in April 2022 requesting the prefects to harmonise practices related to victims who were trafficked for sexual exploitation.1373 The Romanian government approved a national identification and referral mechanism for victims of human trafficking in January 2023.1374

Italy adopted a National Action Plan 2022-2025 with long-term strategies and actions aimed at raising awareness, better prevention and the social integration of victims of trafficking.1375 In line with this, Italy's civil courts granted protection to two Nigerian women who were victims of sexual exploitation and prostitution, as they would either risk an act of persecution on grounds of membership of a particular social group or be re-trafficked if returned to the country of origin (see here and here). In another case, a male trafficking victim from Nigeria, initially excluded from refugee protection, was recognised as eligible for subsidiary protection since he could suffer inhuman or degrading treatment by his family after having been a victim of human trafficking.

In Austria, the Constitutional Court ruled on the link between being the victim of human trafficking and belonging to a particular social group, and confirmed that a Nigerian woman could be regarded as being a member of a particular social group since she had been sexually exploited as a victim of trafficking and would be stigmatised, marginalised and discriminated against upon a return to Nigeria. In another case, the court ruled on the evidentiary value of the assessments undertaken by the national victim protection organisation and questioned the lower court's approach to disregard the detailed analysis submitted by that organisation.

Protection was also granted to a transsexual trafficking victim from India by the Administrative Court of Cologne in Germany. The court noted that the victim's return to the country of origin would not constitute a safe environment since the applicant would face family members or members of the Hijra community through whom she had experienced sexual abuse since childhood, violence and forced to prostitution.

In contrast, CALL in Belgium reviewed the case of a perpetrator of human trafficking who tried to obtain international protection. He claimed to have been threated, arrested and abused by Hamas. He travelled to Belgium, where he was arrested on charges of human trafficking and participation in criminal groups. He was sentenced to imprisonment and excluded from refugee and subsidiary protection status.

There were several developments with regard to referral mechanisms in EU+ countries. Ireland adopted a bill in July 2022 to amend the national referral mechanism to make it easier to identify victims and involve a broader range of actors to provide support.1376 In Finland, legislative amendments were introduced and entered into force in January 2023 to improve the identification and referral of victims of trafficking and their right to services and assistance, irrespective of the progress of criminal proceedings.1377

Spain's Council of Ministers adopted a draft bill on trafficking and exploitation which focuses on prevention, assistance and the protection of victims by guaranteeing a series of rights and support measures. A national referral mechanism for potential trafficking victims will also be created.1378

In Estonia, a new Victim Support Act enters into force on 1 April 2023. The act will further improve the availability and quality of victim support services.1379

As part of a reform process, the Human Rights Initiatives Unit in Malta will develop a national strategy and action plan against human trafficking, which will then serve as the national referral mechanism.1380 This initiative will receive the support of the Council of Europe through a 2-year project to help with the preparation of the new national anti-trafficking strategy and action plan.1381

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