



UPHOLDING RIGHTS!

Early Legal Intervention for Victims of Trafficking Final Evaluation Report

*The Immigrant Council of Ireland
in partnership with:
Bulgarian Gender Research Foundation
Klaipeda Social and Psychological Services Centre
Legal Services Agency
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1 ELI evaluation

1.1 Introduction

The European Union (EU) 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.

It requires member states to ensure that victims have access, without delay, to legal counselling and representation, including for the claiming of compensation, and 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 (VoT), in particular, the provision of ELI for VoT in Bulgaria (BG), Finland (FI), Ireland (IE), Lithuania (LIT) and the United Kingdom (UK). 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 were piloted in three countries – Bulgaria, Croatia and Ireland.

1.2 Project partners

The Immigrant Council of Ireland (ICI) was the lead partner in the ELI project. The ICI is a licensed independent law centre with specialised expertise in representing the rights of VoT. It has played a leading role in strengthening Irish law against human trafficking and campaigning for improved state responses. As a legal centre, the ICI provides legal representation to clients as well as doing important legal policy and lobbying work. Cases are taken on when they are of strategic importance and may result in legislative or procedural change, or when the client is particularly vulnerable (for example, a victim of human rights abuses in Ireland such as exploitation as a VoT). Migrant and Irish people work together at the ICI to provide information, support and legal advice to migrants and their families. The ICI's information and referral service deals with more than 10,000 enquiries from migrants and Irish people each year. The organisation's expertise has been sought for a number of European projects and its ground-breaking research in a number of crucial fields has helped shape public policies and discourse.

The ICI identified an initial five partners to participate in the ELI project – in Bulgaria, Finland, Lithuania, Scotland and the UK, and later in Croatia¹.

The Bulgarian Gender Research Foundation (BRGF) is an independent, non-profit NGO that works towards the achievement of gender equality, equal opportunities and human rights, with a particular focus on all forms of violence against women, including trafficking for sexual exploitation.

In Finland, MONIKA – Multicultural Women's Association is a non-governmental umbrella organization for women of ethnic minorities. It identifies and supports VoT as part of its work in providing crisis support to migrant women who suffer from violence.

The Klaipeda Social and Psychological Services Centre (KSPSC) in Lithuania is an NGO that provides assistance and supports women who have been subjected to violence, including survivors of trafficking for sexual exploitation who are returning to Lithuania.

In Scotland, the Legal Services Agency (LSA) is Scotland's largest law centre. It has a specific remit to provide an enhanced legal service to victims of human trafficking.

¹ Due to changed circumstances, the Finnish project partner MONIKA Multicultural Women's Association had to withdraw from the project at the end of the research phase. With the approval of the European Commission, it was replaced by the Croatian organisation ROSA Centre for Women War Victims.

The Aire Centre is a UK-based charity. Its mission is to promote awareness of European law rights. It supports those in vulnerable circumstances to assert those rights and has extensive experience on issues relating to human trafficking.

In Croatia, the ROSA Centre for Women War Victims (CWWV) offers direct services to women survivors of war, rape and domestic violence. It founded the PETRA anti-trafficking network. It is a feminist NGO and one of the oldest women's organisations in Croatia. CWWV replaced MONIKA as an ELI partner in late 2014.

For a full description of the partners, see the relevant page of the ELI website.²

1.3 Executive summary

The ELI evaluation examined the inputs, qualitative and quantitative outcomes, and outputs from the project during 2014 and 2015. This final evaluation report builds on the interim report (August 2015) and establishes that actions, inputs and outputs asserted by the ELI project were satisfactorily carried out in the two-year period (Appendix 4a and Appendix 4b).

During 2014 the baseline data, national reports and comparative research were devised and compiled to identify the elements of good practice for ELI. In 2015 three of the partners used the ELI process in pilot projects and produced case studies showing the results of ELI in their respective jurisdictions. The training toolkit was also developed by all partners and training for wider partners from civil society, legal practitioners, police and judiciary was rolled out. The ELI model as good practice was publicised, using roundtables and media to widely share the model and its benefits for VoT.

All of the proposed actions in appendices 4a and 4b have been successfully delivered, apart from the plan to set up a new network on ELI. This was substituted with a launch of the ELI concept in the EU parliament in Brussels by way of a high-level training initiative targeting relevant pan-European networks and policy makers. Following discussion among the partners at a meeting in Croatia in 2015, it was agreed that, while an ELI network would be advantageous, it was not sustainable without additional resources. Instead, partners agreed that dissemination of the ELI model would be targeted at existing networks and organisations, including invitations to final conferences. This will enable those organisations or their members to adopt at least some of the ELI practices/policies in their work. Organisations targeted include ILPA (Immigration Law Practitioners' Association), EILN (European Immigration Lawyers Network), IWLA (Irish Women Lawyers Association), ICJ (International Commission of Jurists), OSCE network of legal practitioners, PICUM (Platform for the International Cooperation on Undocumented Migrants), La Strada International, Anti-Slavery International and members of E-NOTES, the former anti-trafficking network.

An initial policy and legislative framework review was conducted amongst partners. Templates were devised for each partner to gather data on their legal and policy contexts. The findings, along with the results of interviews conducted by national researchers, resulted in 'The Comparative Report' and 'Summary Comparative Report of ELI for Victims of Trafficking' (www.earlylegalintervention.eu/resources/eli-comparative-report). The summary report was printed in English, with an online version in Bulgarian, Finnish and Lithuanian. These reports explore the situation for ELI across a selection of EU countries.

A model of best practice was then developed by the LSA in Scotland. It outlines the principles that underpin the delivery of enhanced and timely legal aid to victims of human trafficking in the EU. This model, authored by Kirsty Thomson of the LSA, was published online as 'Upholding Rights! Early Legal Intervention for Victims of Trafficking – Best Practice Principles'³.

Planned partner meetings took place in Dublin, London, Zagreb and Sofia. Each meeting had associated seminars/training and a total of more than 600 participants took part, exceeding expectations. The participants included policy makers, the media, legal practitioners, police authorities, and project participants' legal and team staff. The media interest in the national seminars was very high, which led to further reach among the general population.

² www.earlylegalintervention.eu/about

³ www.earlylegalintervention.eu/wp-content/uploads/2014/07/Best-Practice-Report2.pdf

Following the identification of the key elements inherent in ELI, training took place on the practical implementation of ELI. In late 2014/early 2015, three partners (IE, BG and Croatia) began to pilot ELI according to best practice guidelines and protocols. The resultant case studies were the key work for 2015 and a selection of them is presented in this 'ELI Final Evaluation Report' (December 2015).

A second key output for 2015 was the development of the ELI training toolkit by partners and the delivery of training to 195 trainees. A further 300 trainees will participate in training in January 2016. This key training and dissemination tool is available in English and is being translated by partners into Bulgarian, Lithuania and Croatian in preparation for training in those countries. Ireland and the UK have already begun to roll out training on ELI using the toolkit.

Other significant outputs of the project were also delivered in 2014/2015. The ELI website was developed (www.earlylegalintervention.eu). Three issues of the ELI e-zine were published. A fourth issue is in draft form and will be finalised and published after the transnational dissemination events in January 2016. The website had more than 28,000 visits in 2015 and the e-zines have some 249 monthly visits.

The ongoing financial and management tasks of the project were smoothly managed, with each partner playing its agreed role.

Overall, the agreed tasks, products and outputs of ELI have been delivered and the project has achieved its aim, which was to identify and analyse early legal intervention for victims of human trafficking in the EU. The key aim was to influence national and EU anti-trafficking responses to enhance the support and protection of victims, including their key role as witnesses, and to improve the civil society/state cooperation in upholding the victims' human rights. While progress has been made, issues linked to national implementation procedures in each jurisdiction need to be addressed for our aims to be fully achieved.

Building on transnational partnerships that were strengthened in 2014, each partner meeting during the project allowed partners to deepen their understanding of the necessary elements for successful ELI based on best practice. The development of an agreed conceptual framework for the pilot projects meant that each partner involved in the pilots had a clear set of guidelines based on best practice. The learning was shared during 2014 and 2015 with project partners and international, national and EU policy makers to ensure that the dissemination of learning took place. The website and e-zines also helped this process. The understanding of partners' detailed knowledge and the suitability of national legal systems were tested in 2015 when the pilot projects took place amongst partners.

The methodology employed by the evaluator included reviewing reports from all activities and meetings, attending the first Dublin event and reviewing all evaluation returns from each of the participant partner meetings. Further templates to capture the experience of training and pilot delivery were developed and have informed the evaluator's view on the work of 2015, when the pilots were completed and case studies were returned by November 2015.

Finally, a set of phone interviews with each partner took place in November. This captured more qualitative analysis of the pilot experiences and their implications for future ELI policy and practice development in the various jurisdictions. The pilot projects and resultant case studies have enabled the evaluator to ascertain the key affects and results of the ELI project. The recommendations are contained below.



2 ELI – year one evaluation

2.1 Introduction

The ELI project recognised that, to analyse ELI in the five member states (MS), it was necessary to gather an overall picture of the response to trafficking in the five MS and how legal aid and legal intervention in relation to victims functioned. Consequently, the focus of the first year was to build an effective transnational partnership to gather a comprehensive overview of the response to victims of trafficking (VoT), with a particular focus on legal intervention, in each of the five member states – Bulgaria (BG), Finland (FI) Ireland (IE), Lithuania (LIT) and the United Kingdom (UK), which included England and Scotland.

Successful management of the project has led to the building and sharing of knowledge and expertise, in particular building the capacity of partners to enable effective delivery of the project. The first year produced national reports that formed the basis of a transnational comparative analysis across the five MS partners and the development of a best practice model of ELI. This model underpinned the establishment of the three ELI pilot projects in year two.

