

## COMPENSATION AWARDED TO SURVIVORS

### Indicator Phrasing

**English:** # of TIP/ labor abuse survivors who were awarded compensation

### What is its purpose?

This indicator measures the effectiveness of a project in assisting survivors to obtain compensation through different systems.

### How to Collect and Analyse the Required Data

#### **Calculation Method:**

- Numerator = the number of survivors of TIP or labour abuse [under project assistance] who are awarded compensation
- Denominator = the number of survivors of TIP or labour abuse [under project assistance] who file cases or complaints
- Percentage = Numerator / Denominator x 100

#### **Data Collection:**

Data to substantiate this indicator can be collected through court records, partners, advocates, lawyers, or survivors directly.

Reporting systems must be set up with the relevant stakeholders to capture:

1. If the survivor's claim or complaint has been taken up by the relevant mechanisms (e.g., court, mediating body, tribunal, etc.)
2. If the final decision led to an awarded amount
3. The total amount
4. If the amount was what was asked for (if a victim/complainant is able to ask for an amount)
5. Rationale of the judge, tribunal, etc.

### Disaggregate by

- Survivor characteristic's (GESI characteristics)
- Case characteristics (form of exploitation)
- Characteristics of charged body / individual (I.e., firm, size of firm, sector, organised crime group, opportunistic individual/group)
- Proceeding System of the Compensation: Formal or Informal; Through Criminal or Civil Courts or Administrative System

Note: You can choose any number of ways to disaggregate data if useful for your project, for example GESI-related disaggregation (disability, ethnicity, etc.), Timeframe, or other aspects you may want to compare.

## Important Comments

### **To Consider:**

Many awardees do not receive what they have been awarded, so we believe it is useful to track these outcomes separately. Please see <https://winrock.indikit.net/indicator/757-prosecution-legal-assistance-justice/4943-compensation-received-by-survivors> for the associated indicator.

### **Definitions:**

*Compensation is money or something else given to a person to compensate for the losses sustained due to a crime committed to her/him. Compensation can be awarded for material losses (such as wages, medical expenses) or non-material losses (such as for pain and suffering, trauma). Victims of crime may seek compensation through three main methods:*

1. Criminal Compensation
2. Civil Compensation
3. Administrative Compensation from a state compensation fund

*Administrative Proceeding* is a decision made by a government body, not by a court. The decision may be, for example, about entitlement to a government benefit or service, or about the amount of the benefit. In some countries, an administrative procedure has been created to manage a victim compensation fund.

*Civil Proceeding* occurs when a person (the plaintiff) brings a case directly against a perpetrator (the defendant) to enforce the rights between private individuals. Examples of civil proceedings may be claims for compensation as a result of fraud or deception by a recruiter, claims for unpaid wages against an employer, claims for pain and suffering and medical costs against a trafficker. Usually a civil claim results in a financial remedy; it cannot involve a jail term or fine as these are given only in criminal cases. The advantage of bringing a civil action is that, if you win, the amount ordered by the court is likely to be the closest to what was actually 'lost'. The disadvantages are that civil actions can be very expensive and can take a long time, often up to several years.

*Criminal Proceeding:* Whereas civil law is to resolve disputes between individuals, criminal proceedings are to prosecute an act (known as a crime) by a person against the state/ public. Criminal cases must be decided in a court and the penalty can include a term in jail and/ or a fine. In some countries, the prosecutor can also request an amount for compensation of the victim.

## Access Additional Guidance

- Global Alliance Against Traffic in Women (2007) [Material Justice: Seeking Compensation in Trafficking Cases](#)

- La Strada International (2012) [Guidance on Representing Trafficked Persons in Compensation Claims](#)
- UNODC (2008) [Toolkit to Combat Trafficking in Persons: Restitution and compensation for victims](#)