

GUIDANCE NOTE on residence permits for victims of trafficking in human beings

(Article 14 of the Council of Europe Convention
on Action against Trafficking in Human Beings)



G R E T A
Group of experts
on Action against
Trafficking
in Human Beings

THB-GRETA(2026)05



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Group of Experts on Action against
Trafficking in Human Beings

Council of Europe

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*Note d'orientation sur les permis de séjour pour
les victimes de la traite des êtres humains*

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I. INTRODUCTION

1. The issuance of residence permits to victims of trafficking in human beings, which is provided for in Article 14 of the Council of Europe Convention on Action against Trafficking in Human Beings (hereafter “the Convention”), is an essential part of their access to remedies, providing them with a foundation for safety and stability, and enabling their access to justice. Granting residence permits to trafficked persons is meant to address both the victims’ needs and the requirements of combating human trafficking.¹
2. Article 14 of the Convention places positive obligations on States Parties to issue renewable residence permits to victims. It states that:
 - “1. Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:
 - a. the competent authority considers that their stay is necessary owing to their personal situation;
 - b. the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
 2. The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.
 3. The non-renewal or withdrawal of a residence permit is subject to the conditions provided for by the internal law of the Party.
 4. If a victim submits an application for another kind of residence permit, the Party concerned shall take into account that he or she holds, or has held, a residence permit in conformity with paragraph 1.
 5. Having regard to the obligations of Parties to which Article 40 of this Convention refers, each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum.”
3. The monitoring of the implementation of the Convention by the Group of Experts on Action against Trafficking in Human Beings (GRETA) has shed light on a number of challenges in the application of Article 14 of the Convention.² The number of residence permits issued to victims of human trafficking is low across State Parties to the Convention, and there are considerable delays in processing applications for residence permits, depriving victims of the possibility to work or access medical or other assistance for prolonged periods of time. The requirements for being issued a residence permit, in terms of evidence and documents, are sometimes prohibitively high. Where countries decide to issue residence permits solely on the ground of co-operation in the investigation or criminal proceedings, access to essential assistance services is terminated after the recovery and reflection period, which is often limited to 30 days, unless the victim co-operates with the competent authorities. The low chances of having their status regularised and the threat of quick removal or deportation make victims reluctant to come forth for identification and co-operate with the investigation.

¹ See [Explanatory Report](#) to the Council of Europe Convention on Action against Trafficking in Human Beings (2005), paragraph 180.

² See GRETA’s [4th General Report](#) (stocktaking of the first evaluation round), 2015, pp. 48-49, and GRETA’s [9th General Report](#) (stocktaking of the second evaluation round), 2020, pp. 58-59.

4. Consequently, GRETA decided to draw up this Guidance Note in order to strengthen the implementation of Article 14 of the Convention and provide concrete and practical guidance for relevant authorities, agencies and civil society organisations. The Guidance Note highlights the purposes and principles of residence permits for victims of human trafficking, the legal basis and procedures for granting such permits, the requirements for the practical implementation of Article 14 of the Convention and its relationship with other provisions of the Convention. The Guidance note also sheds light on the relationship between the Convention and Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities.

II. PURPOSES AND PRINCIPLES OF RESIDENCE PERMITS FOR VICTIMS OF TRAFFICKING PROVIDED FOR IN ARTICLE 14 OF THE CONVENTION

1. Gateway to rights and remedies

5. Legal residence is a precondition for trafficking victims' access to certain rights set out in the Convention, in particular those in Article 12, paragraphs 3 and 4, which are expressly conditioned on the victims' lawful residence within the country's territory (access to medical or other assistance beyond emergency treatment, vocational training, education and the labour market). Secure residence provides the stability necessary for genuine healing, free from the threat of imminent removal and the disruption of support relationships. Legal residence thus functions as an essential gateway to recovery and reintegration.³
6. The regularisation of the legal status of victims of trafficking is key for their access to justice. Obtaining a residence permit can facilitate victims' access to compensation and other forms of redress guaranteed by Article 15 of the Convention and to an effective remedy under broader international human rights law, by enabling victims to participate in criminal and civil proceedings, pursue compensation claims and exercise other procedural rights.

2. Humanitarian purpose

7. Trafficking in human beings is a traumatic experience which can have a profound impact on the mental health of victims and require long-term assistance to recover from the physical and psychological harm arising from the exploitation.⁴ The humanitarian purpose of residence permits includes securing access to appropriate healthcare, trauma-informed services, rehabilitation programmes and long-term treatment.
8. Victims of human trafficking may face ostracism, discrimination or violence on return, particularly after sexual exploitation or where "shame" is imputed. In some cases, return may expose victims and/or their family to serious harm, in particular when the

³ See Helen Bamber Foundation, ATLEU and ECPAT UK (Beth Mullan-Feroze and Kamena Dorling), *Road to Nowhere: The impact of insecure immigration status of survivors of trafficking*, July 2025, available at: <https://www.helenbamber.org/resources/reportsbriefings/thousands-confirmed-trafficking-victims-denied-permission-stay-uk-and>.