This section describes the key actions and outputs that were completed in year one.

2.2 Overview of the legislative and policy framework in the five MS

A legal and policy template was designed and sent to each partner to gather an overall picture of the legislative and policy framework in the five MS (Appendix 1). The first section of the template requested partners to document and analyse the ratification and transposition of the relevant international instruments and European directives. Partners were also asked to address specific issues highlighted in recent reports by international and European monitoring bodies; national legislation and frameworks for the identification, protection and assistance of VoT; provisions for free, accessible legal aid; and in particular legal advice, advocacy and representation provided for VoT in each country.

This was a very instructive exercise. It mapped progress in relation to MS compliance with international and European directives and the subsequent laws and policies guiding the response to VoT. It also provided the initial stage of data gathering for the national reports and the comparative research report.

2.3 National reports

A core aim of the ELI project was to conduct research with key informants in each MS to enhance the level of data and knowledge in relation to all forms of legal advocacy and representation to VoT. The ICI prepared a broad outline of the key areas for investigation, guidelines for interviews and a draft interview schedule, which was presented for discussion at the first transnational meeting in Dublin (Appendix 2). This ensured the optimum input of partners in the research parameters and supported consistency of the interview questions, methodology and data analysis.

The research focussed on identifying who has the power and/or responsibility to identify VoT and the strengths and barriers in each country within that process; the current provision of legal interventions, including the quality and standard of any ELI; and the relationship between the identification process and the rights accruing to VoT, particularly in relation to legal rights. Additional areas covered included inter-agency cooperation and training, and the views of respondents regarding what would enhance the outcomes for VoT in their countries.

The baseline data gathered from interviewees was supplemented by existing research in each country. Each partner compiled a national report, which was sent to the project researcher for comparative analysis.

2.4 The comparative research report

The production of transnational comparative research on early legal intervention represents a key output for the project and considerable advances the knowledge base in the area of trafficked victims' assistance in the EU. For the implementation of this important task, Dr Monica O'Connor – an independent, highly regarded expert in the area

of research with vulnerable groups and, in particular, human trafficking – was appointed in an advisory capacity and invited to present at the EU-level expert roundtable in Brussels. The resulting report provided a comprehensive picture of the overall response to VoT and in particular to ELI across the five partner MS.

The report, available on the ELI website (www.earlylegalintervention.eu/resources/eli-comparative-report), indicates that the five MS have demonstrated a strong commitment to ensuring their compliance with the relevant international instruments and European directives. This has been followed by the enactment of dedicated trafficking legislation and/or amendment of existing laws. This has resulted in major advances in addressing the trafficking of human beings within and across the borders of the countries reviewed.

National structures have been established to implement state policy and ensure a comprehensive and coordinated approach to the identification of VoT and the provision of adequate protection and support by both statutory and voluntary agencies. Police forces have established dedicated trafficking units and police officers have developed expertise in the identification and protection of VoT and they liaise with the specialised statutory and NGO agencies for the delivery of vital services.

The research reveals the considerable experience developed by frontline practitioners in the five MS in carrying out safety and risk assessments, and providing critical information regarding rights and the different forms of protection and assistance to which VoT are entitled.

Despite such progress, the report highlights some critical flaws in fulfilling state obligations to provide adequate protection and assistance to all those suspected and detected of being trafficked. The identification process continues to be problematic, with major discrepancies in assistance arising between those victims referred into National Referral Mechanisms (NRMs) and those who ultimately are formally identified by state authorities and consequently afforded all rights accruing to the status of a VoT. There is also a lack of transparency and information in relation to the grounds on which negative decisions are made by states in relation to both identification and the issuing (or renewal) of recovery and reflection (R&R) and/or temporary and long-term residency permits.

The research indicates that, in theory, state legal aid is available in all five MS. However, there are numerous gaps in the implementation of full access to early legal advice and legal representation for detected/suspected and identified VoT. Furthermore, it highlights the lack of formal routes, protocols or procedures that would ensure that access to ELI is always provided. Referrals to legal advice and representation may depend on where the individual is within the legal process, the type of exploitation suffered, the location in which they are first detected and the support they are accessing.

The legal complexity of trafficking cases is also highlighted throughout the report. Proceedings relating to immigration and international protection, seeking leave to remain in the country, family reunification and applications for residency permits can be lengthy, involving numerous statements to the police and the provision of detailed documentary evidence. In relation to the prosecution of trafficking offences, pre-trial investigations and criminal proceedings appear to be extremely difficult. The research highlights the reality that VoT have multiple immediate and long-term needs, and legal advice and/or intervention is also often required in the areas of welfare and housing rights.

Consequently, the importance of legal advocates with high levels of expertise was recognised in all countries and services seek to refer to them where possible, indicating the critical role of ELI.

In many countries, however, services are dependent on legal practitioners within the state system or private solicitors, particularly in provincial areas, who do not have the specialised knowledge or sufficient experience.

The benefits of ELI provided by specialised legal practitioners and, in particular, independent law centres who can deliver a specialised, dedicated, holistic model of legal representation was highlighted by all respondents in the research.

Respondents identified many benefits of ELI, in particular early identification, which affords victim-specific protections and access to VoT rights, as opposed to persons who are not advised (or who are misinformed) about the immigration arrangements for VoT at an early stage.

The experience of legal practitioners across all countries was that the failure to have ELI leads to VoT spending many years in unsuitable accommodation in the asylum system; remaining as undocumented migrants unable to come forward; and, in some cases, being imprisoned for immigration or other offences. Furthermore, respondents strongly believe that ELI enables VoT to have agency and control over their lives and to feel safer and supported. ELI is also regarded as critical to avoid criminal punishment of the VoT and reduce the risk of re-victimisation and re-trafficking.

The findings of the comparative report informed the development of three ELI pilot projects in Ireland, Bulgaria and Croatia in 2015.

2.5 Best practice model of ELI

Following the national reports and comparative research, the Scottish partner, LSA, sought to identify promising practices within the provision of ELI for VoT and set out principles of good practice that would inform the ELI pilots. The aim of the pilot projects was to deliver an enhanced legal service to detected/suspected and identified VoT, encompassing comprehensive and freely accessible legal advice and legal representation. The best practice principles developed by LSA encompass a human rights approach that complies with International and European human rights standards and ensures that VoT are able to effectively realise their human rights under international law.

The paper set out 15 best practice principles to be embedded within each of the pilot projects, taking into account the differing political, social and legal contexts in each of the three countries. A core principle was the need to ensure that ELI is available from the first indication of human trafficking in all civil, administrative and criminal proceedings.

Partnership 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. The best practice report is available on the ELI website (www.earlylegalintervention.eu/resources).

2.6 Dissemination of research and best practice model

The ELI project was presented at the European Parliament on 15 October 2014 to EU-level policy makers and stakeholders. Nusha Yonkova, Anti-Trafficking Manager at the ICI, outlined the rationale and objectives of the ELI project. The event, hosted by Swedish MEP Ms Malin Bjork, included a range of high-profile speakers.

Following the public launch and with a view to brainstorming the intended pilot projects for practical ELI implementation, a roundtable discussion was held. The participants included international experts specialising in the area of protection of victims' rights, such as international human rights lawyer Dr Lauren Hirsh; legal expert and UN policy advisor Dr Esohe Aghatise; Ann Hamilton and Denise Charlton of the EC expert group on human trafficking; Dr Jackie Turner, a lawyer and research fellow with the Child and Woman Abuse Studies Unit at London Metropolitan University; and Eero Janson of the Estonian Refugee Council. Independent researcher Dr Monica O'Connor presented an expert opinion on the preliminary findings of the comparative report, which was based on the interviews carried out for the national reports in the five MS. LSA solicitor Kirsty Thomson detailed the best practices identified and potential barriers considered in applying early legal intervention.

The comparative report was launched in Ireland by the Minister for Justice and Equality, Frances Fitzgerald, at a key event marking the EU Anti-trafficking day, which took place on 17 October 2014 and was hosted by the Lord Mayor of Dublin, Christy Burke. More details are available in the online e-zines that the project produced (www.earlylegalintervention.eu/ezone). The summary of the comparative research was translated into Lithuanian, Bulgarian and Finnish to allow greater dissemination and an online version was designed (www.earlylegalintervention.eu/resources).

2.7 Conceptual framework underpinning ELI pilot projects

A conceptual framework was developed in consultation with the partners. It was based on key points that came out of discussions with the international expert committee meeting in Brussels. This complements the best practice model as it outlines the stages in establishing the pilots as well as the structures and conditions required to ensure the operation and implementation of a human rights approach to ELI. A draft paper was presented to partners so they could identify and agree on the specific factors. This ensured a consistent, transparent and accountable framework for the delivery of the three pilots.

A discussion of the conceptual framework for pilots and the training required for their delivery was led by Dr Monica O' Connor, who worked as a trainer and facilitator with the partners, at the London partner meeting in October 2014. It included detailed presentations from Bulgaria, Croatia (newly joined partner replacing Finland) and Lithuania regarding the situation in their countries as well as presentations from two key experts of the International Advisory Committee, Ann Hamilton (a member of the EC expert group on human trafficking), and Esohe Aghatise (a legal expert and UN policy advisor).

Critical elements that constitute a framework to underpin best practice were developed and a concept note was subsequently drafted to guide the partners as they developed ELI pilot projects applying the principles and the frameworks for year two of the project (Appendix 3).

3 ELI – year two evaluation

3.1 Piloting ELI by three partners

During 2015, three ELI partners – Bulgaria’s Bulgarian Gender Research Foundation (BGRF), Croatia’s Centre for Women War Victims (CWWV) and Ireland’s Immigrant Council of Ireland (ICI) – applied the conceptual framework and principles of best practice for developing ELI. Some of these partners had been applying an ELI approach to their work, but not in the systematic, principled framework that emerged in the ELI project.

