

VICTIM SENSITIVE COURTS KEY INDICATORS

- **'GREEN LIGHT' (YES)** – FULLY MEETS THE CRITERIA.
- **'ORANGE LIGHT' (PARTLY)** – PARTLY MEETS THE CRITERIA.
- **'RED LIGHT' (NO)** – DOES NOT MEET THE CRITERIA.
- **'BLUE LIGHT' (UNKNOWN)** – INSUFFICIENT INFORMATION TO ASSESS AGAINST THE CRITERIA

INDICATOR

1



Safety and
privacy

**INDICATORS THAT
RELATE TO THE
SAFETY AND
PRIVACY OF
TRAFFICKED
PERSONS¹**

1.1 Provisions in place to close courts when giving victim testimony



1.2 Risk assessment/ safety plans in place that detail steps to protect the victim of trafficking during the criminal justice process



1.3 Decisions/Judgments in TIP cases are anonymized



1.4 Court procedures/legislation in place prohibiting publication in any media information or details that could identify the victim of a TIP case.



INDICATOR

2



Evidence and
proceedings

2.1 Measures in place to ensure that victims are permitted an opportunity and are supported when they participate in court proceedings:

a) TIP hearings are prioritised/ expedited



b) Use of 'Victim impact statements'¹ are in place





Evidence and proceedings

INDICATORS THAT RELATE TO THE WAY TRAFFICKED PERSONS ARE ABLE TO RECORD AND PRESENT THEIR EVIDENCE IN THE PROCEEDINGS

c) Use of expert witnesses to provide information about the dynamics and complexities of trafficking/vulnerable witnesses/trauma/children/sexual violence/forensic & medical etc.



d) Court allows family member, friend or professional support person to be with victim during testimony



2.2 Protective measures in place and utilised to ensure that victims who wish to participate can do so without seeing the accused:

a) witness screens



b) closed circuit TV/live link/ evidence given in private/ separate room during trial



c) pre-trial depositions/video



d) examination through an intermediary (e.g. social worker, child specialist etc. provided by the prosecutor)



e) separate entrances/waiting rooms for victims



f) courtroom environment



g) optional pre-trial visits to the court



¹ Victim Impact Statements (VIS) are made after a conviction but prior to the passing of sentence when fundamental questions of guilt or innocence are no longer an issue.



Justice sector personnel

INDICATORS THAT RELATE TO HOW THE FORMAL JUSTICE SECTOR AGENCY PERSONNEL AND JUDGES INTERACT WITH TIP VICTIMS²

3.1 There are special units/persons to deal with TIP cases



3.2 The Court established guidelines and standard operating procedures (SOP) for all court staff and judges on how to deal with trafficking cases to ensure TIP cases are addressed quickly, investigative processes are adhered to, all necessary interviews have been conducted; evidence has been collected and processed, prosecutors and judges are in possession of all of the evidence and documentation and witnesses available and ready to proceed at the trial.



3.3 The Court has developed and adopted specific regulations and codes of conduct setting out expected standards of behaviour (reflected in the Victim's Charter of Rights) and the consequences of failure to adhere to these standards for dealing with TIP cases.



3.4 The Court has implemented a trauma informed approach in the training of staff/ judges to prevent further victimisation² and trauma to the victim



² Further victimisation from the accused, family, stigmatization from the community, etc.

INDICATOR

3

Con't



Justice sector
personnel

3.5 The Court has implemented a trauma informed approach in the training of staff/ judges to prevent further victimisation and trauma to the victim



3.6 Appropriately trained female and male interpreters are available where necessary (trained in handling victims)



INDICATOR

4



Information
and services

4.1 Court is able to provide written information to the TIP victim in simple terms and in a language, they understand concerning:

a) what human trafficking is



b) the criminal justice process, of the criminal justice system, the victim's legal position, their rights, their options, services available and the time factor in the trial process



c) the principle that a TIP victim will not be prosecuted for any crimes and that they are not viewed as criminals



d) the right of TIP victims to seek restitution and compensation for their loss and trauma



**INDICATORS THAT
RELATES TO THE
INFORMATION AND
SERVICES
PROVIDED TO
TRAFFICKED
PERSONS ONCE
THEY COME INTO
CONTACT WITH
THE FORMAL
JUSTICE SYSTEM**

INDICATOR

4

Con't



Information
and services

e) focal point/case manager/
victim witness coordinator who
will keep in contact with the
victim, provide updates on the
status of the case, and provide
information about referral to
services



4.2 The TIP victim is fully informed
about security issues and
criminal procedures prior to
deciding whether or not to
testify in criminal proceedings.