⁴ See Helen Bamber Foundation (Beth Mullan-Feroze, Kamena Dorling and Danning He), *Leave in limbo: Survivors of trafficking with uncertain immigration status*, 15 August 2023, available at: <https://helenbamber.org/resources/reportsbriefings/leave-limbo-survivors-trafficking-uncertain-immigration-status>.

authorities in the country of origin do not effectively protect them. Family and social circumstances may also be relevant. Some victims have close relatives lawfully resident in the destination state, who can support their recovery and reintegration. Humanitarian factors may therefore include preventing harmful separation, protecting victims and their relatives from reprisals, and upholding the best interests of children.

3. Preventing re-trafficking and other human rights violations

9. Some victims of trafficking, particularly those who give evidence, face reprisals or serious harm from traffickers and/or are at a significant risk of being re-trafficked if they are sent back to their country. Residence permits provide protection by allowing victims to stay away from those who exploited them.
10. Although residence permits do not address the root causes of human trafficking, they can mitigate key drivers lowering the likelihood of re-trafficking. The lack of lawful residence, economic precarity, exclusion from lawful employment and fear of contact with the authorities increase the risk of renewed exploitation.⁵ Re-trafficking often occurs when victims return to their countries of origin without meaningful alternatives to the conditions that made them vulnerable in their first place. Residence permits can provide time and stability to develop skills, earn income, build support networks and create viable life paths.

4. Facilitating co-operation with the investigation and criminal proceedings and enabling victims to testify against the offenders

11. Residence permits can enable victims of trafficking in human beings to remain available and be prepared for trafficking-related investigations and trials and reduce the deterrent effect of possible removal to their country of origin. Victims who are in an irregular situation are often discouraged from contacting the authorities by fear of being sent back to their country of origin. For the law enforcement authorities, if the victims continue to live clandestinely in the country or are removed immediately, they cannot give information for effectively combating human trafficking.⁶ It often takes longer than the recovery and reflection period for victims to be able to provide statements that can usefully contribute to investigations and proceedings, which underlines the importance of granting residence permits for victims.
12. Residence permits should support victims' engagement by providing safety and stability; the conditions attached to residence permits must not amount to de facto compulsion. A decision to co-operate should be voluntary and informed. Before deciding whether to co-operate with the investigation, victims should be provided, in an accessible format and in a language they understand, with clear information on their rights, options and the likely consequences of different choices, including any implications of participation in criminal proceedings and available protection measures.

5. Non-discrimination

13. In line with Article 3 of the Convention, Article 14 applies "without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

⁵ See Helen Bamber Foundation (Beth Mullan-Feroze, Kamena Dorling and Danning He), *Leave in limbo: Survivors of trafficking with uncertain immigration status*, 15 August 2023.

⁶ See Explanatory report to the Convention, paragraph 181.

14. While human trafficking continues to disproportionately affect women and girls, particularly for the purpose of sexual exploitation, Article 14 applies to all victims irrespective of gender or form of exploitation. Any person subjected to human trafficking must receive equal access to residence permits. Victims of trafficking for the purpose of any form of exploitation are entitled to a residence permit where the conditions of Article 14 are met.
15. Article 14 applies without discrimination on grounds of nationality or country of origin. Victims from states perceived as source countries for irregular migration should not face greater scepticism or stricter standards, and victims from countries with which the destination state has political tensions should not be disadvantaged or excluded from the possibility of obtaining a residence permit. GRETA has stressed that victims of trafficking who are nationals of European Union (EU) or European Economic Area (EEA) countries and who do not fulfil the requirements for residence in the EU should be entitled to obtain a renewable residence permit as victims of trafficking.

III. LEGAL BASIS AND PROCEDURE FOR GRANTING, REFUSAL AND WITHDRAWAL OF RESIDENCE PERMITS FOR VICTIMS OF TRAFFICKING

1. Scope of application

16. Article 14 does not depend on where the trafficking or exploitation occurred; it applies where a victim is present in the Party's territory.
17. Proof of the offence is not required for Article 14 to apply; it is sufficient that there are reasonable grounds to believe that a person is a victim of human trafficking. The "reasonable grounds" decision may rest on the victim's account and/or other evidence or indicators. The absence or the failure of criminal proceedings - because perpetrators may be unknown, abroad or unavailable - does not negate the presence of "reasonable grounds".
18. Article 14 applies only for victims of human trafficking who are non-nationals. If a victim already has permanent residence or an unconditional right under domestic or regional free-movement rules, a residence permit may be unnecessary. In all other cases - such as time-limited or conditional status based on employment or study, a temporary right to remain pending other proceedings, or the EU nationals' initial right to residence (typically three months) - states should grant a residence permit to secure stability and the entitlements attached to it.