While each partner supplied more than 10 case studies to the evaluator, the evaluator has chosen three case studies from each partner to demonstrate the application of ELI using the framework and the principles of best practice agreed in 2014. The case studies also show the difference that ELIs can make to the outcomes for VoT across three different MS.

Each of the projects applied the critical success factors identified as necessary for best practice ELI. Each pilot partner ensured that:

- Good governance with effective management structures was put in place
- A clear remit setting realistic targets for the numbers of VoT referred was agreed
- Specialised legal practitioners were used with sufficient time allocated for the cases, which may include multiple legal applications
- Practitioners had the time and resources to develop trauma-informed responses, creating a safe, supportive and respectful environment for disclosure
- Mechanisms for documenting and recording practice, cases and outcomes were established
- Effective partnerships and collaborative practices were developed that clarified the roles and responsibilities of players in relation to the needs of VoT, which may include support, counselling, housing, advocacy and legal intervention

The following are nine summary case studies of ELI application in the three MS pilot partners – BGRF, CWWV and the Immigrant Council of Ireland – using the case study template (Appendix 5).

3.1.1 Case studies – Bulgaria (BGRF)

3.1.1.i Case study 1 – Bulgaria

This case involved five Bulgarian women⁴ who were trafficked from Bulgaria to Austria for sexual exploitation. The women returned to Bulgaria and, when ELI was provided to each woman, they instructed their legal representatives to seek compensation (as provided for in trafficking legislation).

Each of the women was provided with an attorney and a case worker. Psychological reports were gathered when suggested by BGRF, using the ELI approach, and a trauma-based approach was applied to the interviews and contacts with the women. BGRF and the appointed lawyers kept the confidentiality of the women’s identity and BGRF worked in partnership with the Bulgarian National Anti-Trafficking Commission. The women are being supported to live in places of safety and continuous contact is kept with them so they can be placed in more secure accommodation if they need it.

The BGRF and the special legal advisor have spent more than 100 hours on these cases to date. Enhanced legal service provision is evident as BGRF, unable to get appropriate legal documents to take the case for the women in

⁴ Note: each woman had separate legal representation and the cases are separate, but they are presented here as one case study

Bulgaria, travelled to Vienna where an NGO, Women against Violence and Exploitation (WAVE), was able to provide them with the correct documents. WAVE supplied information confirming that the exploitation of the five women took place in Austria and certificates were issued confirming the right to compensation of the victims. This enabled BGRF and the special legal advisor to take the case for the five women.

While the cases were not referred to BGRF before the victims' first interaction with the authorities, they were referred to BGRF by another NGO. During the entire process, BGRF worked with the National Anti-Trafficking Commission, the Ministry of Justice and the LEFO-IBF, an intervention centre for trafficked women. BGRF also liaised with various crisis centres in Bulgaria, including local partner NGOs that are near to where the women are currently based. Such collaborations allowed BGRF to source holistic supports for the clients including risk assessment, identifying avenues to protection, progressing applications for compensation and sourcing social welfare/housing etc as needed.

The legal process to achieve compensation for these five women who were sexually exploited in Austria is a lengthy one. This is the first case of its kind in Bulgaria. Authorities were resistant to progress the case and left that work to BGRF and the attorney. The case, if finally successful, will be shared with the ELI National Advisory Committees and with state and NGO actors in Bulgaria and Austria, promoting the idea that other such cases may now be taken.

Benefits of ELI

The five women are still awaiting justice in the determination of their case for compensation, but they have received comprehensive, accessible and free legal support, psychological support and shelter (where needed). All BGRF's NGO partners have benefitted from the sharing of ELI practice and it has strengthened cooperation between NGO players. It is hoped the ELI model will be reflected in a forthcoming review of the National Referral Mechanism in Bulgaria and in other legislation on legal services to victims.

Key challenges

Compensation ruled for in Austria was not recognised in Bulgaria so further legal steps are required to ensure that the women receive the justice they deserve. Without a legal determination or recognition of the Austrian decision, the five women remain afraid to openly take the procedure forward as the traffickers, and others from the criminal network involved in their trafficking, are still in Bulgaria and in the regions where the victims live. The Bulgarian institutions are confused as to what to do with the Austrian determination and so no financial support is available for the victims. The NGOs must carry the cost and resources to see the final determination of the case for compensation in Bulgaria.

3.1.1.ii Case study 2 – Bulgaria

A Croatian woman, Dina⁵, contacted the National SOS helpline for Suppression of Trafficking, offering to become a volunteer for the organisation. Dina said she was a recovered survivor of trafficking who wanted to help others. During the first meeting with Dina at BGRF's counselling centre it became obvious that she was suffering from long-lasting trauma. Her case had been dealt with by the police but, at that time, Dina had been misrepresented by police as being engaged in prostitution.

Dina had grown up in a children's home in Croatia. She was raped at 10 years of age by her father during a family visit to him. After finishing school and leaving the children's home, Dina worked as a waitress in a café in Slavonia. She was kidnapped from there by three men who brought her to Zagreb. She was locked in an apartment, raped by the men and forced into prostitution. She was also forced to take alcohol and drugs. She resisted and was tied up and beaten so severely that they broke all her teeth.

As a girl of 18 from a state institution, Dina had no support network and no one to turn to. She did manage to contact a women's organisation once and also escaped, but the advice she received was that she first needed to go to a centre for social welfare advice. Confused by this advice, Dina actually returned to the apartment from which she had escaped.

⁵ Not her real name

Dina was arrested during several raids on a brothel by police and was charged with prostitution, but not identified as a victim of trafficking. In fact, Dina was actually sent by police back to one of her traffickers, who was later prosecuted as a pimp and sent to jail.

She lived in this situation for 10 years and has developed psychological problems, disorientation, anxiety, fear and isolation. Dina was also forced to marry one of her traffickers while he was in jail so he could benefit from a lowering of his sentence and free weekends. She is still repaying loans he made her take out for him.

BGRF carried out a risk assessment with Dina and she decided to leave the trafficker with whom she was still living and who had raped her. A case worker has been working with her to empower her and a psychiatrist was also engaged to support her.

Meanwhile, working with Bulgarian police, she has been confirmed as a victim of trafficking. Risk assessments are ongoing with BGRF as she is still nervous about reporting the two other traffickers to the police as they could still take revenge on her.

Following consultations with the BGRF lawyer, she has started divorce proceedings. This lawyer will represent her in all her dealings regarding the divorce and any future legal proceedings with police.

Benefits of ELI

The failure of the police on several occasions to identify Dina as a victim of trafficking meant that legal supports were not available to her for many years. With ELI from BGRF, she has now been listened to and identified as a victim of trafficking, and she is receiving the holistic supports necessary for VoT to begin to rebuild a life free from exploitation and violence. The legal supports towards her divorce and removing the forced debts are major supports for her. The thorough, early legal advice explaining her options to her, prior to her re-engagement with police, was also a key support for Dina.

Key challenges

The persistent failure of the police to identify Dina as a victim of trafficking, her misidentification as a woman in prostitution and the failure by statutory agents to take a trauma-based approach to her interviews all meant that Dina did not access supports and protections due to her from the State. The fear of the victim that her traffickers were still free and could harm her remains a key challenge to the full application of ELI and the attainment of justice.

3.1.1.iii Case study 3 – Bulgaria

Mia⁶ is a woman of Turkish origin, with a mental disability. She was the victim of internal trafficking for sexual exploitation in Bulgaria and was subjected to severe physical and psychological abuse, including contracting venereal disease which has added to her medical problems. Her mother also has a mental disability. Forced into prostitution, Mia managed to get back to her home village earlier this year, but was chased from there by her relatives due to her health issues and social status as they feel she brings shame to them.

The mayor of her village directed Mia to a local crisis centre linked to BGRF, where she began to receive ELI support. After some psychological and legal counselling, Mia is able to communicate more freely, but she is still too unstable to be put in contact with police to pursue a case. She is ready to partake in a case but the lawyer believes that Mia is too fragile to be seen as a reliable witness and that she should instead have the status of 'protected witness' to allow the case progress. If this is not allowed, BGRF and Mia's lawyer will take a case to Strasbourg to initiate an ECHR case on these grounds.

⁶ Not her real name

Benefits of ELI

As Mia is not fully conscious of the harm that has been done to her, she is, following risk assessment, seen to be at danger of re-trafficking and further harm. She is an extremely vulnerable victim and someone who, without ELI, would be in danger of re-trafficking. BGRF is willing to support the legal case to provide enhanced protections for vulnerable women who are VoT.

Key challenges

It is very time consuming and expensive to take such a case to establish rights and protection for vulnerable victims.

3.1.2 Case studies – Croatia (CWWV)

3.1.2.i Case study 1 – Croatia

Rada⁷, an under-age Croatian girl, was discovered and identified by police following her escape from a house in Slavonia near Zagreb. She had been both sexually exploited and used as forced labour by a man and his family to whom she had been sold by her own father, allegedly for marriage. Originally from the Roma community, the girl was placed at a shelter for VoT for minors and was assigned a legal guardian by the state.

The centre that runs the shelter is part of the PETRA network of NGOs and the coordinator there, due to the links with CWWV, was familiar with the ELI project. The case worker at the shelter immediately organised psychological and medical help for Rada and quickly organised for her to return to school. As the case against her traffickers was being built, arising from ELI knowledge, the case worker contacted a lawyer in Split familiar with ELI. She explained clearly to Rada the procedures that she would have to go through to be a witness in the case against her traffickers. When the time for the case in Zagreb came, the judge initially insisted that the girl must attend court to give evidence. Despite international and national law allowing for video evidence to be given by minors, the judge insisted that Rada be present in person. At the last moment, the judge accepted that her lawyer could attend to represent her in Zagreb, initially. However, she would have to be present to give evidence as the case progressed. Rada was very frightened. As the court case was being heard at gam, it would mean an overnight stay (for which there was no money available) and/or a long journey of five hours to a strange city.

