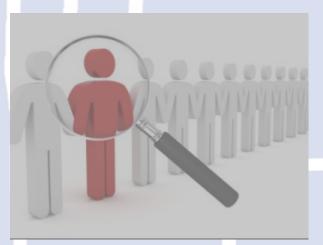
# Claiming Compensation at the ECtHR

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### **About the AIRE Centre**



#### The AIRE Centre

Advice on Individual Rights in Europe

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.





### 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

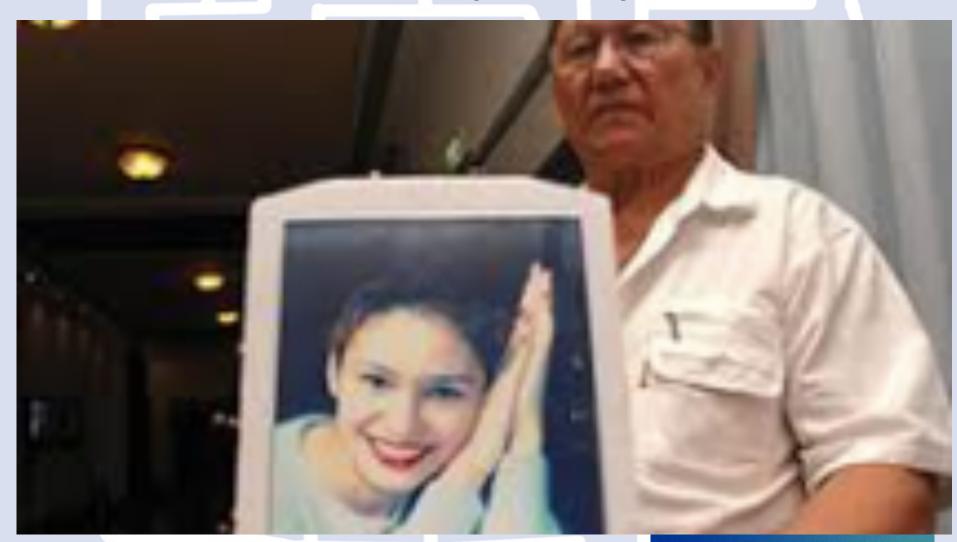




- Experience in litigating trafficking cases before the ECtHR
- Helpful tips



## 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







### 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

## 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 <u>prohibits</u> 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: <u>always</u> 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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