2. Situations when residence permits should be issued

19. Under Article 10, paragraph 2, of the Convention (Identification of the victims), where the authorities have reasonable grounds to believe that a person is a victim of trafficking, that person must not be removed until the identification process is completed, be granted a recovery and reflection period pursuant to Article 13 of the Convention, and receive the assistance provided for in Article 12, paragraphs 1 and 2, of the Convention. If at the end of the reflection and recovery period the identification process is still ongoing, the legal status of the presumed victim must be regularised by issuing a residence permit under Article 14 of the Convention or granting another form of leave to remain under domestic law.
20. The two requirements laid down in Article 14, paragraph 1, of the Convention for the issue of a residence permit are that either the victim's stay be "necessary owing to their personal situation" or that it be necessary "for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings". According to the Explanatory report to the Convention, the aim of these requirements is to allow Parties to choose between granting a residence permit in exchange for co-operation with the law enforcement authorities and granting a residence permit on account of the victim's needs, or indeed to adopt both simultaneously.⁷ A purposive interpretation - consistent with the Convention's object and purposes (preventing and combating trafficking, ensuring effective investigation and prosecution, and protecting and assisting victims and witnesses) - supports ensuring that both grounds are available in domestic law. GRETA has noted that difficulties arise when a country chooses to make the residence permit conditional on the victim's co-operation, which in practice undermines the unconditional nature of assistance to victims set out in Article 12, paragraph 6, of the Convention.⁸ While facilitating prosecution is a legitimate purpose for issuing residence permits, it should not overshadow the humanitarian and rights-based purpose of Article 14. A system that grants residence only when it serves prosecutorial interests reduces victims to evidence sources rather than rights-holders entitled to protection.
21. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Conversely, the investigation may not proceed due to the exploitation having taken place in another country, insufficient evidence or diplomatic immunity applicable to the alleged exploiter, making it impossible for the victim to co-operate. In this context, Article 12, paragraph 2, of the Convention requires Parties to take due account of the victim's safety and protection needs when providing assistance, which is particularly important where victims are unable to co-operate with the authorities. A victim-centred approach puts the needs, problems and fears of victims before the interests of law enforcement.⁹ GRETA has therefore concluded that, to meet the Convention's aims, State Parties should ensure that both grounds in Article 14 are available in domestic law.¹⁰

⁷ See Explanatory report to the Convention, paragraph 182.

⁸ See GRETA's third report on Austria, paragraph 254.

⁹ See Johanna Schlintl, Liliana Sorrentino, *Residence Permits, International Protection and Victims of Human Trafficking*, REST Project, February 2021.

¹⁰ See GRETA's third report on Austria, paragraph 254.

3. Grounds for granting residence permits

Personal situation

22. According to domestic legislation of State Parties to the Convention, a residence permit can be issued in situations of “particular vulnerability”, “harmful” situations, situations of “particular hardship”, or due to the impossibility or impracticability of enforcing a return order.¹¹
23. The victim’s personal situation is not determined solely by the trafficking offence, but by wider circumstances, including, but not limited to, safety, health, age, work, family situation and conditions in the proposed country of return. Other relevant factors include particular vulnerabilities, such as psychological, physical or cognitive impairments. Victim support organisations, including specialised NGOs, may provide valuable information for this assessment and their views should be sought and taken into account where appropriate. The return of victims to other countries should be contemplated only where the victim would be safe in the country concerned, taking into account the victim’s rights and dignity and the status of any legal proceedings related to the fact that the person is a victim, as stipulated in Article 16, paragraph 2, of the Convention.
24. The Explanatory Report to the Convention makes specific reference to case law of the European Court of Human Rights regarding Article 3 of the European Convention on Human Rights (ECHR).¹² It notes that, where there is a risk of a violation of Article 3, there may be an obligation not to return a person against their will to their country of origin; furthermore, the responsibility of the State would also be engaged where the risk “did not follow directly or indirectly from public authorities of the destination country”.¹³ The European Court of Human Rights has underlined that although states have the right to control the entry, residence and expulsion of aliens, the removal of an alien may give rise to an issue under Article 3 of the ECHR.¹⁴ It implies an obligation not to remove the individual to that country where substantial grounds have been shown for believing that the person in question, if removed, would face a real risk of being subjected to treatment contrary to that Article in the receiving country.¹⁵

Co-operation with the competent authorities in investigation or criminal proceedings

25. For this condition to be met, there must be an investigation or criminal proceedings into human trafficking and the victim’s stay must be necessary for the purpose of co-operation in that investigation or those proceedings. If the investigation or proceedings are terminated, the condition is no longer satisfied, regardless of the extent of the victim’s past co-operation.

¹¹ Julia Planitzer and Helmut Sax (eds), *A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings* (Elgar Commentaries, 2020), para 14.22–14.24, available at: https://www.echr.coe.int/LIBRARY/DIGDOC/PLANITZER-2020-Commentary_on_CoE_Convention_against_trafficking.pdf.

¹² Convention for the Protection of Human Rights and Fundamental Freedoms 1950, CETS No.5. Article 3 provides: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

¹³ Council of Europe Convention on Action against Trafficking in Human Beings 2005, *Explanatory Report*, Paragraph 203.

¹⁴ *Khasanov and Rakhmanov v. Russia* [GC], nos. 28492/15 and 49975/15, § 93, 29 April 2022, available at: <https://hudoc.echr.coe.int/fre?i=001-217061>.

