

**Immigrant Council of Ireland’s International Conference:
“Upholding Rights! Early Legal Intervention for Victims of Human Trafficking”
Dublin, Ireland, 14th January, 2016**

The European Union has increasingly demonstrated a commitment to increase and strengthen measures that protect and assist victims of trafficking and their right to legal intervention and representation. Numerous European directives and international human rights instruments have sought to hold member states accountable for the introduction of national legislative and policy frameworks. The delivery of effective responses to Article 12 (2) of Directive 2011/36/EU on combating and preventing trafficking of human beings and protecting victims (replacing Council Framework Decision 2002/629/JHA) is the most recent indication of the EU’s commitment to addressing human trafficking from a rights-based perspective.



L to R: John McDaid, CEO Legal Aid Board, Ireland; Anne Marie Cagney, Detective Superintendent Garda National Protective Services Bureau, Ireland; Brian Killoran, CEO Immigrant Council of Ireland; Kevin Hyland, OBE, Independent Anti-Slavery Commissioner, UK; Katie Mannion, legal counsel with the Immigrant Council of Ireland

The delivery of effective responses requires member states to ensure that victims have access, to legal counselling and representation, including claiming of compensation. All of this should be provided free of charge if the victim does not have sufficient financial resources.

The Early Legal Intervention (ELI) project examined whether these theoretical commitments have translated into effective, measurable outcomes for victims of trafficking, in particular, the provision of ELI for victims of trafficking in Bulgaria, Finland, Lithuania, the United Kingdom and Ireland. The project also set out to develop models of best practice regarding the provision of ELI that would be transferable across EU member states and which was piloted in three countries – Bulgaria, Croatia and Ireland.

The concept of ELI incorporates the provision of confidential legal counsel and advocacy at first encounter between victims and authorities to ensure immediate protection and legal representation with a view to achieving the best outcome for the victims of trafficking.



National reports were produced within six member states when an overall picture of the response to trafficking and how legal aid and legal intervention function was gathered.

The best practice report, based on the national reports was referred to at the Conference and is available at

www.earlylegalintervention.eu/resources.

Parosha Chandran, Trafficking in Persons (TIP) Hero Award, 2015

The report presents the legislative and policy frameworks in each country including the following:

- The ratification and transposition of international instruments and European directives;
- National legislation and national structures to address trafficking;
- The identification of victims of trafficking and the provision of services;
- The right to legal aid and intervention;
- Training and inter-agency co-operation;
- Monitoring and evaluation.

The findings of this report informed the production of a model of best practice which would underpin three pilot projects on ELI, aiming to deliver an enhanced legal service to victims of trafficking in Bulgaria, Croatia and Ireland.

The best practice model, developed by the Legal Services Agency (LSA) in Scotland, sets down key principles that underpin the delivery of human rights based approach to legal intervention for victims of human trafficking. A human rights based approach is defined within this model as “ensuring that a victim of human trafficking is able to effectively realise their human rights under international law”. The model sets out principles that embody a human rights approach and which need to be embedded within each of the pilot projects, taking into account the differing national political, social and legal contexts in each of the countries.

Partnership, collaboration and a joined-up approach amongst all key practitioners and agencies was regarded as fundamental to gather sufficient evidence to support the client’s case and ensure the most appropriate legal routes for state protection are followed.

Specialised legal practitioners were a critical part of the best practice model in delivering a holistic, trauma-informed approach that includes assessing a victim’s safety and protection, and promoting respect and trust throughout the process.

Case studies from Bulgaria, Croatia and Ireland were briefly presented at the Conference.

Challenges common to the three countries were:

- (1) The difficulties of agreeing the awarding of suitable and commensurate compensation to victims;
- (2) The persistent failure of police to identify an individual as being an actual victim of human trafficking;
- (3) Misidentifying women as prostitutes instead of victims of trafficking;
- (4) Failure by statutory agencies to take a trauma-based approach to interviews;
- (5) The victim’s fear that her traffickers were still free and could harm her;
- (6) The considerable expense and time it takes to establish rights and protection for vulnerable victims;
- (7) Getting video evidence accepted in court as opposed to having the victim personally present;
- (8) Specialised legal advice informed by ELI is crucial for victim of trafficking;
- (9) Ensuring that clients get R & R prior to giving statements would be a positive and progressive step;
- (10) The lack of access by asylum seekers to TRP (Temporary Residence Permits);
- (11) Administrative rules regarding EU citizens and their lack of access to TRPs.



L to R; Siobhan Mullally, Professor of Law & Vice Head of College of Business an Law, UCC, Cork, Ireland; Esohe Aghatise, Member of Board of Directors of Coalition Against Trafficking in Women (CATW); Noeline Blackwell, Director Free Legal Aid Advice Centres Ltd., Ireland

Recommendations arising from the ELI project:

- Key ELI outputs to be made available as widely as possible: research, principles, framework, templates and evaluation report.
- ELI partners to offer training to statutory agencies and government legal bodies, reminding them of their obligations under GRETA.
- ELI training to be provided to all legal and social actors involved in anti-trafficking work, reminding them of obligations under trafficking and victims directives.
- Early Legal Intervention be provided a legislative base nationally, in victim identification, reform or transposition of the EU Directive on Victims' Rights.
- Victim identification processes require transparency and an active communication mechanism between parties as indicated in the EU Directive on Victims' Rights.
- Free accessible legal aid provision is a fundamental base for ELI, as per the EU Directive on Victims' Rights.
- Dissemination of ELI model to other EU member states (a Balkan-wide Project, a Nordic Project, a Med Project).
- Promote the multiplier effect of ELI using EU and wider EU-funded project funds.
- ELI toolkit to be shared with senior actors in MS, including judiciary, to promote ELI model of best practice.
- National anti-trafficking bodies to provide ELI funding so NGOs can participate I service provision and legal and social supports as per ELI for victims of trafficking.

The Conference was organised by the Immigrant Council of Ireland, in conjunction with the following:

The Bulgarian Gender Research Foundation

The Klaipeda Social and Psychological Services Centre in Lithuania

The Legal Services Agency in Scotland

The Multicultural Women's Association in Finland

A UK-based charity named the AIRE Centre

The Centre for War Victims, Croatia

The ROSA Centre in Croatia, for Women War Victims (CWWV)

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