Following consultation with a representative from the Public Prosecutor's office where all trafficking cases are managed, a member of the ELI National Advisory Committee was able to make peer-to-peer contact with the judge in the case and remind them of the possibility of taking video evidence and the importance of considering this to avoid violating the victims' rights. Following this intervention, the girl was allowed give evidence via video link and just her solicitor had to travel to Zagreb for the case.

Due to her support from ELI network members, Rada was able to give clear witness evidence at the court case and remain in her safe space without having to travel a distance.

Rada is forbidden contact with her family. She is completing her primary school education. As some of the alleged traffickers were released from detention pending a court decision, Rada has been unable to move to less secure accommodation for fear of retaliation. The case decision was due in September but, at the time of publication, the court had not issued its decision on the case and Rada remains in secure accommodation.

Benefits of ELI

The influence of the ELI-informed National Advisory Committee was used to get video evidence accepted in court for the first time in such a case. This enhanced the security and protection for the victim, especially given her status as a minor. Holistic support and ELI-informed legal advocacy supported the victim in finding secure accommodation and also enabled her to give quality evidence with confidence and without fear. This also provided crucial benefits to the state in its role of pursuing and obtaining convictions against trafficking perpetrators.

⁷ Not her real name

Key challenges

The case shows that the judge required contact from a peer to allow video evidence. Without that intervention, the victim, who is a minor, would have been required to be present to give evidence, perhaps further violating her rights. Making ELI principles part of legal training would enable such supports for victims to be more widely available, thus preventing victims from being re-victimised by the legal processes set up to protect them.

3.1.2.ii Case study 2 – Croatia

Diana⁸ is originally from Serbia. At 19 she was tricked by ‘a friend’ who offered to go with her to Croatia during the tourist season to sell products to tourists. While Diana’s boyfriend was suspicious about the job offer, he was going to work in Russia for a time. They decided to both work abroad and then come back to Serbia to make future plans together.

The ‘friend’ took Diana to Sibenik, a tourist city on the Croatian-Dalmatian coast. She left Diana alone with a man who turned out to be a trafficker. He locked her up and sexually abused her to the point that she ended up in psychiatric care. Following examination at a hospital and an interview during which Diana told staff what had happened to her, the police were called. The police recognised Diana as a victim of trafficking and began proceedings against the perpetrator.

During the case, Diana was accommodated at a shelter for minors in Split who are victims of trafficking. An exception to the ‘minors only’ rule was made as she was so young and vulnerable.

Through the ELI project, a lawyer was appointed to be Diana’s legal representative and support her in preparing her evidence for the prosecution case. The lawyer also worked with the Department for Victims and Witness Protection in Split to ensure that Diana received protection and support during her experience as a witness at court. She was provided with a separate waiting room during the court process and was also provided with emotional support.

During her court experience some errors were made – a failure to provide the alleged perpetrator with a legal representative – and so Diana had to come to court again to give evidence and the shelter again provided her with support during the process. Her testimony was firm as she felt empowered by the support she had received from ELI actors and the perpetrator was convicted.

There is an appeal ongoing, but Diana is not expected to give evidence again. There is a question of compensation and these options will be discussed with her when the final case outcome has been decided.

Since the original case, Diana has returned to Serbia to live with her boyfriend. Her life is looking better as a result of the support, legal advice, refuge support and case worker supplied using ELI.

Benefits of ELI

The cooperation between police, shelters, victim support case workers and the legal system is evident in this case. Some 30 hours of support by ELI NGO project partners and their specialist lawyers have led to positive outcomes for Diana and the prosecution of the perpetrator.

Key challenges

The coordination of ELI supports is the biggest challenge yet, when successfully organised (as in the case of Diana), they lead to excellent outcomes. Disseminating information on victim’s rights and VoT rights to all agencies and bodies who come into contact with potential VoT would help ensure that the ELI approach is used more often for VoT cases.

⁸ Not her real name

3.1.2.iii Case study 3 – Croatia

Sally⁹ was first identified as a victim of trafficking for sexual exploitation in prostitution, but the charge against the perpetrator was changed to a lesser charge of pimping. Raised in various foster care families, Sally's family background was problematic and she was one of 10 children in a family under the protection of the Croatian social welfare department. While underage, she was sexually exploited in prostitution by a much older trafficker. When she was identified by police, she was placed in the shelter in Rijeka run by the Red Cross.

The Red Cross provides shelter and a case worker but does not supply legal advice. Sally was provided with a solicitor by the ELI project partners. With few social skills and little basic education, Sally was a vulnerable young woman in a shelter that was not providing sufficient supports to her. It became known that she was in and out of the shelter and in the company of known men who probably prostituted her. The shelter provided no psychological help or assistance needed by trafficked women.

Sally was brought to Zagreb by her Red Cross case worker to link with her legal advisor and prepare her to give testimony in a court procedure. On the request of her solicitor, special measures to protect her were put in place. The perpetrator was removed from the court as she gave testimony in the city where the crime against her had been committed.

The perpetrator was convicted and, shortly after that, Sally left the Red Cross shelter without the follow-up support available from an ELI-informed network of organisations. She lost touch with support services and returned to her home town where some of the trafficking and prostitution network members still lived. She was reunited with NGO supports services providing ELI some time later when she came for help as she was pregnant. At this point, Sally was given accommodation at a shelter for women victims of domestic violence run by Brod, an NGO member of PETRA network, which alerted CWWV.

During her time in this shelter, the police began criminal proceedings against her – alongside a case against the man who had been convicted of pimping Sally herself – for her part in allegedly pimping her sister. Shelter staff re-engaged the solicitor for Sally and, after some consultation with police, it was agreed to drop the charges against her as it appeared she had again been manipulated by the same person. However, the charges were also dropped against the pimp.

Sally has been supported in the shelter to have her baby. She was provided with support and transferred to a facility for homeless mothers with children.

Benefits of ELI

This case shows what can happen to VoT when ELI is not practiced from the start of a case and when there is a lack of coordination between all the parties concerned. However, once cooperation between NGOs and statutory agencies in ELI was introduced, Sally got enhanced supports – including the dropping of charges against her as it was recognised that she was induced to commit pimping crimes by those who had control over her for many years.

Key challenges

The case shows that, despite the good efforts of Red Cross, as a support service it does not specialise in legal supports. This is a key gap in services required by VoT. Specialised legal advice informed by ELI is crucial for VoT.

While the charges were dropped against Sally, so too were the charges dropped against the perpetrator, which shows a lack of understanding by the courts of the crime of trafficking. ELI training for police, support services and judiciary could improve the outcomes for VoT in Croatia.

⁹ Not her real name

3.1.3 Case studies – Ireland (ICI)

3.1.3.i Case study 1 – Ireland

Ria¹⁰ is a woman from Central Africa. She was referred to the ICI by the Women’s Health Project (a state-operated support service that provides health and social services for women in prostitution) after she came to their attention. She had been living undocumented in Ireland in a situation of exploitation. She was arrested in Northern Ireland (NI) when she travelled there without a visa to marry her partner. Prostitution-related charges were pressed against her.

At her consultation with ICI, Ria disclosed indicators of trafficking for sexual exploitation to the ICI solicitor. As part of the risk assessment, she explained that she was still in a situation of exploitation and that exiting the situation would leave her at risk of harm. Additionally, she was fearful that her children, still in her country of origin, would be at risk of harm as soon as her traffickers found out that she had exited. The risk assessment conducted by the ICI case worker included a careful assessment of when and how she might exit the situation of sexual exploitation.

Working in tandem with Ruhama, an NGO that provides support and services for women in prostitution and situations of sexual exploitation, emergency accommodation was provided to Ria for a short period. Additionally, research was conducted and contacts were established with Catholic Church missions in Ria’s country of origin. Contact was made with her children to facilitate them reporting any perceived dangers they had.

Ria was so fearful of her traffickers that ICI legal support was provided to her at her safe accommodation. This enhanced legal service proved to be very supportive for her.

Ria’s detailed history was taken by the ICI, including the exploitation she experienced. Her case worker explained the various options open to her in Ireland, including asylum and seeking permission in line with the Administrative Immigration Arrangements for Victims of Trafficking. When Ria was confident that protections were in place for her family, she made a statement to gardaí about her exploitation.

The ICI referred her case to the Garda Anti-Trafficking Unit and requested a period of R&R. There were three long days of statement-taking for Ria as part of the process with Garda National Immigration Bureau (GNIB) and ICI accompanied her throughout this time. Extra counselling support was sourced from Ruhama, where Ria received ongoing support and participated on an educational course.

Ria was accompanied throughout her dealings with the gardaí. In addition to accompanying her to statement-taking sessions, a solicitor/case worker from the ICI also accompanied her on three separate day-long occasions when she travelled with members of An Garda Síochána to identify locations around Ireland where her exploitation had occurred.

As Ria had been arrested in NI, there were charges recorded against her in that jurisdiction. Contact was made with the NI authorities to ensure that her suspected victim of trafficking status was noted and that any charges against her were struck out.

Ria was granted R&R and, after six months, was granted a Temporary Residence Permit (TRP). Any charges recorded against her resulting from her exploitation have been struck out.

After her TRP was granted, ICI supported Ria to stay in secure accommodation for a while and, with the help of Ruhama, helped to find private rented accommodation for her. After more than 80 hours of case work support, including attempts to track down her missing passport, Ria is feeling more secure about her own safety and that of her children.