¹⁵ *Ilias and Ahmed v. Hungary* [GC], no. 47287/15, § 126, 21 November 2019, available at: <https://hudoc.echr.coe.int/fre?i=001-172091>.

26. The term “co-operation” in Article 14 should be interpreted broadly. It may include being interviewed by the police; providing a written statement; giving evidence in court; or participating in the proceedings (for example, lodging a complaint, supporting an indictment, or claiming compensation).
27. The Convention does not require “total” co-operation as a condition for necessity. There may be valid reasons for a victim to decline to co-operate in certain respects - for example, to refuse to give evidence on a particular matter or person - which should not be treated as a refusal to co-operate for Article 14 purposes. Co-operation may be difficult for victims who have family or emotional ties with the perpetrators and are therefore reluctant to make statements against them. Further, trauma from the exploitation or disability may affect the victim’s ability to provide information which is considered by the authorities as sufficiently reliable or useful for the criminal proceedings. The prospect of granting or withholding a residence permit must not be used to secure co-operation or, worse, to induce inaccurate or incomplete evidence. Conversely, a victim who flatly refuses to appear in court or to provide any statement or information is unlikely to meet the co-operation condition.
28. Whether the victim’s stay is “necessary” should be assessed by the competent authorities - police, prosecution or court - taking into account, where appropriate, the views of the victim, the victim’s lawyer or a supporting NGO. These actors may hold different positions on whether the victim’s presence is required; for example, a prosecutor may accept a written statement, whereas a victim may wish to appear to support charges and pursue compensation. Where such participation forms part of the judicial process, the rules of permits under Article 14, paragraph 1(b), of the Convention apply.
29. The development of an advanced system of mutual legal assistance between European countries such as the European Convention on the Transfer of Proceedings in Criminal Matters, and, within the EU, the European Investigation Order and the European Arrest Order, and other instruments, may entail that a person’s physical presence in court is not always necessary. GRETA notes, however, that in-person participation may still be important in many cases. These developments therefore do not remove the need to assess, case by case, whether the victim’s stay is necessary for the purposes of the investigation or criminal proceedings.

4. How residence permits for victims of trafficking should be regulated

30. An Article 14 residence permit should be expressly provided for in domestic law (i.e. not merely as a general possibility of obtaining a permit on humanitarian grounds or only in internal instructions or handbooks). A clear legal basis ensures legal certainty and consistency of application. In the absence of an explicit framework for this specific residence permit, victims may be removed without sufficient time to recover or to participate in criminal proceedings against the perpetrators. The need for an explicit domestic legal basis is also reflected in Article 14, which provides that non-renewal and withdrawal are “subject to the conditions provided for by the internal law of the Party”.
31. The procedure for granting a residence permit should be clearly defined. The decision may be entrusted to one or more competent authorities, but it must always be a formal decision. The procedure should be transparent, and the victim should be able to participate effectively in it, either personally or through a representative. There should be a right of appeal against a negative decision, within a reasonable time. The victim should have an effective possibility to exercise that right, either personally or through a representative. Furthermore, the victim should be permitted to remain on the

territory of the state pending a final decision (including on any appeal), in accordance with domestic law.

32. The extent of co-operation with the authorities conducting criminal proceedings can be assessed by the police, the prosecution, the court or the victim's lawyer. Accordingly, the decision-making authority should be required to seek the views of the police, the prosecution, the court or the lawyer appointed for the victim in the criminal proceedings. Similarly, the victim's personal situation is best assessed by the organisations providing support to the victim, such as specialised NGOs, shelters, social and/or health authorities, whose opinions the decision-making authority should obtain and consider.

5. Length of the residence permits

33. The Convention requires State Parties to issue a renewable residence permit under Article 14, which means that a permit may be time-limited. State practice varies considerably: some issue permits for six months or less; others for five to ten years; and a few states issue permits of unlimited duration. In some jurisdictions renewal may be indefinite, in others there is an absolute cap.
34. GRETA considers that the duration of a residence permit should be sufficient to enable victims to secure durable solutions.¹⁶ An initial six-months period is an absolute minimum. Permits should be renewed for as long as the conditions in Article 14 persist, including for the full course of criminal proceedings and any compensation proceedings related to a person's status as a victim of trafficking. Renewal should follow clear timelines and transparent, publicly available criteria. There is nothing in the Convention to prevent states from issuing a permanent residence permit, as is envisaged in the Palermo Protocol.¹⁷

6. Rights attached to the residence permit

35. Article 12 of the Convention, which sets out, in detail, States Parties' obligations as regards victim assistance, applies in its entirety to all holders of Article 14 residence permits (see also paragraph 63 and following of the Guidance note).
36. During the drafting of the Convention, the question of family reunification was discussed and rejected by the contracting parties.¹⁸ It is therefore to be concluded that this is a matter for the states' discretion. GRETA is of the position that, as follows from general human rights principles and from various conventions, treaties and protocols concerning the rights and care of children, as well as from Article 8 of the European Convention of Human Rights, that an Article 14 residence permit should include dependent children and should, if that is in the best interests of the victim, include all children in the victim's custody, even those who are not present in the state, as well as accompanying spouses or partners.
37. State Parties should ensure that the rights attached to the residence permit issued to victims of human trafficking support recovery and reintegration in practice, including effective access to employment, education, healthcare and housing, and the ability to

¹⁶ See Helen Bamber Foundation, ATLEU and ECPAT UK (Beth Mullan-Feroze and Kamena Dorling), *Road to Nowhere: The impact of insecure immigration status of survivors of trafficking*, July 2025", 15 July 2025.

