

RENATE UN CSW66 Side Event on March 16th 2022 the

Research:

Legal Assistance for Victims of Human Trafficking Across Europe

Background:

The RENATE Law Task Group commissioned the Bakhita Centre for Research on Slavery, Exploitation and Abuse, working out of St. Mary's University to undertake this important research in a short time frame, during covid, across six European Countries Albania, Bulgaria, England & Wales, Germany, Romania and Spain.

The research essentially comprised of a mapping exercise to identify and to shine a light on Three specific areas as they relate to the Legal Supports for Victims of Human Trafficking.

Firstly on the

1. **Awareness** of Victims of their rights and legal entitlements... and secondly on the ability to
2. **Access** these Legal Supports and thirdly the
3. **Quality of** the legal supports that are available.

Why did we do this?

Well, the Council of Europe Convention on Action Against Trafficking in Human Beings and the EU Directive on Preventing and Combatting Trafficking has set out minimum legal standard requirements for EU member states to:

1. **Identify**
2. **Protect**
3. **Assist** victims of trafficking.

From a victim's point of view this means that:

1. Each victim has a right to a lawyer to protect their rights,
2. Each victim has a right to be informed about their role in all proceedings
3. Each victim has a right to have their interests defended.

And our report shows that despite these apparent entitlements the legal aid situation for victims of trafficking across the EU is not only poorly understood but it also varies widely.

Our research in RENATE contributes to the knowledge on this topic and also gives us a snapshot in time of the current legal aid situation for victims of trafficking in 6 countries where RENATE operate. This is a beginning, a good start as they say, we are currently discerning our next steps for further research and today's event is part of this process.

Following a review of the literature a carefully prepared online survey of about 25 questions in English and translated for those who needed it, and was sent to....academics, researchers, campaigners, practitioners and Civil Society NGOs where victims of trafficking would go to avail of legal support.

So what did we find?

What are some of the standout findings from various countries? We don't have the time to bring them all to you at this event....but to begin..

In all responding countries there is evidence of "Poor Victim Identification": This is extremely important because all entitlements to Legal support depends upon the ability of a country to identify a VICTIM.

1. Some countries are better than others.
2. Some countries only identify those VICTIMS in the sex industry and
3. Some countries ignore boys / men.
4. Some countries have no national Human Trafficking Strategy and in
5. Some countries victims are mistrustful authorities and worse still, many victims of trafficking are right to be mistrustful.

And what about the legal systems that claim to support VICTIM

It appears that no responding country offered that their legal system is truly TRAUMA SENSITIVE

1. The quality of and access to legal support doesn't only differ widely between the countries examined but also within the countries.
 2. All countries over promise and under deliver.
 3. For example, some countries who promise anonymity do not deliver on this. Why? It's either through incompetence or corruption but it's likely a little of both.
 4. It is also a factor that many of the VICTIMS claim that they only remain interesting insofar as they are evidence in a possible prosecution against a perpetrator. Indeed, if a case falls or fails it happens that VICTIMS can be denied further legal support.
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And what about those who work in the System

1. Cases are complicated,
2. Cases are long,
3. Cases are sometimes cross jurisdictional and those who passionately advocate for victims are poorly paid, and may have to wait until the end of the case for payment.
4. Fixed fees will offer a fixed service that often falls short of what's needed.
5. Poor payment means that fewer advocates commit to this work with victims of trafficking.
6. There is a significant gap in the training at all levels and this includes
 - a. The Judiciary and Police and other frontline staff
 - b. There is also a significant gap in Victim Identification.

So What else? - To note that:

1. Many VICTIMS claim that their legal supports changed regularly without being informed.
2. Many VICTIMS are unaware of their rights and entitlements.
3. Even if they are aware of rights and entitlements, many do not know how to go about exercising these rights.
4. Many Victims reference the lack of continuous interpretation is more than unhelpful.

5. All VICTIMS are entitled to a “Reflection and Recovery” period but it varies hugely between countries.
 6. Legal systems are poorly resourced and that leaves VICTIMS furthest behind. All legal systems claim to be poorly funded. **The argument being that “we would do more if we had more” as opposed to offering “that we should and could do more with what we have”**
 7. There are poor opportunities for Redress or compensation if a VICTIM is returned home: This is classed as a civil claim!
 8. Where there is often a hostile welcome for immigrants and asylum seekers this same hostility is often extended VICTIMS.
 9. VICTIMS have a better chance of better legal support if they live in an urban centre even though VICTIMS are living in every town in every country in Europe.
 10. NGOs with a specific mandate to support, accompany, counsel and identify VICTIMS are all too often underfunded and in many instances, contrary to state provisions they over-deliver as they rely on a compassionate, motivated, empathetic staff to work above and beyond to provide sanctuary.
 11. In all countries there is a healthy pro-bono legal support structure which is very welcome, but only represents the tip of the iceberg (in terms of what is needed).
 12. The very existence and need for a pro-bono network is indicative of the clear gaps in legal provision.
 13. In every country VICTIMS continue to be prosecuted for crimes committed that are directly related to their being trafficked and / or coerced in clear breach of the non punishment principal.
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So what is missing?

ON DATA COLLECTION

Firstly, quality disaggregated data on the numbers of victims by sex, age, nationality over specific time periods. Data that can be compared country to country is valuable and necessary.

And so this brings us back to Victim Identification and training in Victim Identification.

Good quality data allows for effective delivery of services, a breadth of supports, provision of interpretive services, psychological supports and shelters and more.

Good quality data identifies gaps in services as well as identifying needs in a timely manner.

Conclusions:

So now you have some idea of why we did this research and just some of the findings there are more, many more. I urge you to take a look yourself. I will drop the full report into the chat before the end of the event:

But all of these findings help us to tease out specific recommendations. After all what good is a report if it doesn't provoke further thought, prompt informed action and offer practical recommendations that are victim centred.

From this research we recommend that.....

Firstly

1. Lawyers should be paid more, trained better and encouraged to build a trusted relationship with their client whom we hope they would accompany throughout the entire legal process.
2. Criminal proceedings need to be victim oriented: Guaranteeing anonymity and safety of the VICTIMS. This by necessity insists that court staff including judges have ongoing training.
3. And where NGOs have a greater responsibility in legally supporting VICTIMS they need to be adequately funded.
4. Greater resources need to be put into victim identification. Without the identification of VICTIMS there will be no legal supports available.

These conclusions lead us to next steps, practical steps... which is whole point of this research.

1. We have already begun this work. Taking the countries examine, and others, we are now creating a directory that maps the scope and breadth of services available to all VICTIMS by country allowing for a more seamless care of all victims.
2. We have also identified the need for further more comprehensive research that would take into account the lived experience of the VICTIMS.
3. Also to identify areas and incidences of good practice to be the standard that all countries should aim for.
4. We need to know more about the legal support system for VICTIMS who return home.
5. And now we urge you to consider our research, to help us to discern our next steps, to scaffold the current legal supports, to lobby on the gaps as we continue to highlight the shortcoming for victims of trafficking.

So there you have it –and as you listen to the contributors that follow in this event I hope you’ll appreciate our first steps and that you’ll understand the importance of further research as we collectively respond to the cry as we act to free the enslaved.

Thank You.