

Compensation possibilities for persons affected by human trafficking, violence and labour exploitation in Germany

ISSUES TO BE DISCUSSED IN COUNSELLING SESSIONS

WORK

Voluntary or involuntary work (e.g.):

- In the sex industry
- In the catering sector / gastronomy
- In construction / building industry
- In private households

Circumstances (e.g.):

- Low or no wages
- No health insurance
- Health and safety standards are not met
- No free time

VIOLENCE

Consequences (e.g.):

- Physical injuries
- Trauma
- Sexually transmitted diseases
- Other illnesses
- Anxiety / depression

! IMPORTANT NOTE:

- All of the following persons can be entitled to compensation: Witnesses, non-witnesses, those who have already left the country, undocumented migrants.

1

POSSIBLE EVIDENCE

- Psychological assessment / expertise / opinion
- Other witnesses, i.e. colleagues
- Proof of payments, i.e. pay slips, receipts
- Text messages, emails, contacts by phone (i.e. through itemised bill)
- Medical certificates / expertise

WORKING CONDITIONS

- Where was the place of work?
- How many hours a day did the person work? How long did she/he work in the job in total?
- What kind of work did the person do?
- How much was she/he paid?
- Does an official work contract exist?
- How many customers / clients were serviced a day (e.g. with regard to prostitution)?
- Etc.

CONSEQUENCES

- List of work-related medical complaints / illnesses
- Was the person treated in hospital?
- Does the person need therapeutic support?

! IMPORTANT NOTE:

- Compensation and lost wages should be addressed at the earliest possible stage (some related legal deadlines are very short)

LEGAL ADVICE | JURISDICTION

LABOUR LAW

LABOUR COURT

CRIMINAL LAW
(ANCILLARY SUIT)

CRIMINAL COURT

CIVIL LAW

CIVIL COURT

SOCIAL LAW:

VICTIMS' COMPENSATION ACT

PENSION AND BENEFITS OFFICE
If application is rejected:
→ SOCIAL COURT

STATUTORY ACCIDENT INSURANCE

TRADE ASSOCIATION
Different association for each industry, e.g. sex work or catering sector

! IMPORTANT NOTE:

- It is possible to combine different legal options
- If necessary, make contact with several lawyers specialising in different respective fields
- Inform the lawyers about each other!

2

POSSIBLE COMPENSATION CLAIMS

WAGES

E.g. remuneration, sickness benefit, payment in lieu of vacation

COMPENSATION FOR MATERIAL DAMAGES

E.g. costs of curative treatments, certificates, assessment / expertise, medicines, legal representation

COMPENSATION FOR IMMATERIAL DAMAGES

E.g. for pain / injury suffered, psychological disorders and after-effects, permanent physical injury

MATERIAL DAMAGES

IMMATERIAL DAMAGES

MATERIAL DAMAGES

BENEFITS

BENEFITS

! IMPORTANT NOTE:

- Statutory accident insurance payments can be awarded irrespective of the individual's residence status. Illegal employment does not prevent a claim being made.

3

IN CASE THE PERSON LEAVES THE COUNTRY PRIOR TO OR AFTER THE COURT PROCEEDINGS:

The person still has an entitlement, even if she / he leaves the country. This can be invoked from the country of origin.

Before departure:

- Seek legal advice
- Ensure lawyers have authority / mandate to act on the person's behalf
- Ensure the person can be contacted in her / his home country
- Make contact with a counselling centre in the home country

IMPORTANT NOTE!

- Undocumented migrants can also invoke compensation! (Caution: Giving personal data may lead to being reported to the immigration authority)
- For civil and labour court proceedings or applications made under the Crime Victims' Compensation Act, a criminal judgement is not necessarily required.
- The person's attendance / presence is not necessarily required in civil or labour court.