¹⁷ Article 7 of the Palermo Protocol provides that States should consider measures permitting victims to remain temporarily or permanently, giving appropriate consideration to humanitarian and compassionate factors.

¹⁸ Julia Planitzer and Helmut Sax (eds), *A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings* (Elgar Commentaries, 2020), para 14.09.

travel where appropriate. GRETA has criticised situations where an unconditional right to work was not guaranteed for holders of an Article 14 residence permit.¹⁹

7. Grounds for refusal, non-renewal or withdrawal

38. The Convention does not set out specific grounds or procedures for refusing an Article 14 residence permit. It provides that a permit is to be issued where the conditions set out in the Article are met; conversely, where those conditions are not met, States are not required to issue a permit.
39. The grounds for non-renewal or withdrawal are within the States' discretion. Because such measures are, in the Convention's wording "subject to conditions provided for by internal law", domestic legislation should clearly specify objective circumstances and procedures for non-renewal or withdrawal. The burden of establishing that those conditions are met should normally lie with the authorities, who are better placed to make enquiries and obtain evidence. It follows from the Convention's object and purpose that these measures must accord with general humanitarian standards. Reasons may relate to the victim's personal situation (e.g. sufficient recovery) or objective changes (e.g. termination of criminal proceedings).
40. Refusing or withdrawing a residence permit to a victim of trafficking on the grounds of an unlawful act committed while being trafficked goes against the non-punishment provision enshrined in Article 26 of the Convention (see also paragraph 71).
41. As the duration of residence permits varies across states, no definitive recommendation can be made on withdrawal versus non-renewal. Withdrawal may be unnecessarily burdensome where the remaining validity is short. Conversely, where a permit lasts for years, GRETA considers that only very serious changes in circumstances should justify withdrawal.
42. Where victims of human trafficking apply for another kind of residence permit, Article 14, paragraph 4, of the Convention encourages State Parties to have regard to the applicant's having been a victim of trafficking in human beings. However, it does not place any obligation on the Parties to grant another kind of residence permit to persons who have received a residence permit under paragraph 1 of Article 14.²⁰ At the same time, the fact that a victim holds, or seeks, another type of residence permit, such as one based on family reunification or employment, should not in itself deprive them of access to support programmes for victims of trafficking.

¹⁹ See GRETA's [4th report on Moldova](#), 2025, para. 183.

²⁰ See Explanatory report to the Convention, paragraph 189.

8. Residence permits for child victims of human trafficking

43. Under Article 14, paragraph 2, of the Convention, the residence permits for child victims, when legally necessary, shall be issued in accordance with the best interests of the child²¹ and, where appropriate, renewed under the same conditions. This provision establishes a distinct standard for child victims, i.e. any victims under 18 years of age. The granting of a residence permit to them should not be made conditional upon the child's co-operation with the competent authorities or upon the child satisfying the grounds applicable to adult victims under Article 14, paragraph 1. The words "when legally necessary" are used in the text to take into account that, in some State Parties, children do not require a residence permit.
44. GRETA notes that situations of legal necessity may arise, for example, when: the child has no other legal basis to stay in the country; the child's existing status is temporary or insecure and fails to meet protection standards; the child's right to reside is derivative of their parents' or legal guardian's status, but that status is unstable or subject to removal and the child's right of residence must be established independently; or when the child is in state care and having a residence permit may be legally necessary to enable access to services, social support, guardianship, education and healthcare.
45. The obligation to issue residence permits in accordance with the best interests of the child should be interpreted consistently with the Convention on the Rights of the Child, which requires states, in all actions concerning children, to treat the child's best interests as a primary consideration. The best-interests test is not discretionary: authorities must actively assess it and give it due weight. It must be applied case-by-case, under a clearly defined procedure that records how the child's best interests were considered and the criteria applied, including the child's safety, risk of re-trafficking, family environment, stability and access to education, healthcare and psychosocial support. Where return would expose the child to harm or re-trafficking, or adequate care is lacking in the country of origin, a residence permit may be legally necessary.
46. The Convention also provides that, where appropriate, residence permits for child victims should be renewed under the same conditions. Where protection needs persist, renewal should ensure continuity of legal status and of access to rights and safeguards.
47. As the Convention draws a clear distinction between children and adults in the grounds for granting residence permits, State Parties should ensure their domestic law reflects this distinction.
48. Adolescents, who may be especially vulnerable, should receive appropriate protection and not be treated as adults subject to standard criteria; reaching the age of majority should not terminate residence or support abruptly. Applications for residence permits should be treated expeditiously and the issuance of a permit should not be delayed until the victim turns 18.