¹⁰ Not her real name

Benefits of ELI

Early referral of this suspected victim of trafficking by the Women's Health Service means that enhanced legal supports could be supplied, which benefitted Ria in a number of ways. All of the legal options open to her were explained in detail and she could make an informed decision about the steps she wanted to take; cooperation with other NGO support services gave Ria a more holistic support service experience as a victim of trafficking; international connections were used to promote the safety of her children; legal representations to An Garda Síochána resulted in the granting of a R&R period at an early point. Cooperation with the NI Home Office meant that criminal charges against Ria were struck out.

The fact that Ria was provided with information about her rights and the legal process enabled her to exit the situation of exploitation and to cooperate with the police investigation.

Key challenges

The ICI law centre's representations to the GNIB to support Ria's right to accommodation and protection was necessary and was progressed as soon as she was giving statements to GNIB, but not as soon as she was suspected of being a victim of trafficking. Ensuring that clients get R&R prior to giving statements would be a positive and progressive step towards a more effective delivery of ELI in Ireland.

3.1.3.ii Case study 2 – Ireland

Esther¹¹ is a Nigerian woman who was referred to the ICI following her contact with Ruhama. She has been subject to sexual exploitation and forced prostitution in Ireland. Esther is pregnant and the father of the child-to-be is an EU citizen. Esther was referred to the ICI prior to contacting police.

The ICI legal services met with Esther and provided her with detailed information regarding the legal options open to her. Specifically, as a suspected victim of trafficking she was advised on the procedures provided for in Irish policy – including victim identification and administrative immigration arrangements (AIA)¹².

Additionally, legal advice was provided on asylum applications and other immigration options available to her. Advice was also provided in relation to the future status of her unborn child whose father is an EU citizen.

Esther is considering her options and knows the ICI will provide her with legal representation if she wishes to avail of any of the legal options outlined to her. She has made initial asylum application moves. The ICI has referred her to Ruhama support services while she considers her options. Should Esther wish to make an asylum application and also be identified as a victim of trafficking, a legal challenge would be required as AIA excludes asylum seekers from availing of the measures open to suspected VoT.

Benefits of ELI

Esther is now fully informed of all the options open to her as a suspected victim of trafficking. This will help her to make decisions regarding the provision of information to the police. It will also help her to deal with the immigration options available to her.

Challenges to ELI

The key challenge raised by this case is the lack of access to TRP for asylum seekers. This barrier means that women in Esther's situation have to make a choice between seeking international protection or accessing the temporary residency rights and associated non-emergency social protections in place for suspected VoT.

¹¹ Not her real name

¹² Administrative immigration arrangements is the only existing policy for the protection of victims of trafficking and is limited to undocumented third-country nationals only. It does not apply to victims who claim asylum or who are EEA nationals.

3.1.3.iii Case study 3 – Ireland

Maria¹³ is a Romanian national from an extremely vulnerable background who had limited access to formal education. She was referred to the ICI by Ruhama as a woman who was being sexually exploited in prostitution in Ireland. Maria was referred prior to providing any statement to An Garda Síochána.

To provide her with early legal advice, the ICI arranged an appointment for Maria on the same day she was referred to the legal service. The ICI advised her of all her legal options, including her free movement rights as an EU citizen and supported voluntary return. Although she is Romanian, she was not aware of her rights and entitlements under EU law such as the right to EU-wide free movement and her right to work in Ireland. During the consultation, Maria was offered support to contact her family but this was not taken up by her. The ICI's enhanced legal services included translation of documents for Maria. She is currently considering her options.

The ICI also set out the procedures that would likely be followed if she decided that she wished to provide statements about her experiences to the police.

Currently EU nationals are not granted TRPs under the AIA. This gives rise to potential barriers in accessing non-emergency social protections.

Benefits of ELI

This case shows the importance of ELI to provide suspected VoT with early legal advice on all their options. Maria can now make informed decisions as to whether to make a statement to the police, take up employment in Ireland, return to Romania or move elsewhere in the EU.

Challenges

Administrative rules regarding EU citizens and their lack of access to TRPs is a barrier. The ICI is willing to take cases to challenge this as a barrier to the rights and protections legally available to VoT.

3.2 Stages of ELI development

The above case studies all complied with the agreed stages for an effective ELI. Each partner showed evidence of working to implement the four identified stages of ELI development.

Stage 1: Ensure good governance of the pilot project

- Ensure good management structures, supervision and staffing of the pilot
- Define the remit, scope and boundaries of the pilot before commencement
- Set realistic targets of the numbers of VoT to accept as referrals
- Ensure legal practitioners engaged to deliver ELI have sufficient specialised knowledge necessary for the complexity of VoT cases
- Establish efficient mechanisms for documenting and recording practice, cases and outcomes

Stage 2: Develop and/or enhance a partnership approach

- Identify key statutory and NGO stakeholders and partners for the pilot
- Establish a national advisory committee
- Disseminate clear, accessible information on ELI
- Discuss the key elements of best practice with key referral services/agencies and develop collaborative ways of working
- Clarify roles and responsibilities in relation to VoT needs – for example, who provides support, counselling, housing, advocacy and legal intervention
- Identify locations for detection/recognition of VoT including among hard-to-reach and at-risk groups
- Build agreement on locations/accessibility in relation to the provision of ELI
- Develop referral protocols, memoranda of understanding and service agreements

¹³ Not her real name

Stage 3: Create the conditions for best practice ELI – trauma-based practice

- Ensure time and resources for staff to build a relationship of trust and respect with the client
- Define the role and responsibilities of legal practitioners and support/case workers
- Create a safe, supportive and respectful environment for disclosure
- Establish risk and needs assessment procedures that will be conducted with all VoT
- To consider a multi-agency conferencing model where all key agencies outline their role, responsibilities and proposed actions to the victim

Stage 4: Ensure time, resources and staff provision of ELI

- Ensure sufficient time is allocated for the case, which may include multiple legal applications
- Ensure client engagement and understanding of the role of the legal practitioner, the legal process and the best/most appropriate route for protection
- Develop templates or share existing templates to facilitate speed and consistency in letters/applications
- Establishing procedures for obtaining all relevant material to the case including official records, statements, health/medical evidence
- Ensuring liaison and long term engagement with clients is built into case work for practitioners
- Ensure practice and procedures are documented and transparent to enable evaluation

3.3 National advisory committees

A further supporting structure recommended for each pilot and carried out in each jurisdiction was the formation of a National Advisory Committee (NAC). The members met in person twice during the pilot to consider the structure, progress, benefits and barriers of the ELI pilot project. Each ELI pilot formed an NAC, which represented a grouping of respected individuals, key stakeholders (NGOs, legal and court personnel, government officials and police) and other relevant organisations. The benefits of the NACs were evident to the evaluator of ELI:

- They add credibility and ensure support and “buy in” to the project. The members of each NAC are committed to the project and its development and, therefore, have vested interests in ensuring referrals are made, information is disseminated and the project is successful.
- The NACs guide the work of the project, ensuring that it meets the client group’s needs, and supports the project in delivering an appropriate and effective service.
- Pilot partners have the opportunity to refine and develop the project with feedback from NAC members, particularly in discussing a concept or problem with stakeholders and gaining a view of how the project could tackle that problem.
- An NAC liaison from the pilot partner helps build relationships, keep key stakeholders informed about progress and developments, and assist in the wider dissemination and awareness of the project, which may be necessary to obtain funding.
- Convening an NAC ensures that the project is accountable, transparent and inclusive, and provides a further mechanism for third-party evaluation of services, which is important when applying for funding or the monitoring/evaluation of existing funding.
- By convening an NAC, the pilot partner creates a forum where stakeholders can bring valuable information from their own organisations’ experiences. This allows the project to be the first within the legal sector to identify emerging issues that it can assist with (either at a case work or policy level).
- An NAC assists the pilot partner in identifying areas of legal work that the project should focus on or should highlight for future work.
- It assists the pilot partner in informally raising awareness with members on key issues, for instance that referrals should be automatically made for ELI for EU migrants who may be VoT or to address current policy on housing/benefits for VoT and to raise awareness on barriers to compensation.

3.4 Training toolkit development – project partner experience

The second key output of the ELI project was the training toolkit devised by all partners. The toolkit (www.earlylegalintervention.eu/resources) was devised and piloted by the ELI project, in particular with expert input from the partners in the UK (the Aire Centre and the LSA), in conjunction with the ICI. The toolkit is a training-of-trainers product that contains a PowerPoint presentation explaining the benefits of ELI, what trafficking is and why it happens, and explores the challenges to identification of VoT and explains the legal rights that VoT have.

The toolkit also contains a training plan with video links that can be used with trainees to explain and explore trafficking and its appearances. The international legal framework for dealing with trafficking is explained and the processes for victim identification are outlined. Specific problematic issues for identification, including vulnerability of certain victims, are explained and the most common misinterpretations about trafficking are discussed with trainees. The trafficking business model is examined and the need to address demand that fosters human trafficking is proposed. Best practices in victim identification are presented and the legal international responsibilities of states are laid out for trainees. The key principles of ELI are presented to trainees and the benefits of ELI for the victims and for the organisations engaged in anti-trafficking work are examined.

The toolkit was developed in 2015 and tested at pilot sessions during the partner meeting in Bulgaria. All partners have been rolling out the training to partners and legal agents in their country. Scotland has delivered the toolkit training to 45 people, including to high-level legal advocates, senior policy makers and government staff. The LSA in Scotland has also used the toolkit to influence forthcoming legislation in Scotland that will promote ELI for VoT. Legislation expected in 2016 will include early legal advice for VoT. The LSA believes the ELI project, the 2014 National Report and the toolkit training in 2015 were key elements in this success. The LSA also intends to promote the toolkit itself in 2016 by offering further training to government and statutory agencies to promote the more widespread understanding and use of ELI to support the human rights of all VoT.

