

# TIP VICTIM SENSITIVE COURTS INDICATORS

- **'GREEN'** – Country meets and has implemented all of the criteria of the indicator
- **'ORANGE'** – The country is in transition and only partly meets the criteria of the indicator. Some areas have not been met or fully implemented
- **'RED'** – The country has not met the criteria of the indicator and is weak in this area
- **'BLUE'** – Situation is not clear or is unknown

INDICATOR

# 1




## Safety and privacy

**Ensuring the safety and privacy of trafficked persons**

1.1 Provisions in place to close courts when giving victim testimony	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
1.2 Risk assessment/safety plans in place that detail steps to protect the victim/witness during the criminal justice process	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
1.3 Decisions/judgments in TIP cases anonymised and published online	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
1.4 Court procedures in place to prohibit the publication of identifying details of the victim/witness by the media or on social media	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>

INDICATOR

# 2



## Evidence and proceedings

**Best Evidence - The way trafficked persons record and present their evidence in the proceedings**

2.1 TIP cases are prioritised or expedited	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
2.2 Measures are in place to ensure victims are permitted an opportunity to and are supported in the criminal proceedings by:				
a) using expert witnesses (such as an intermediary) to provide evidence when required	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
b) allowing a victim to have a support person of their choice to be with them when they give their testimony in court	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
c) ensuring there are qualified language interpreters are available for victims/witnesses so they can meaningfully participate in the proceedings	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>
2.3 Protective measures are in place to ensure victims/witnesses can give evidence without seeing the accused by using:				
a) witness screens in place to screen the accused	<span style="color: green;">●</span>	<span style="color: orange;">●</span>	<span style="color: red;">●</span>	<span style="color: blue;">●</span>

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## Evidence and proceedings

b) use of video conferencing technology so the witness can give evidence remotely from another location or another room



c) Pre-recorded video evidence is played in court in place of the victim having to recount the evidence



d) Separate entrances and waiting rooms available for victims that are available to TIP victims/witnesses during the whole trial, but especially, before and after giving evidence



2.4 The use of 'victim impact statements' to ensure the judge has a comprehensive assessment of the impact on the victim caused by the offender (to obtain compensation for damages suffered)



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## Justice sector personnel

**Interaction – How the formal justice sector agency personnel and judges interact with the victim/witness.**

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



3.2 The Court has guidelines and standard operating procedures (SOPs) for all court staff and judges on how to deal with trafficking cases.



3.3 The Court has specific regulations and codes of conduct setting out the expected standards of behaviour of judges and court staff



3.4 TIP training, provided is based on a trauma informed approach



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## Information and services

4.1 The Court provides appropriate information and material in a variety of formats to trafficking victims in simple, non-legal terms and in a language they understand concerning:

a) what human trafficking is; the criminal justice process including the victim's legal position; their rights; their options (to participate or not); support services available to victims and the estimated time frame of a trafficking trial



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## Information and services

**Information and services provided to trafficked persons when in contact with the formal justice system**

b) the non-punishment principle so the victim understands they will not be criminally or administratively liable for unlawful acts committed by them, if the acts are directly related to the trafficking



c) the right of TIP victims to seek restitution/ compensation (if available) as well as the application process



**4.2 The court has appointed a 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 referral information to the victim support services available to them**



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## Physical, psychological and social recovery of victims

**Indicators that relate to measures in place to provide for the physical, psychological, and social recovery of victims of trafficking in persons**

**5.1 MOU or agreements should be in place between the Court and civil society/ non-governmental organisations (NGOs) to encourage and facilitate cooperation and collaboration for the provision of services and support to TIP victims**



**5.2 Inter-agency protocols should be in place for the coordinated 'wraparound' or 'one-stop shop' services for TIP victims in relation to counselling, medical, housing, education and training, legal documents, and broader social protection programs**



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## Medical and forensic services