²¹ See General comment no. 14 (2013) on the right of the child to have his or her best interests taken as primary consideration (art. 3, para. 1), available at: <https://digitallibrary.un.org/record/778523?ln=en&v=pdf#files>

IV. REQUIREMENTS FOR PRACTICAL IMPLEMENTATION

49. Presumed victims must be informed of the possibility of applying for a residence permit under Article 14. Professionals likely to encounter victims (for example, law enforcement officers, prosecutors, labour inspectors, social workers, lawyers, NGO staff) should be trained on when and how to inform victims and enable them to request a residence permit. The training on residence permits should be part of the general training on combating human trafficking. The authorities responsible for issuing residence permits should be provided with instructions to ensure consistent application of legislation and policy on residence permit throughout the territory of the country. These instructions should guide responsible officials to consider applications for residence permits in a timely, objective and sensitive manner, with due consideration of the individual circumstances of the persons concerned.
50. Applications for residence permits are normally made by the victims themselves. For that purpose, information on how to apply must be provided to victims in a language they understand and in an accessible form. However, circumstances may arise that the victim is unable to make an application him/herself. In such situations, it should be possible for designated actors - such as social welfare officers, the police, appointed lawyers or guardians, specialised NGOs - to apply on the victim's behalf
51. States should avoid barriers such as application fees, demands for valid travel documents, absence of a criminal record in the country of origin or the host country, absence of previous violations of visa or residence regulations, or proof of employment or secure income.²² Some states require, as a pre-condition for a residence permit, that the victim has broken contact with the traffickers. However, this is not required or mentioned in the Convention as a precondition for an Article 14 permit. Similarly, increasing reliance on online application procedures may create practical obstacles for victims and should be avoided or appropriately mitigated.
52. An application for a residence permit is often made near the end of the recovery and reflection period, or immediately upon detection where no such period is deemed necessary. There should be no gap between the end of the reflection and recovery period and the issuance of a residence permit. Formalities should be minimal, and decisions taken without delay. Relevant conditions are usually readily ascertainable. Prolonged or onerous procedures can compound harm and create practical obstacles (for example, no right to work, restricted health care, difficulty opening a bank account, renting accommodation or obtaining insurance).
53. Decisions on refusal or withdrawal of a residence permit should be taken within a reasonable time after an application is lodged; they should be sufficiently reasoned, foreseeable, and adopted after the victim has been heard. Such decisions should not take immediate effect; the victim must have time to adjust and, where appropriate, to seek legal redress. Victims should be able to seek judicial or administrative review of such decisions, including by lodging an appeal. Where an application is refused, victims should have access to legal assistance and, given the complexity of appeal proceedings, to legal representation in order to challenge the decision effectively. Where relevant, victims should also be informed of any available follow-up procedures, including the possibility of applying for another residence permit or other forms of protection.

²² Planitzer and Sax (eds), *A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings*, paras. 14.28–14.30.

54. States should collect and make publicly available data on residence permits, including the number issued and renewed, the grounds relied upon, duration and the numbers refused and withdrawn.

V. RELATIONSHIP WITH INTERNATIONAL PROTECTION²³

1. Complementary nature of protection frameworks

55. Article 14, paragraph 5, of the Convention provides that granting residence permits to victims of trafficking “shall be without prejudice to the right to seek and enjoy asylum”. The fact of being a victim of trafficking in human beings cannot preclude the right to seek and enjoy asylum and Parties shall ensure that victims of trafficking have appropriate access to fair and efficient asylum procedures and take whatever steps are necessary to ensure full respect for the principle of *non-refoulement*.²⁴
56. The relationship between Article 14 residence permits and international protection is complementary, not mutually exclusive. The frameworks have distinct but overlapping purposes and may apply simultaneously to the same person. Systems that require withdrawal of an asylum claim in order to access a residence permit, or vice versa, are incompatible with Article 14, paragraph 5, of the Convention. States must ensure that pursuing one route does not preclude access to the other.²⁵
57. Article 14 permits address trafficking victimisation, supporting recovery, access to remedies and the prevention of re-trafficking. International protection addresses persecution or serious harm for those unable safely to return. The underlying facts may overlap, but the legal bases and primary aims differ. Victims may fear persecution based on membership in a particular social group (for example, trafficked persons, women subjected to sexual exploitation, or those who have escaped traffickers), political opinion (actual or imputed opposition to trafficking), or other relevant grounds.²⁶ Return may also expose them to serious harm justifying subsidiary or other complementary protection.
58. States adopt varying approaches to processing Article 14 residence applications and asylum claims. Some process both in parallel; others require sequential processing. Parallel processing better ensures timely resolution and avoids prolonged uncertainty. Sequential approaches, particularly those requiring complete resolution of asylum claims before considering Article 14 residence, may leave victims without protection for extended periods.²⁷
59. Effective implementation requires co-ordination between asylum authorities and the bodies responsible for trafficking identification and Article 14 residence. Information gathered in one procedure may inform the other, subject to confidentiality. Formal protocols should enable appropriate information-sharing while safeguarding victims’ interests.