The KSPSC in Lithuania is translating the toolkit into Lithuanian. It feels the toolkit has helped enormously to deepen the understanding of ELI in the project. The KSPSC is rolling out its first training session using the toolkit during the 16 Days of Activism against Gender-Based Violence Campaign. The KSPSC's key targets for the first training are young people and the police. It expects 30-50 participants. Through the ELI project and its meetings in Lithuania, the KSPSC has already informed lawyers and policy makers of the benefits of ELI.

A key outcome of the ELI project for the KSPSC has been the development of cooperation agreements between partners, including police, to use ELI. The Lithuanian partners feel they have improved their understanding of ELI and have succeeded in getting other stakeholders interested in delivering ELI when dealing with suspected VoT. They plan to use the toolkit to train their interdisciplinary team in the Klaipedia region to spread the knowledge of the ELI model, including with MPs at the national level. The KSPSC sees ELI as offering an opportunity for real and concrete steps to get information about legal assistance to their partners who work on protection and prevention with VoT in sexual exploitation.

A key barrier to implementing ELI in Lithuania is attitude. Until human rights issues are considered in relation to VoT, it is difficult to get an ELI approach adopted.

CWWV in Croatia will translate the toolkit shortly and has found its involvement in the development of the toolkit very useful. It feels it has been using this approach for years in its work with VoT, but never called it ELI or applied it as systematically as it now does. As a model of good practice, using the NAC, the CWWV has achieved some success in getting the ELI approach taken on board by anti-trafficking state actors.

It still feels training using the toolkit is needed for police and the Red Cross, who use a humanitarian approach but do not provide legal advice. The training toolkit is a useful way to get them to take up the ELI approach.

The CWWV is confident that, as a result of its cooperation during the project, elements of the ELI model will appear in the new National Trafficking Strategy in 2016. Better cooperation is evident between the NGO and state actors

using ELI despite remaining problems in Croatia, which include police corruption. In January, the CWWV plans to use the toolkit to train more than 100 state and NGO actors who work with VoT. Added to its November dissemination seminar, which 68 trainees attended, it will exceed the original target of 75 for the ELI dissemination to almost 170 trainees.

The Aire Centre, a key partner in devising the toolkit, has delivered training in the UK to more than 70 trainees. Many of these are key players who have agreed to make the toolkit available on their websites, allowing for greater dissemination of the kit. Aire believes the toolkit is useful for making partners working in the field of trafficking aware of the complexity of some VoT cases and demonstrating the difference ELI can make to managing those cases, especially in terms of improved outcomes for VoT and enhanced prosecution rates of perpetrators for the state. ELI is particularly useful for vulnerable victims. The toolkit deals with this very clearly and is useful for practitioners who find themselves handling complex cases. Aire is also pleased that the toolkit includes tips for how lawyers might act to advance a claim when domestic courts fail a client.

The ICI in Ireland worked very hard to oversee the development and rolling out of the pilot training on ELI using the toolkit. Seeing ELI as always beneficial to clients, it can often be a very useful, quick information session for EU nationals on their rights and allows all clients to make informed decisions on how they might proceed in their specific situation. The toolkit is also an informative way of educating statutory and NGO partners working with VoT about the national and international legal instruments that are available to them and their clients to exercise their choice and their human rights. Using ELI training with Irish police supports 'buy in' for the use of ELI while identification of VoT and ties to accessing rights are still not clear.

In Bulgaria, the BGRF plans to deliver the toolkit training once the kit is translated in January 2016. It will deliver training to other legal centres and actors working with VoT. Highlighting the existing poor coordination between actors in Bulgaria, the BGRF sees the toolkit as a useful means of informing these actors and supporting greater cooperation by using ELI to access victims' rights. It also intends to link ELI to the transposition of the new Victims' Rights Directive as a means of getting a more obligatory approach to victims' rights into Bulgarian national law.

A high-level training session with pan-European networks will be held in Brussels in January, which could lay the foundation of an ELI network in the EU.

3.5 Dissemination

The ELI project gave particular emphasis to the importance of dissemination during the project period. Each partner organised dissemination events to inform wider stakeholders of ELI and its benefits when partner meetings took place in each partner MS in 2014 and 2015. A Brussels-based dissemination event for policy makers in 2014 was successful and EU legislators were provided with an opportunity to hear about ELI and its benefits for VoT. Media presence at each of these seminars was encouraged, and local print and broadcast media brought the discussion on ELI into the public realm.

Two forthcoming high-level dissemination events include the transnational conference in Dublin in January 2016, which will target the dissemination of the ELI approach, including the dissemination of the project evaluation and recommendations. A second transnational event, to be held in Brussels in 2016, will provide EU policy makers with an opportunity to hear the outcomes of the ELI project and to examine its recommendations and conclusions.

4 Conclusions and recommendations

4.1 Conclusions

A human rights-based approach was defined within the ELI model to ensure that a victim of human trafficking is able to effectively realise their human rights under international law. This approach was followed by each of the partners in their ELI projects.

The benefits of ELI provided by specialised legal practitioners – and in particular independent law centres that can deliver a dedicated, holistic model of sensitive and timely legal representation – was highlighted by all MS project participants. Projects identified many benefits of ELI, in particular the early identification of victims, which affords victim-specific protections and access to VoT rights, as opposed to persons who are not advised about or facilitated to access the relevant arrangements for VoT at an early stage.

The experience of legal practitioners across all countries was that the failure to have ELI may lead to VoT spending many years in unsuitable accommodation and/or in the asylum system or remaining as undocumented migrants unable to come forward and, in some cases, imprisonment for immigration or other offences. Furthermore, the partners strongly believed that ELI enabled VoT to have agency and control over their lives and to feel safer and supported. ELI was also regarded as critical to avoid criminal punishment of VoT and reduce the risk of re-victimisation and re-trafficking.

Both the research and the case studies of the ELI project partners indicates that, in theory, state legal aid is available in all five MS but that there are numerous gaps in the implementation of full access to early legal advice and legal representation for detected/suspected and identified VoT. The project also highlights how the lack of formal routes, protocols or procedures that would ensure access to ELI often depends on where the individual is within the legal process, the type of exploitation suffered, the location in which they are first detected and the support they are accessing.

The legal complexity of trafficking cases is also highlighted throughout the research and in the pilot projects. Proceedings relating to immigration and international protection, seeking leave to remain in the country, family reunification and applications for residency permits can be lengthy, involving numerous statements to the police and the provision of detailed documentary evidence. In relation to the prosecution of trafficking offences, pre-trial investigations and criminal proceedings appear to be extremely difficult. It can be seen from the case studies that VoT may have multiple immediate and long-term needs, and legal advice is also often required in the areas of welfare and housing rights.

The importance of legal advocates with high levels of expertise is crucial and this was borne out in the case studies in all countries. Services for VoT must refer to them where possible as they play a critical role in effective ELI.

In many countries services are dependent on legal practitioners within the state system or private solicitors who do not have the specialised knowledge or sufficient experience, particularly in rural areas. The benefits of ELI provided by specialised legal practitioners and, in particular, independent law centres that can deliver a dedicated, holistic model of care and legal representation is highlighted in the research and obvious in the case studies.

The project partners identified and applied 15 principles they considered vital and which were embedded within each of the pilot projects, taking into account the differing national political, social and legal contexts in each of the three MS. A core principle is the need to ensure that ELI is available from the first indication of human trafficking for all civil, administrative and criminal proceedings. Partnership and a joined-up approach amongst all key practitioners and agencies is fundamental in gathering sufficient evidence to support the victim's case and ensuring that the most appropriate legal routes for state protection are followed. Specialised legal practitioners are a critical part of the best

practice model in delivering a holistic, trauma-informed approach, which includes assessing a victim's safety and protection, and promoting respect and trust throughout the process.

The ELI project successfully met all the targets set for 2014 and 2015. It provided a comprehensive review of the responses to VoT in the countries examined, particularly in relation to legal intervention. While the national and comparative research was confined to five MS, the issues raised are likely to apply across the EU. The research and case studies of ELI application demonstrate the critical need for ongoing rigorous assessment and monitoring of the implementation of theoretical commitments and the continuing gaps in relation to the ability of VoT to access their rights.

In terms of legal intervention, the ELI project shows the importance of independent legal practitioners with specialised expertise who can respond to the multiple and complex needs of VoT.

The best practice model developed in the ELI project is invaluable in laying out a human rights approach to responding to VoT and upholding their rights in the process of identification and recovery. This approach is applicable in any context or state when seeking to provide legal intervention for such vulnerable clients. It demonstrates the need for a sensitive, holistic and accountable trauma-based approach that ensures the victim is able to fully realise their human rights within the EU.

The learning and outputs from the ELI project – including the research, the framework model, the application of the ELI good practice model using the principles of best practice – have been widely disseminated. It is hoped that the ELI model will inform any review of responses to VoT and the development of best practice ELI in other MS, including in the context of evaluating the implementation of Directive 2011/36/EU.

4.2. Recommendations arising from ELI project

- Key ELI project outputs to be made available as widely as possible: research, principles, framework, templates and evaluation report (use website and wider partners)
- ELI partners to offer training to statutory agencies and government legal bodies, reminding them of their obligations under GRETA (Group of Experts on Action against Trafficking in Human Beings)
- 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
- ELI to be provided with 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 multiplier effect of ELI using new 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 in service provision and legal and social supports as per ELI for VoT

Appendix 1: Policy template

Policy Template to be completed by 4 April 2014

COUNTRY:

1. International law compliance

UN Palermo Protocol to Prevent, Suppress and Punish T in P, Especially Women and Children	
Signed	Ratified
Council of Europe Convention on Action against THB	
Signed	Ratified
EU Directive 2011/36/EU to combat and prevent human trafficking and protect its victims	
Transposed	
EU Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA	
Transposed	
EU Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities	
Transposed	
EU Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims	
Transposed	
CEDAW	
Signed	Ratified
Relevant recommendations to your country under Article No 6?	