**Indicators that relate to the provision of medical and forensic services for victims of trafficking**

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



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



6.3 Annual formal exchanges of information between regional TIP institutions and specialist forensic institutions in the ASEAN region to develop regional expertise and foster collaboration



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## Special provisions for children

**Special indicators that relate specifically to children as victims or witnesses of trafficking**

7.1 Courts provide safeguards for the protection of child victims/witnesses/defendants by:

a) ensuring there are measures in place to minimize delays in the criminal justice process



b) protecting the privacy of the child by prohibiting the identification of the child victim/witness or child defendant



c) keeping the child informed of their role and the scope, timing, and progress of the proceedings



d) developing and implementing child witness preparation schemes to familiarize children with the criminal justice process prior to their giving evidence



e) providing child sensitive and age-appropriate information to the child about the trial process, their role in the case, the court's expectations of them, and seek to address any concerns they may have throughout the criminal trial process



f) allowing for the provision of pre-recorded videotaping of the child victim/witness testimony to be played in court as an official piece of evidence



g) allowing (as a minimum standard) the provision of a privacy screen to be placed between the child victim/witness and the accused during the trial



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## Special provisions for children

**Special indicators that relate specifically to children as victims or witnesses of trafficking**

h) allowing the child victim/witness to testify through closed-circuit television if the child is required to attend the trial for cross-examination



i) making the courtroom and procedures less intimidating to a child witness



j) closing the courtroom to the public when the case involves a child victim/witness or child defendant



k) using an intermediary to question child victims (e.g., social worker, child specialist, victim lawyer/representative) in the trial and to assist with police and prosecution interviews



l) providing instruction to the prosecution and defence counsel to ensure that questioning takes into account the child's age and special needs to avoid the risk of re-victimization



m) ensure that the 'best interests of the child' are of paramount consideration throughout the criminal justice process



7.2 A "guardian" has been appointed to accompany the child throughout the criminal justice process



7.3 The court has implemented and institutionalised specialist capacity building for justice personnel and judges working with child TIP victims and witnesses



INDICATOR

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## Special provisions for people living with a disability

**Special provisions for people living with a disability**

8.1 Appropriate accommodations are made to ensure persons with disability are able to access the court and to effectively participate in the proceedings by:

a) ensuring the courthouse and courtroom is accessible to victims with a disability



b) removing all obstacles in the courthouse/courtroom that may impede a witness who has a vision impairment or mobility issue



c) providing signage at the court that uses Universal Symbols of Accessibility



d) providing information about the criminal justice process for TIP cases in a variety of accessible formats



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# Special provisions for people living with a disability

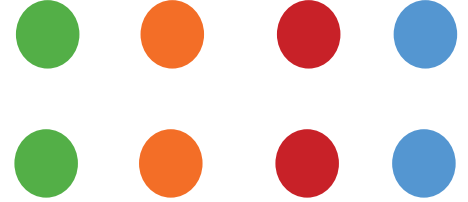
## Special provisions for people living with a disability

e) ensuring there are appropriately trained sign language interpreters available to enable PLWD to actively participate in the trial (ACTIP Art. 14.10(b) & 14.12)

If the victim is deaf or has a hearing impairment, they will be unable to participate effectively in the trial if they cannot understand the proceedings or communicate with the prosecutor and judge. participate in the trial (ACTIP Art. 14.10(b) & 14.12)



The interpreter should be someone that is appropriately qualified, who is impartial, and is acceptable to the court and the victim they cannot understand the proceedings or communicate with the prosecutor and judge. participate in the trial (ACTIP Art. 14.10(b) & 14.12)



f) using an intermediary for people with a cognitive disability to question the victim in court and to assist police and prosecution at interview

8.2 The court collects disability disaggregated data by using the Washington Group Short Questions



8.3 The Court has established partnerships with Disability Service Provider Organisations (DPOs) to better understand the needs of victims/witnesses/defendants with a disability



8.4 The Court has implemented capacity building for judges, prosecutors, and court staff to address the specific needs of those living with a disability

