

Information for Victims of Human Trafficking

If...

- You had to work under other conditions than were promised to you or
- After arriving in Germany you were told that you have made debts for the journey, which is why a large amount of your wages will be held back or
- Your passport has been taken away from you or
- Your employer pays you badly or not at all or
- You are forced to prostitute yourself or to a different kind of work (for e.g. in a household, a restaurant) or
- You have been badly exploited at your work place or
- You have experienced violence, have been hit, abused, raped or locked in or
- You have been intimidated or made compliant by threatening you with violence against you or your family.

...then you are a victim of human trafficking!

Various rights and forms of support are provided for your needs:

- In Germany there is a so called "a reflection period" i.e. additional time (at least one month) in which trafficked people are allowed to decide on taking action against the offender/s, such as testifying against him/them or not. During this additional time you will receive a "Duldung" - the exceptional leave to remain in Germany - or another certification from the aliens department.
- You can be provided housing in a safe shelter and receive means of subsistence . You can also be granted psychological support and health services in case of health related emergencies. You have the right to engage a lawyer. If you do not have enough money to cover the costs of a lawyer yourself , the state can bear the expenses. If you are looking for a suitable lawyer she or he should be specialised in the immigration and penal law. If you do not know where to find a lawyer, the counselling centres mentioned below can help you do so.
- You have the right to contact a non governmental counselling centre for trafficked people.
- If you have reported the case to the police you are entitled to your choice of lawyer. Again if you can not afford to pay for the lawyer, the state is obliged to do so.
- If you haven't decided yet on reporting to the police you need to take into account that in Germany witnesses are obliged to testify at court. This means, that as soon as it is officially known that you have been a witness to a criminal act - which you as a trafficked person certainly are - you have to appear at court and testify as long as you are in Germany.
- In principle you are entitled to compensation. If you have been paid badly or not at all (wages from prostitution count too), you have the right to seek compensation. This claim needs to be enforced by a lawyer.
- Prostitution is not forbidden in Germany; therefore you can not be punished for having worked as a prostitute. But you can be prosecuted for having lived and worked in Germany without a residence permit. But, if as a trafficked person you have lived without a residence permit, the court can take this into consideration.

You have decided to testify...

If you decide to testify against the offenders within the Reflectionperiod you will be granted a residence permit according to §25 Abs.4a of the German Residence Act for as long as you are needed as witness in the criminal proceedings. The permit will continually be extended as long as the authorities think you are still needed as a witness. If you voluntarily contact the accused your permit will not be extended and might even be withdrawn.

As a general rule you should be able to stay in Germany until the court case has been decided on. This might take 1 to 3 years. For as long as it takes you will be provided with accommodation and

means of subsistence. You will be permitted to work as long as that does not involve contact with the accused or his/her environment. When the court case is closed you generally have to leave Germany unless there is proof of you being endangered by your return.

If you have become an official witness and you want to travel to your country of origin before the court hearing takes place you may do so. You will be allowed to leave Germany. In this case you would receive a written invitation from the authorities with which you can apply for a visa to re-enter Germany to give evidence.

Even if you have been staying in Germany without a residence permit (illegally or in a paper marriage) that doesn't mean you have no rights what so ever. In this case it would be crucial to find out, whether you have been exploited in a manner, that could be considered Trafficking under German law. If you are not sure whether this applies to you please seek advice at one of the Counselling Centres mentioned below.

You don't want to testify...

If all you want is to return to your country of origin, you can also get support. If you like, the centres listed below can help organize further support from a local advice centre once you are back home. If you have a permit or any other form of identification (legitimation) you may, if you want, leave Germany. You should take into consideration that by doing so your documents might lose their validity.

The Counselling centres in Berlin ...

The following institutions are centres that offer counselling to migrants who have experienced violence and abuse. Counselling and translations are for free. The members of staff underlie professional secrecy. They treat all information given discreetly and do not act without your permission. If don't want to, you do not have to give your name.

You may call the centres or ask somebody to call for you. It is not a problem if you do not speak German as members of staff just need to know which language you do speak to organise an interpreter for this language.

 <p>Ban Ying Koordinationsstelle</p> <p>Ban Ying Koordinations-und Beratungsstelle gegen Menschenhandel</p> <p>Anklamer Straße 38 10115 Berlin Tel.: 440 63 73/74</p>	 <p>Health Services of the Borough of Charlottenburg-Wilmersdorf</p> <p>Zentrum für sexuelle Gesundheit</p> <p>Hohenzollerndamm 174-177 3. Etage 10713 Berlin Tel. 902916876</p>	 <p>IN VIA - Katholische Mädchensozialarbeit für das Erzbistum Berlin e.V.</p> <p>Tübinger Straße 5 10715 Berlin Tel.: 857 84 269</p>
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