2. International Monitoring

Trafficking in Persons report (TIP)
What 'Tier' is the country in, has it been up/down graded recently?
Relevant recommendations to your country in the 2013 report?

GRETA – Council of Europe

Have you been evaluated?
Relevant recommendations to your country in the evaluation?

OSCE

Have you been evaluated?
Relevant recommendations to your country in the evaluation?

3. National Legislation on Human Trafficking

Human Trafficking Legislation

4. National Legislation regulating provision of legal aid and other relevant law/policy.

Title
Relevant provision
Title
Relevant provision

5. Protection and assistance to victims of trafficking

Legislation/policy providing for assistance to VOT	
Duration of the R&R permit ... days	Duration of the TR permit
Is the R&R renewable	Is the TRP renewable
Is the R&R of flexible length	Is the TRP dependable on cooperation with the police?
Authorities authorised to identify VOT:	
Can NGOs identify VOT or have any input in the process? :	
Is there a memorandum of understanding or written agreement between the players in the identification process?	
Is there a referral protocol (form) agreed between players in the identification process?	

6. Legal advice and representation for victims of trafficking

During R&R permit (Yes or No):	During Temporary Residence Permit
Legal Advice Legal representation	(Yes or No) Legal representation regarding: - criminal investigation - criminal trial - non-prosecution - compensation - immigration/asylum related - family reunification with children
In your opinion, has Art 12 of the EU Directive 2011/36/EU been transposed in your State correctly/fully?	
How does a VOT contact providers of legal counselling or legal representation?	
Is legal advice available free of charge? If so, by whom?	
Is legal representation available free of charge? If so, by whom?	

7. What is presently facilitating / obstructing the ELI in your country?

8. Are there any provisions for legal aid in place for people who are not formally recognised as VOT (vulnerable migrant women in prostitution for example) as their experience does not amount to HT (the legal definition)?

9. Any useful information that you'd like to share?

Appendix 2: ELI draft interview schedule

Name and title of interviewer.....

Name of interviewee.....

Job title of interviewee.....

Organisation/agency of interviewee.....

Please provide a brief description of the main role and purpose of the organisation/agency

1. DEFINITIONS AND ROLES IN RELATION TO TRAFFICKING IN HUMAN BEINGS

1.1 What definition of Trafficking of Human Beings (THB) do you/does your organisation/agency use?

- Palermo Protocol/CoE Convention
- EU Directive
- No definition used

1.2 Does this definition include internal trafficking?

- Yes
- No

1.3 Does this definition have a basis in national legislation?

- Yes
- No

If yes, please describe and cite relevant legislation in the box below.

1.4 Do you have guidelines/indicators that practitioners are required to follow?

- Yes
- No

If yes, please could you attach a copy of these guidelines/indicators.

1.5 Does your organisation/agency have a formal remit to respond to THB? (entrusted by the State to a statutory agency/NGO, or adopted by an NGO)

- Yes
- No

1.6 If yes, please could you indicate below in which area you have a formal (or agreed) remit (tick as many boxes as appropriate).

- Trafficking for sexual exploitation
- Trafficking for labour Exploitation
- Child victims of trafficking
- Trafficking for the exploitation of criminal activities

1.7 Please indicate what formal remit your organisation/agency holds.

- Identification of VOT
- Power to refer to State subsidised services
- Provision of emergency services (e.g. health, housing, support)
- Counselling/psychological support services
- Provision of legal services
- Other (please specify).....

Please could you briefly describe your formal remit in the areas you indicated above.

1.8 How do you define the primary role of your organisation/agency in relation to VOT?

1.9 Does this role have a legal/statutory basis?

- Yes
- No

1.10 Please could you provide data on the numbers of VOT your agency responded to in 2013 (broken down by type of trafficking; gender; nationality; age; country of origin etc.).

- Data attached
- Yes
- No

1.11 What do you think are the main strengths of your organisation/agency's response?

1.12 What are the main barriers/gaps in the response you provide?

2. EARLY LEGAL INTERVENTION

2.1 Does your organisation/agency have responsibility for the provision of any of the following legal services?

a) Legal advice only

- Yes
- No

b) Legal representation

- Yes
- No

c) Power to authorise State funded legal aid (advice or representation)

- Yes
- No

(If no, please go directly to Question 2.4)

2.2 At what point does the VOT have access to a legal representative? Give examples if appropriate

2.3 In the case of child victims, is a legal guardian/representative appointed in all cases.

- Yes
- In some cases
- No

If no, please explain why this does not occur.

2.4 In the case of child victims, at what point does the appointed legal guardian seek legal advice for the child?

2.5 If your agency does not provide legal advice/representation, please could you describe at what point, and for what purposes, a legal representative is called/engaged?

2.6 Which legal agency/representatives do you contact?

2.7 Are they specialists in trafficking?

- Yes
- No

2.8 Who or what organisation/agency is responsible for referring VOTs for legal advice and/or representation?

2.9 Please give details about the different elements of legal advice that VOT have access to.¹⁴ (please tick yes or no under each heading and provide a brief description)

a) Safety and risk assessment

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

b) Information regarding availability of protection and assistance arrangements to VOT

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

c) Requirements for legalising their presence in the Party's territory

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

d) Information regarding the various possible forms of legal redress

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

¹⁴ Drawn from Article 15 of the CoE convention and DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

e) Information on how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties)

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

f) The possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being properly enforced

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

g) Information and counselling which enables victims to evaluate their situation and make an informed choice from the various possibilities open to them

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

h) Witness protection, anonymity and safety measures in criminal proceedings

- Yes
- No

If yes, please describe and specify if there are differences between adults and children.

2.10 Do VOT have access to legal representation in any of the following areas? (tick yes or no under each area below)

a) VOT protection and residency rights

- Yes
- No

b) Immunity from immigration violations

- Yes
- No

c) Immunity from criminal proceedings

- Yes
- No

d) International protections such as refugee and asylum applications

- Yes
- No

e) Compensation claims

- Yes
- No

f) Access to Welfare supports

- Yes
- No

g) Access to Housing

- Yes
- No

h) Access to Health care

- Yes
- No

Other (please specify).....

2.11 Is there a coordinated approach to the provision of legal services?

- Yes
- Sometimes
- No

Please explain further.

2.12 Is legal advice provided free of charge?

- Yes
- In some cases
- No

Please explain further.

2.13 Are legal services always available in the language that a person understands?

- Yes
- Sometimes
- No

2.14 Can you identify the main locations where early legal intervention is provided.

2.15 Can you identify other locations where early legal intervention could be provided (e.g. hospital, brothel raids, asylum centres)

2.16 What do you think is the main benefit of early legal intervention for VOT?

2.17 What do you think is the benefit of early legal intervention for your work?

3. INTER-AGENCY CO-OPERATION

3.1 Are VOT referred to you from other agencies?

- Yes
- No

If yes, please could you list the agencies that refer VOT to you.

3.2 Do you refer VOT to other services/agencies?

- Yes
- No

If yes, please could you list the agencies that you refer VOT to.

3.3 Do any of the service providers listed below have a specialised response to VOT? (tick all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Police | <input type="checkbox"/> Designated NGO |
| <input type="checkbox"/> Other NGO | <input type="checkbox"/> Social services |
| <input type="checkbox"/> Child protection | <input type="checkbox"/> Emergency shelter/refuge |
| <input type="checkbox"/> Direct housing provision for asylum seekers | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Health care | <input type="checkbox"/> Psychological services/counselling |
| <input type="checkbox"/> Other (please specify) | |

3.4 Is there a formal referral mechanism/protocol between the different agencies?

- Yes
- No

If yes, please could you briefly describe this.

3.5 How would you rate the cooperation between agencies?

- Very good
- Good
- Fair
- Poor

3.6 How would you rate the communication between agencies?

- Very good
- Good
- Fair
- Poor

3.7 What improvements would you like to see in inter-agency cooperation?

4. TRAINING

4.1 Have you or your staff received training in responding to THB?

- Yes
- No

4.2 Please briefly describe the type and level of training received.

4.3 Do you consider that the training was sufficient to enable you to respond appropriately to THB?

- Yes
- Somewhat
- No

4.4 What additional training do you think would be helpful for staff in your agency/organisation?

4.5 Do you think inter-agency training would be helpful?

- Yes
- Maybe
- No

5. RESPONSES AND OUTCOMES

5.1 How would you rate the current immediate response to VOT?

- Very good
- Good
- Fair
- Poor

5.2 How would you rate the current long-term outcomes for VOT?

- Very good
- Good
- Fair
- Poor

5.3 Have outcomes for VOT been documented in evaluation reports?

- Yes
- No

If yes, could you summarise the main outcomes that have been documented (and also provide copies of any evaluation reports that have been published).

5.4 What specific measures/actions do you think could be introduced to improve responses to and outcomes for VOT?

6. COUNTRY SPECIFIC AREA TO HIGHLIGHT PARTICULAR ISSUES

Please highlight one country specific issue or target group that is of current concern in relation early legal intervention.

Appendix 3: Conceptual note for the implementation of the ELI pilot projects



Section 1: Introduction

The EC/ISEC funded Upholding Rights! Early Legal Intervention (ELI) transnational project aimed to identify and analyse ELI for victims of trafficking (VoT) in a selected number of countries and develop models of best practice which would be transferable across member states (MS) of the European Union. 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 outcomes for VoT. In year one, an overall picture of the response to trafficking and how legal aid and legal intervention function within six MS was gathered, and national reports were produced. A comparative research report, based on the national reports, presents the legislative and policy frameworks in each country including the ratification and transposition of international instruments and European directives; national legislation and national structures to address trafficking; the identification of VoT and the provision of services; the right to legal aid and legal 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 VoT 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 a human rights approach to legal intervention for VoT. 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 best practice paper 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 three countries. This document complements these principles in outlining the stages for the development of the pilots and the framework, structures and conditions which need to be in place in order to ensure the operation of a best practice approach.