INDICATOR

5



Physical,
psychological and
social recovery of
victims

5.1 MOU agreements in place
between the Court and civil
society organizations to
encourage and facilitate
cooperation for the provision
of services and support to TIP
victims



**INDICATORS THAT
RELATE TO
MEASURES IN
PLACE TO PROVIDE
FOR THE PHYSICAL,
PSYCHOLOGICAL
AND SOCIAL
RECOVERY OF
VICTIMS OF
TRAFFICKING IN
PERSONS³**

5.2 Inter-agency protocols in
place for coordinated 'wrap-
around' services for TIP vic-
tims in relation to counselling,
medical, housing, education
and training, legal documents
and broader social protection
programs that may be extend-
ed to them as they rebuild the
lives.





Medical and forensic services

INDICATORS/ SERVICES THAT RELATE TO MEDICAL/FORENSIC SERVICES

6.1 Prosecutors and judges receive specific training on the strengths and limitations of forensic evidence in relation to sexual and physical violence.



6.2 Regular training for forensic professionals to ensure that the collection of medical and forensic evidence is undertaken to the highest standards and in a manner that does not cause secondary victimization to the victim



6.3 National protocols for sexual assault medical forensic examinations are in place and based on WHO guidelines



6.4 At least annual formal exchanges of information between regional TIP institutions and specialist forensic institutions in the ASEAN region to develop regional expertise and foster collaboration.





Special provisions for children

SPECIAL INDICATORS THAT RELATE SPECIFICALLY TO CHILDREN AS VICTIMS OF TRAFFICKING⁴

7.1 During legal proceedings, legal safeguards and effective protection of child witnesses are implemented:

a) Appropriate safe and suitable shelter is provided for child TIP victims (taking due account of their age and special needs) to avoid the risk of re-victimization.



b) A “guardian” is appointed to accompany the child throughout the entire process until a durable solution in the best interest of the child has been identified and implemented.



c) The court has implemented specialist legal and psychological training for personnel and judges working with child TIP victims.



Special provisions for people living with a disability

SPECIAL INDICATORS THAT RELATE SPECIFICALLY TO TIP VICTIMS LIVING WITH A DISABILITY

8.1 Services in place at the court to meet the specific needs of TIP living with a disability including:

a) Physical environment/ access to the court



b) Appropriately trained sign interpreters



c) Other provisions/ amenities in place to meet the needs of PLWD



ENDNOTES

1 It is critical to ensure that trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons. To this end, there should be no public disclosure of the identity of trafficking victims and their privacy should be respected and protected to the extent possible, while taking into account the right of any accused person to a fair trial. Trafficked persons should be given full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard.

2 Without the appropriate knowledge, skills and abilities, services providers will not be able to provide appropriate services for victims of trafficking. Without ethics and service standards, policies and codes of conduct that outline expectations and consequences for breaches of professional accountability, and follow-up when those requirements are breached, criminal justice service providers can proceed with impunity.

3 Effective services for victims of sexual violence is dependent on multiple service providers working together in a coordinated manner to address the needs of victims.

4 The particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. The best interests of the child must be a primary consideration in all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Child victims of trafficking should be provided with appropriate assistance and protection and full account should be taken of their special rights and needs. Courts should therefore implement a victim-centric approach. This approach welcomes children's participation in expression and respects their decisions. It also includes the assessment of the potential physical, mental, and social impacts of children, with an aim to provide services with trust and sympathy. All decisions, which have an effect on a child, will be made by an interdisciplinary team on the basis of the best interests of a child.