

CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS



BEYOND WITNESS TESTIMONY

Victim testimony can be crucial to human trafficking prosecutions, but recounting exploitation and directly confronting traffickers can be traumatizing, especially when traffickers threaten retaliation or psychologically manipulate victims to distrust authorities and avoid seeking assistance. In addition to protecting victim-witnesses from their traffickers, governments should ensure victims have access to comprehensive services, including medical and mental health care, legal services, and if desired by the victim, case management support throughout the criminal justice process. Such protections are key to minimizing the likelihood victims will be traumatized again during the investigation and prosecution of their accused traffickers.

Governments that embrace a victim-centered approach have adopted the following promising practices in witness protection:

CARE

- » Provide an opportunity for victims to consider their options and make an informed decision about participating in criminal proceedings.
- » Provide access to legal counsel for victims who wish to participate in the investigation and prosecution of their traffickers.
- » Permit a professional, such as a social worker, legal advocate, or counselor, to accompany and support victims throughout investigations and prosecutions.
- » Collaborate with civil society and NGOs to ensure victims receive comprehensive support services, including mental health care, if requested.
- » Offer victims placement in non-restrictive shelters that provide care appropriate to age, gender, and special needs.
- » Help victims secure safe, long-term accommodation.
- » Conduct safety planning and extend protection to victims' relatives, if necessary.

For example, the Australian program Support for Trafficked People, administered through the Australian Red Cross, provides income support, safe accommodation, and legal assistance, among other services, to victims, irrespective of their willingness or ability to assist with the investigation and prosecution of their traffickers. After 45 days of support, those who choose to aid the prosecution are eligible for additional support, including long-term accommodation, income and employment assistance, and skills training. Victims who are willing but unable to assist the prosecution are also eligible for extended support.



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In addition, countries party to the Council of Europe's Convention on Action against Trafficking in Human Beings must provide victims with a reflection period of at least 30 days to stabilize and carefully consider whether to participate in the prosecution of their traffickers. During this period, governments cannot make a decision to remove the victim from the country, nor can a previous removal decision be brought into effect.

CONFIDENTIALITY

- » To the extent permissible by law, protect victims' identities and privacy.
- » Allow victims to provide testimony in a manner that is less threatening, such as testimonies that are written or recorded, delivered via videoconference, or produced with audio or visual distortion.
- » Provide a separate waiting area for victims, for example in court, to minimize interaction with the accused traffickers or their associates.

COMMUNICATION

- » Explain to victims how their testimony will be delivered and to what extent their identity will be revealed, if at all, to the defendant and the public.
- » Establish a point person to communicate in a language the victim understands and provide updates on the status of the case and information about available services.
- » Inform and prepare victims on what to expect before testimony and court examinations, including realistic expectations in the sentencing phase.