Section 2: Framework

This section outlines a suggested framework for the operation of ELI projects which underpins best practice and can support the development of an effective model of legal intervention with VoT.

Stage 1: Ensuring good governance of the pilot project

- Ensure good management structures, supervision and staffing of the pilot
- Define the remit, scope and boundaries of the pilot before commencement
- Set realistic targets of the numbers of VoT to accept as referrals
- Ensure legal practitioners who are engaged to deliver ELI have sufficient specialised knowledge necessary for the complexity of VoT cases
- Establish efficient mechanisms for documenting and recording practice, cases and outcomes

Stage 2: Developing and/or enhancing a partnership approach

- Identify key statutory and NGO stakeholders and partners for the pilot
- Establish a National Advisory Committee (see Section 3)
- Disseminate clear, accessible information on ELI
- Discuss the key elements of best practice with key referral services/agencies and develop collaborative ways of working
- Clarify roles and responsibilities in relation to VoT needs, for example, who provides support, counselling, housing, advocacy and legal intervention
- Identify locations for detection/recognition of VoT including among ‘hard to reach’ and at risk groups
- Build agreement on locations/accessibility in relation to the provision of ELI
- Development of referral protocols, memoranda of understanding and service agreements

Stage 3: Creating the conditions for best practice ELI: trauma based practice

- Ensuring time and resources for staff in order to build a relationship of trust and respect with the client
- Defining the role and responsibilities of legal practitioners and support/case workers
- Creating a safe, supportive and respectful environment for disclosure
- Establishing risk and needs assessment procedures which will be conducted with all VoT
- Consideration of multi-agency conferencing model where all key agencies outline their role, responsibilities and proposed actions to the victim

Stage 4: Ensuring time, resources and staff provision of ELI

- Ensuring sufficient time is allocated for the case which may include multiple legal applications as outlined in the comparative research and best practice paper
- Ensuring client engagement and understanding of the role of the legal practitioner, the legal process and the best/most appropriate route for protection
- Developing or sharing existing templates to facilitate speed and consistency in letters/applications
- Establishing procedures for obtaining all relevant material to the case including official records, statements, health/medical evidence
- Ensuring liaison and long term engagement with clients is built into case work for practitioners
- Ensure practice and procedures are documented and transparent to enable evaluation

Section 3: National Advisory Committee

The presence of respected individuals, key stakeholders and relevant organisations on a National Advisory Committee (NAC) holds a number of benefits for the ELI projects. These include:

- Lends credibility and ensures support and “buy in” to the project. The members of the NAC have committed to the idea of the project and to its development and therefore have a vested interest in ensuring referrals, disseminate information on its’ existence and in a successful outcome to the project
- Guides the work of the project, ensures that the project continues to meet the client group’s needs and supports the project in delivering an appropriate and effective service.
- Provides an opportunity to refine and develop the project with feedback received from the NAC members particularly in discussing a concept or problem with stakeholders and gaining a view of how the project can tackle that problem
- Build relationships, keeps key stakeholders informed about progress and developments and assists in the wider dissemination and awareness of the project which is necessary to obtain funding
- Ensures that the project is accountable, transparent and inclusive and provides a further mechanism for third party evaluation of services which is important when applying for funding or the monitoring and evaluation of existing funding

- Provides a forum where stakeholders bring valuable information from what they are seeing in their own organisations that allows the project to be the first within the legal sector to identify emerging issues that it can assist with (either at a casework or policy level)
- Assists in identifying areas of legal work that the project should focus on or should highlight for future work
- Assists in informally raising awareness with members on key issues, for instance that referrals should be automatically made for ELI for EU migrants who may be VoT or to address current policy on housing/benefits for victims of trafficking and to raise awareness on barriers to access to compensation

Appendix 4a: Timeline of actions evaluated 2014 & 2015

- Actions 2014: Reviewed for delivery
- Law/Policy Review
- Templates for legal/policy context
- Completion of templates by all
- Partner meeting 1 (Dublin) April 11 – 25 participants
- Roundtable 1 – Dublin (policymakers) April 12 – 140 participants
- Identifying training elements of ELI
- Finalised interview guidelines for national reports
- Interview key informants (x 5 partners)
- Collation of national reports
- Finalise national reports
- Host National Advisory Committee meetings (BG, IE)
- Form International Advisory Committee
- Comparative Report completed
- Identify 3 case studies of Best Practice
- Develop framework for pilots
- Meeting Expert group (Brussels) Oct 14/15 – 58 participants
- Partner meeting 2 (Lon) Nov 10 - 25
- Roundtable 2 – London (policymakers) Nov 11 – 40 participants
- Training for Pilot delivery (London)
- International Advisory Committee meeting (1) London
- Preliminary Delivery of Pilots ELI (x 3 countries) – to Sept/Oct 2015

Ongoing tasks:

- Websites – established 2014 - www.earlylegalintervention.eu – 16,464 visits
- EZINES – 3 issues in 2014 – 249 visits monthly
- Management and Financial Management – EU report due February 2015
- Evaluation: Interim Report delivered August 2015, Final Report due November 2015

Actions 2015: Reviewed for delivery

- Roundtable 3 – Croatia (policy makers) – April 2015 -
- International Advisory Committee Meeting Croatia – April 2015
- Partner meeting 3 – Croatia – April 2015
- Roundtable 4 – Sofia (policy makers) – October 2015 -
- Partner meeting 4 – Sofia – October 2015
- Training of Trainers with Toolkit (partners), November – 70 trainees
- IE training – 50 people, Oct/Nov;
- Aire/UK training – 75 Nov;
- Croatia, Bulgaria, Lithuania translating and plan training 2016
- Final partner meeting 5 – Dublin, 14th January 2016
- Transnational conference – Dublin 14th January 2016
- EU Policy maker briefing – Brussels, 26th January 2016
- IE training Brussels – 25 trainees
- European Network of ELI orgs – change of plan

- Ongoing tasks:
- Websites – established 2014 - www.earlylegalintervention.eu – 28,275 visits in 2015
- EZINES – 1 issue in 2014 – 249 visits monthly, 2 issues 2015
- Management and Financial Management – Preliminary report delivered February 2015, Final Report April 2016
- Evaluation: Interim Report delivered August 2015, Final Report delivered December 2015

Appendix 4b: Key deliverables – delivered 2014 & 2015

2014

A literature review; an interview guide; key informant interviews; 2 roundtables for policy makers; a roundtable on promising transferable practices of ELI in Brussels; case profiles with promising practices applied; 6 national reports; a working paper outlining the framework criteria for the pilots; a model of ELI; a final report with recommendations on transferrable practices; 1 international and 3 national advisory committees with meetings, training; 1 evaluation report (interim)

2015

2 further partner meetings; 2 further roundtable meetings for policy makers; Development of Training Toolkit on ELI; Delivery of training of trainers using toolkit (195 participants); Final Evaluation Report; Planned for delivery January 2016 – final partner meeting, final transnational conference; EU Brussels briefing; Following translation of Toolkit in Blg, Lt, Croatia further delivery to partners of ELI model training (300 participants)

Expected total number of participants: 450 over 2014-2015

- 40 – judicial/legal practitioners
- 20 – law enforcement
- 90 – other public officials
- 240- civil society, assoc and NGOs
- 60 – research/university

Note: Expected numbers of participants exceeded original expectations

Appendix 5: Template for case study data collection

Client Code:	
Nationality:	
Type of Exploitation:	

ELI Framework

Governance

Did the client have a solicitor and a case-worker?	
Did the client receive full legal representation from the Law Centre?	
Did you follow filing and documenting guidelines as per ELI handbook?	

Trauma Based Practice

Did you use the ELI handbook guidelines on initial meeting?	
Did you use the ELI handbook initial meeting checklist?	

An Enhanced Legal Service

Did a solicitor/case-worker accompany the client to other contacts with authorities? Give example	
Immigration Police	
Office of the Refugee Applications	
Refugee Appeals Tribunal	
Social welfare hearing	
Court	
Visit to the client in the accommodation centre/shelter	
Other	
Pointing out locations of exploitation with the police	
How many hours have been spent on the case?	

Include any other example of an enhanced legal service (going the extra mile)	
---	--

Evidence

Did you gather medical report/psychological report?
Did you gather support letters?
Did you gather country of origin information?
What other evidence did you gather on behalf of the client for submission? Please explain

Partner Relations

Was the client referred at first encounter with authorities?	
Who referred the client?	
Was a referral form used?	
What agencies have you collaborated with on behalf of the client?	
Have you referred client to other agencies? Please list	
Have you made any new contacts? Please list	

Holistic Support

Did you advice or support the client in relation to:	
Risk assessment	
Avenue to protection	
Compensation	
Social welfare, housing and other	
Criminalisation and non-punishment	
Family tracing	
Family reunification	

Protection needs of the client's children in the jurisdiction and outside the jurisdiction	
--	--

Tenacity

Did you have to challenge the authorities, challenge current legislation and/or policy?	
Has this been noted for future precedents and had it been discussed with the team for future advocacy work?	

Added Benefit of ELI

Is there an added benefit for the client having availed of ELI? Please explain	
Is there an added benefit to other stakeholders if the client availed of ELI? Please explain	

Challenges

What challenges have been met in delivering ELI?	
Synopsis of the case study in line with implementation of the ELI pilot	

Problems/ failures of the system which hinder ELI

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