²³ This chapter should be read in conjunction with GRETA's Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (GRETA(2020)06), available at: rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44.

²⁴ See Explanatory report to the Convention, paragraph 377.

²⁵ See REST Project Policy Paper, January 2021.

²⁶ For comprehensive guidance on when victims of trafficking may qualify for refugee status or subsidiary or other complementary protection, see GRETA's Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.

²⁷ See Helen Bamber Foundation (Beth Mullan-Feroze, Kamena Dorling and Danning He), *Leave in limbo: Survivors of trafficking with uncertain immigration status*, 15 August 2023.

60. Negative asylum decisions should not automatically preclude Article 14 residence permits. The standards and purposes differ: asylum addresses persecution or serious harm in the country of origin, whereas Article 14 addresses protection and assistance needs arising from trafficking victimisation, while also serving the interests of effective investigation and criminal proceedings. A person may not meet the refugee or subsidiary protection tests (for example, effective state protection or internal relocation) yet still require residence on personal-situation grounds (such as ongoing treatment) or co-operation grounds. Applications under Article 14 must be assessed on their own merits.
61. Where asylum or subsidiary protection is granted, an Article 14 permit will often be unnecessary, since refugee status usually provides more comprehensive, durable protection. During asylum procedures, however, an Article 14 permit may provide stability and facilitate access to specialised anti-trafficking support, including trauma counselling, secure accommodation and legal assistance, which may not be provided by the asylum system. An Article 14 permit facilitates access to those specialised services. Appropriate specialised services for victims of trafficking should be available to victims irrespective of the route pursued and the two routes may operate in parallel.

VI. RELATIONSHIP WITH OTHER PROVISIONS OF THE CONVENTION

1. Article 10 (Identification of the victims)

62. Article 10 provides a legal safeguard by ensuring that anyone reasonably believed to be a victim of human trafficking cannot be removed until identification is completed, while Article 14 reinforces this by offering a residence permit, thereby giving victims the legal security that encourages full participation in the identification process. Furthermore, by providing a residence permit, Article 14 reduces victims' fear of deportation or removal, thereby encouraging them to come forward voluntarily for identification. In addition, the legal status granted under Article 14 provides victims with the necessary time to recover and offers the stability required to enable them to participate effectively in the interviews, assessments, and/or legal procedures essential for formal identification.

2. Article 12 (Assistance to victims)

63. Read together, Articles 12 and 14 of the Convention highlight the link between assistance and legal status. Article 12 guarantees a range of assistance measures; in practice, victims often need lawful residence under Article 14 to access these measures on a stable basis, as support may otherwise be unavailable, temporary or limited.
64. Article 12 requires that assistance reflect victims' safety and protection needs. Article 14 supports this by providing a residence permit where a victim's return would compromise his or her safety, enabling victims to remain in a safe environment while accessing services and, where relevant, to co-operate with authorities without fear of removal.
65. Under Article 12, victims who are lawfully resident may access the labour market, vocational training and education. Victims who are lawfully resident and lack adequate resources may also receive necessary medical or other assistance beyond emergency medical treatment, where needed. While these entitlements depend on lawful residence, GRETA recommends facilitating access to employment, education and training, where possible, pending a decision on residence in order to reduce

vulnerability and support recovery. Children's access to education forms part of immediate assistance and does not depend on lawful residence.

66. Pursuant to Article 12, paragraph 6, of the Convention, assistance must not be conditional upon a victim's willingness to co-operate with the authorities or act as a witness. As already noted in paragraph 20, subjecting the issuance of a residence permit on the victim's co-operation undermines the unconditional nature of assistance to victims. GRETA therefore recommends that State Parties consider granting temporary residence permits to victims of human trafficking on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.²⁸

3. Article 13 (Recovery and reflection period)

67. Articles 13 and 14 operate as a continuum. Article 13 provides a short-term, unconditional right to stay with essential assistance so victims can make informed decisions about co-operation with authorities. Article 14 then provides for longer-term residence based on personal situation or co-operation and for children where in their best interests. During the recovery and reflection period no expulsion may be enforced, conferring temporary lawful residence. Article 14 therefore offers a mechanism to continue lawful stay after the recovery and reflection period, where justified, ensuring continuity of protection and avoiding gaps in status and support relevant to recovery and safety.²⁹

4. Article 15 (Compensation and legal redress)

68. Article 15 requires that victims have access to information as from their first contact with the competent authorities. Early information helps victims make informed decisions about their co-operation in the investigation, which is a potential ground for an Article 14 permit.

²⁸ See, for example, GRETA's [4th report on Slovakia](#) (2025), para. 189, and GRETA's [3rd report on Ireland](#) (2022), para. 216.

²⁹ For more information on the relationship between the recovery and reflection period and residence permits see GRETA's Guidance Note on the recovery and reflection period, (THB-GRETA(2024)14), paras. 45-46, p. 14, available at: <https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca> and Explanatory Report to the Convention, paragraph 175.

