



COMP.ACT European Action Pact for Compensation for Trafficked Persons

OSCE, Vienna 21.06.2011

COMP.ACT

European initiative and coalition of NGOs to improve the access to compensation and legal redress for trafficked persons, mainstreaming remuneration into the national anti-trafficking measures and into the international anti-trafficking policies.



Objectives

- ⌘ To mainstream compensation into anti-trafficking policies
- ⌘ To reduce systematic and procedural obstacles in access to compensation
- ⌘ To make compensation accessible for trafficked persons on a systematic and sustainable basis.



Identified problems

- ⌘ No human rights culture in anti-trafficking measures
- ⌘ Lack of awareness and knowledge amongst professionals and authorities on compensation
- ⌘ Need for test cases to create jurisprudence
- ⌘ Need for analysis of existing measures and implementation
- ⌘ Compensation funds are limited and conditional
- ⌘ No payment of court-ordered compensation money



National research

- ⌘ Identification and accurate analysis of the gaps and obstacles in receiving compensation for trafficked persons
- ⌘ Identification of changes needed in policies, practice and legislation to overcome these obstacles
- ⌘ Outcome of national research to influence European debates and policy development.



Austrian Research on access to Compensation

- ⌘ First research:
- ⌘ criminal law (76 court files)
- ⌘ Civil procedures: civil law, labour law, Victims of crime fond
- ⌘ 5 paid compensation as effect of criminal law
- ⌘ 3 awarded compensation in claiming unpaid wages as part of the labour law



Austrian Research on access to Compensation

Identified gaps

no successful compensation claims without psychosocial and legal victims assistance service

limited application of seizure and sequestration of money and objects of value during criminal proceedings - no actual payment of awarded compensation

only lump sums for compensation- no material damage awarded

no explanation for amount of the granted compensation in the sentence

no legal requirement of expert opinion for trafficking offences in the CC

payment in advance for civil claimants by the state is difficult due to manifold access requirements



European Recommendations on access to Compensation

Free legal victims assistance service and psychosocial support is crucial

Victims rights have to be included from the beginning of any criminal investigation, means also seizure and sequestration of money and objects of value during criminal proceedings

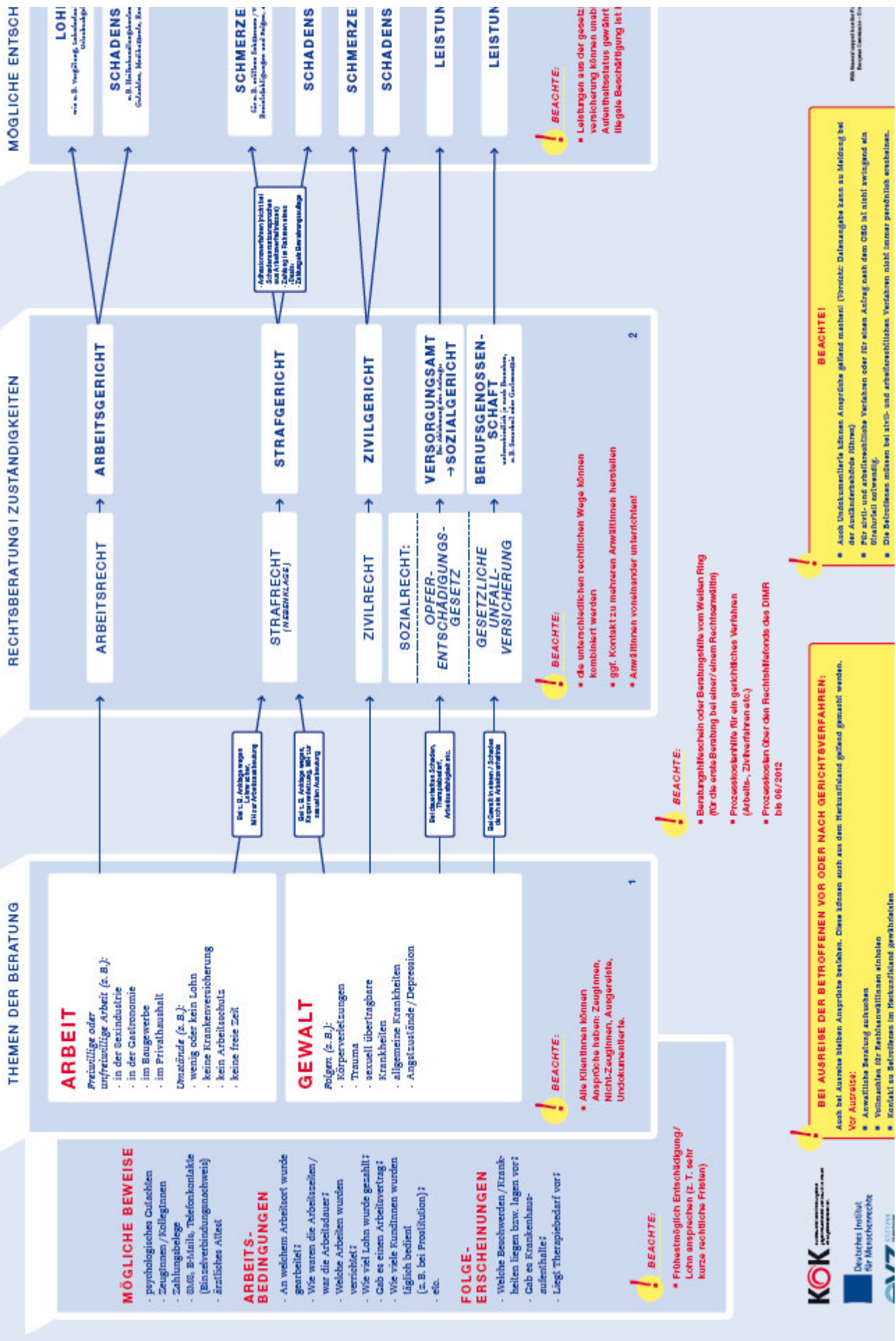
Establishment of minimum standards for amounts of compensation through jurisprudence

Include labour laws as possibility to access compensation

transnational cooperation between authorities regarding the examination of realizing compensation claims in country of origin



Finanzielle Ansprüche der Betroffenen von Menschenhandel, Gewalt, Arbeitsausbeutung



Jurisprudence via Test Cases

- ⌘ Victims of crime fund: make it accessible for trafficked persons
- ⌘ Criminal law: standard procedure for accessing compensation
- ⌘ Civil law and labour laws:



Examples of the Compact Network

⌘ For more information, please contact



Activities - European level

- ⌘ Raise awareness on the right to compensation for trafficked persons
- ⌘ Lobby for mainstreaming the issue of compensation into policies and regulations
- ⌘ Support and collaboration with European institutions: OSCE, Council of Europe, EC, European Parliament, UN
- ⌘ Development of European guidance on compensation
- ⌘ Pan-European Conference on compensation

