

La Strada International NGO platform input for the questionnaire of the 3rd Monitoring Round of the Council of Europe Convention on Access to Justice and effective remedies

La Strada International is a European NGO network against trafficking in human beings with 29 members and partners in 24 European countries that are united in LSI's NGO platform. All these organisations work independently and from a grass root level against trafficking in human beings and support trafficked persons and vulnerable groups, including migrant workers. La Strada International, its members and many of its partners are member of the Global Alliance against trafficking in Women (GAATW). The following questions have been suggested for GRETA to take into account:

- 1 What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention? (currently included in the 2nd monitoring round questionnaire).

Right to information on judicial and administrative proceedings in a language the victim can understand?

- 2 Are victims informed in a manner and language that they understand about legal procedures and their rights, including the possibility to claim compensation?
- 3 Have special information materials (e.g. brochures and other materials) been developed to inform victims about legal procedures and or is information available online in different languages? In which languages is this information provided and does this cover all language needs?
- 4 Is this information structurally offered and if so by whom and when (e.g. immediately at first contact with authorities?)

Safe reporting & complaint mechanisms

- 5 Are there safe reporting and complaint mechanisms in place for undocumented victims of crime?

Right to legal assistance and free legal aid under specific conditions

- 6 Do all presumed victims of trafficking have access to legal aid and assistance?
- 7 Is free legal aid available for different types of proceedings (e.g. criminal procedure, civil procedure ancillary to criminal proceedings, separate Civil procedure, labour law redress mechanism, personally injury redress mechanisms, administrative systems including state compensation funds, voluntary settlements and mediation, arbitration, customary justice and other?)
- 8 Which conditions are in place for the right to legal assistance and free legal aid?
- 9 Do victims have to pay a minimum fee to obtain legal assistance or start a procedure, or are there other financial barriers in place?
- 10 Is information available about number of cases of victims' requests for free legal aid which were not granted, or where victims were not able to get legal assistance from a suitably qualified lawyer?
- 11 Who offers (specialised) legal aid or legal support? (are there specific standards or criteria in place?)

Protection during court proceedings

- 12 How are the rights of the victim respected during the criminal proceedings? Are there complain or appeal mechanism, if rights are not respected?
- 13 To what extent is the victim entitled to be represented in court? Who can represent the victim?
- 14 Are measures taken to prevent re-victimization (incl. avoid contact between the victim and offender)?
- 15 Is the privacy and safety of victims adequately protected? How?

Effective remedies/Compensation

- 16 Do lawyers and judges receive specialised training on the issue of human trafficking including compensation?
- 17 Which procedures exist for victim to claim and obtain compensation?
- 18 What type of injury/damage is compensated? (E.g. moral and material damage, amounts for physical and psychological pain and suffering, medical expenses, unpaid or underpaid wages, reimbursement of illegal fees, fines, reductions or other costs paid by victim, costs for recovery, aggravated damages e.g. if the victim is a child)
- 19 Can those that were working in irregular employment claim unpaid wages?
- 20 How is the amount of compensation calculated, are specific criteria or models used to define the amount?
- 21 Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin?
- 22 Is a State Compensation fund available?
- 23 What are the eligibility criteria in place to claim compensation from a state fund (e.g. nationality, residence status, conviction etc)
- 24 Can a victim apply from outside the jurisdiction?
- 25 Is loss declared ?Are assets recovered from perpetrators used in the benefit of the victim or his/her community?
- 26 Which cooperation mechanisms are in place to ensure portable justice?
- 27 Is the payment of compensation guaranteed?
- 28 What means are put in place by the authorities to ensure effective payment of compensation orders?
- 29 Do victims have possibilities to ensure actual payment?
- 30 Is free legal aid available to help victims to execute the compensation order?
- 31 When receiving compensation, do victims have to pay back lawyer's costs because of higher income, taxes, or were there consequences for the social benefits etc?
- 32 What is the number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.
- 33 What is the number of victims that indeed received the full awarded compensation amount?

La Strada International's NGO Platform consists of:

1. **Gender Perspectives** (Belarus)
2. **Animus Association** (Bulgaria)
3. **La Strada Czech Republic**
4. **Open Gate** (Macedonia)
5. **La Strada Moldova**
6. **CoMensha** (The Netherlands)
7. **La Strada Poland**
8. **La Strada Ukraine**
9. **Association of Young Azerbaijani Friends of Europe**
10. **Anti-Slavery International** (UK)
11. **ASTRA Anti-Trafficking Action** (Serbia)
12. **Hope Now** (Denmark)
13. **Human Resource Development Foundation** (Turkey)
14. **KOK** (Germany)
15. **Lefö** (Austria)
16. **Living for Tomorrow** (Estonia)
17. **Migrant Rights Centre Ireland**
18. **Novi Put** (Bosnia and Herzegovina)
19. **Pag-Asa** (Belgium)
20. **PICUM** (Europe, International)
21. **Pro Tukipiste** (Finland)
22. **Proyecto Esperanza** (Spain)
23. **FIZ** (Switzerland)
24. **ALC** (France)
25. **ADPARE** (Romania)
26. **FairWork** (Netherlands)
27. **Ban Ying** (Germany)
28. **Victim Support Finland** (Finland)
29. **CCEM** (France)