69. Without lawful residence, victims may face practical and legal barriers to accessing legal assistance, free legal aid and compensation. Granting an Article 14 residence permit establishes lawful residence, which may be necessary to initiate or participate effectively in compensation claims or other relevant proceedings. It also enables victims to remain in a safe environment, providing stability and supporting the effective exercise of rights to compensation and legal redress.
70. The Explanatory report to the Convention concerning Article 15 stresses that “it would be very difficult [for victims] to obtain compensation if they were unable to remain in the country where the proceedings take place.” Article 14 does not explicitly extend the duration of the residence permit to compensation proceedings. However, practice shows that victims face challenges in pursuing their compensation claims after return to their country of origin, depriving them of the possibility to access effective remedies.³⁰ GRETA has consequently recommended an extension of the duration of residence permits until the conclusion of all compensation proceedings related to a person’s status as a victim of trafficking.³¹

5. Article 26 (Non-punishment provision)

71. Article 26 of the Convention provides that State Parties shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so. Article 14 complements the protection from punishment by providing a lawful basis of stay, reducing the risk of removal and enabling victims to access recovery and assistance and, where relevant, to participate in proceedings.

VII. RELATIONSHIP WITH COUNCIL DIRECTIVE 2004/81/EC

72. The relationship between Article 14 of the Convention and Council Directive 2004/81/EC³² is set out in the “disconnection clause” in Article 40, paragraph 3, of the Convention.³³ This clause allows EU member states to apply EU law in their mutual relations while ensuring full application of the Convention with non-EU states parties and safeguarding the Convention’s object and purpose.
73. Council Directive 2004/81/EC provides for the issuance of residence permits to victims of human trafficking for the purpose of their participating in the investigation or judicial proceedings, if they have shown a clear intention to co-operate and have severed all relations with the suspected offenders.³⁴ The Convention does not contain a comparable requirement that victims must have severed all relations with the traffickers as a condition for granting a residence permit under Article 14. As stated in the recital of the Directive, the purpose of the residence permit is to provide victims with a sufficient incentive to co-operation with the competent authorities while including certain conditions to safeguard against abuse. The Directive does not establish the victim’s personal situation as an autonomous ground for granting a

³⁰ See Planitzer and Sax (eds), *A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings*, paras. 14.12 14.14.

³¹ See GRETA’s [4th report on Denmark](#) (2025), para. 182.

³² Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

³³ This provision states that “without prejudice to the object and purpose of the present Convention and without prejudice to its full application with other Parties, Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case.

³⁴ Article 8 of the Council Directive 2004/81/EC.

residence permit. Within the framework of the Directive, victims of human trafficking would receive support only and as long as it is required by the needs of the criminal prosecution.³⁵

74. The Convention and the Council Directive 2004/81/EC operate as complementary frameworks. The Convention sets comprehensive human rights standards applicable to all State Parties; the Directive provides EU-specific implementation mechanisms with minimum standards. Where the Convention offers more protective standards than the EU Directive, EU Member States remain bound to comply with the Convention as States Parties. Article 4 of the Directive confirms that it does not prevent EU Member States from adopting or maintaining more favourable provisions for the persons covered by it. In this context, GRETA refers to Article 11, paragraph 1, of the revised EU Anti-trafficking Directive 2024/1712, which provides that Member States shall take the necessary measures to ensure that specialised assistance and support are provided to victims in a victim-centred, gender-, disability- and child-sensitive approach before, during, and for an appropriate period of time after the conclusion of criminal proceedings.³⁶
75. Council Directive 2004/81/EC should, so far as possible, be interpreted and applied consistently with the Convention, to ensure coherence between the instruments and to support compliance with the Convention's object and purpose.

³⁵ Ryszard Piotrowicz, *European Initiatives in the Protection of Victims of Trafficking Who Give Evidence against Their Traffickers*, in *International Journal of Refugee Law* 14(2/3), 2002, pp. 263-267.

³⁶ Directive (EU) 2024/1712 of the European Parliament and the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, [L_202401712EN.000101.fmx.xml](#)

The **Council of Europe Convention on Action against Trafficking in Human Beings**, in force since 2008, is an international treaty which provides a comprehensive framework for combating human trafficking from a human-rights based and victim-centred perspective. It recognises victims first as rights-holders entitled to protection and assistance, rather than as mere witnesses or irregular migrants.

The **right to residence permits** for victims of trafficking in human beings, which is provided for in Article 14 of the Convention, is an integral part of the holistic protection framework set up by the Convention. The issuance of residence permits to victims of trafficking in human beings is an essential part of their access to remedies, providing them with a foundation for safety and stability, and enabling their access to justice. Granting residence permits to trafficked persons is meant to address both the victims' needs and the requirements of combating human trafficking.

The Guidance Note outlines the purposes and principles of residence permits for victims of human trafficking, the legal basis, procedures and practical requirements for granting such permits, and the relationship of Article 14 with other provisions of the Convention. It offers concrete, practical guidance to relevant authorities, agencies and civil society organisations aimed at strengthening the implementation of the Convention.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.