

# Claiming Compensation at the ECtHR

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The AIRE Centre  
Advice on Individual Rights in Europe



# About the AIRE Centre



*Use the power of European law to assist marginalised individuals and those in vulnerable circumstances to assert their rights.*

The AIRE Centre represents applicants before the European Court of Human Rights and intervenes in cases there, and provides free legal advice to individuals and advisers on European law.

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# Our work in trafficking

- Legal advice and representation to EU nationals present in the UK who are victims of human trafficking
- Legal advice and representation to VoTs before European Courts
- Legal training provision (domestic and international)
- Standard setting and policy
- Focus on overlap areas



# What I will cover

- Experience in litigating trafficking cases before the ECtHR
- Helpful tips



# The case of *Rantsev v Cyprus and Russia (ECtHR)*



# What we learn from Rantsev

- Landmark judgment on trafficking and Art.4
- Important case on identification of VoTs and State obligations as to investigation
- Remedies both from the CoE country of origin of the victim and the CoE country of exploitation
- Obligation of cooperation of the CoE country of origin
- Compensation for family members (father)



# *The case of Chowdury v Greece*



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# What we learn from *Chowdury*

- Landmark judgment on labour exploitation and the overlap with trafficking
- Immigration status- vulnerability
- Interesting part *“States’ domestic immigration law must respond to concerns regarding the incitement or aiding and abetting of HT or tolerance towards it” §87*
- Compensation to VoTs from Court in stark contrast with outrageous domestic Court ruling





# The case of *Ilias and Ahmed v Hungary*



# What we learn from *Ilias & Ahmed*

- Missed opportunities on identification and thus for compensation on Art. 4 grounds
- Missed opportunity for collection of time sensitive evidence
- Need for training of officials, judges and lawyers as well as cross sector fertilisation of knowledge



**CASE STUDY: A UK example currently  
pending before the Court  
The case of *A.N. v the UK (2009)***



# What we learn from AN

- Correct identification is a precondition to compensation
- Crucial in the case of children victims of human trafficking
- Can use helpful provisions of the UNCRC using Art. 53 ECHR
- Compensation- monetary as well as criminal record



# Helpful Tips: In Law

- **ECHR Article 4: Trafficking in human beings falls within the scope of Article 4- **MUST INVOKE IT IN DOMESTIC PROCEEDINGS****
  - BUT other Articles may be engaged in case of other violations- i.e. Art. 2, Art. 3 and Art. 13.
  - **Art 53 imports international and EU law standards**
- **The EU Charter of Fundamental Rights**
  - Article 1: the principle of human dignity: **any application of EU law must have this principle at its core.**
  - Article 5 prohibits human trafficking
- **The EU Anti Trafficking Directive**
- **Other applicable legal Instruments**
  - The UNCRC for instance



# Helpful Tips: In Practice

- Look for suitable cases in other areas of law
- The benefits of suitable and respectable TPIs
- Working in a case not in your jurisdiction: **always** ensure harmonious cooperation with your domestic lawyer
- Do **NOT** take bad cases
- Know your registry lawyer and respect deadlines
- Explore different options to help the victim: criminal record, monetary compensation, access to therapy (but beware on what the limits of what the Court can/wants to order the State are)



# ANY QUESTIONS?

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