

**INTERNATIONAL ASSOCIATION OF WOMEN JUDGES
9TH. INTERNATIONAL BIENNIAL CONFERENCE
MARCH 27, 2008
PANAMA CITY, REPUBLIC OF PANAMA**

**PANEL PRESENTATION:
THE FACES OF HUMAN TRAFFICKING...ARE WE LOOKING?"**

GREETINGS, BUENOS TARDE,_(GOOD AFTERNOON IN FRENCH)_, I BRING SPECIAL GREETINGS TO OUR HOST COUNTRY, THE REPUBLIC OF PANAMA, OUR ILLUSTRIOUS PRESIDENT, JUSTICE GRACELIA DIXON, TO OUR E.D., JOAN WINSHIP AND TO ANN BERSTEIN. MY SISTER PANELIST, WE ARE GATHERED IN THIS MOMENT, AT THIS TIME FOR A FOCUSED SHARING ON A GLARING PART OF OUR THEME OF "EQUAL JUSTICE FOR ALL: ACCESS, DISCRIMINATION, VIOLENCE, CORRUPTION"...THAT OF TRAFFICKING IN PERSONS, THE HUMAN RIGHTS ISSUE OF HUMAN TRAFFICKING. HENCE, THE TOPIC FOR MY SMALL PART OF THIS DISCOURSE: THE FACES OF HUMAN TRAFFICKING...ARE WE LOOKING? ARE WE REALLY LOOKING?

(POWERPOINT BEGINS)

MY SISTERS IN THE LAW, IF WE ARE LOOKING, THEN WHAT DO WE SEE? BEFORE WE CAN ARTICULATE AND EXPLAIN WHAT WE SEE, PERHAPS WE MUST TOUCH & AGREE AT THIS MOMENT THAT THIS ISSUE IS NOT JUST SOMEBODY ELSE'S PROBLEM...THIS MATTER IS NOT JUST FOR CERTAIN GEOGRAPHICAL REGIONS OF THIS GREAT EARTH...THE TRAFFICKING IN PERSONS DOES NOT JUST HAPPEN TO PEOPLE WHO SPEAK A PARTICULAR LANGUAGE OR WHOSE HAIR IS OF A CERTAIN TEXTURE, LENGTH OR COLOR ...NOR DOES THIS ISSUE ONLY PRESENT ITSELF TO LESS

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DEVELOPED, DEVELOPING OR EVEN THE MOST ECONOMICALLY AND TECHNOLOGICALLY DEVELOPED AND ADVANCED COUNTRIES. THE TRAFFICKING IN PERSONS IS A GLOBAL ISSUE OF CONCERN TO ME, TO YOU, TO YOU AND ALL OF US, THE WOMEN JUDGES OF THE WORLD...THIS MATTER IS IN OUR LAPS...BUT, DO WE SPANK IT, DO WE SIMPLY HOLD & CODDLE IT, DO WE TRY & SEND IT AWAY, DO WE PRETEND THAT IT IS NOT WITH US, DO WE TREAT IT HARSHLY, OR DO WE MOTHER IT, HOLDING IT ON OUR SHOULDERS, OVER AND TOUCHING OUR HEARTS, TO BE PATTED AND PETTED, OR DO WE EVEN SING A SOFT SONG, A LULLABY TO PUT IT TO SLEEP, EVER SO QUIETLY. BUT FOR SURE, WE, THE DYNAMIC, POWERFUL, CHARISMATIC, CARING, COURAGEOUS WOMEN JUDGES OF THE INTERNATIONAL BENCH WILL MAKE SURE TO LOOK AT IT AND SEE THE FACES OF HUMAN TRAFFICKING...THOSE IMAGES WHICH ARE UPON US, THOSE PAINED & AGONIZED FACES, THOSE STARTLED IMAGES, YES, EVEN THOSE EMECIATED, TEAR-STAINED AND UNATTRACTIVE, YOUNG, OLD, ADULT AND YOUTHFUL FACES OF HUMAN TRAFFICKING...MY SISTERS, WE MUST LOOK.

WE LOOK TO RECOGNIZE, WHO THE STAKEHOLDERS ARE IN OUR EFFORTS TO MAKE A DIFFERENCE FROM THE BENCH,SUCH AS:

- 1. WOMEN & CHILDREN**
- 2. COUNTRIES OF ORIGIN**
- 3. DESTINATION COUNTRIES**
- 4. LEGISLATIVE/GOVERNING BODIES**
- 5. LAW ENFORCEMENT (IMMIGRATION & BORDER CONTROLLERS)**

6. HEALTH CARE WORKERS
7. JUSTICE SYSTEM

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WITH THE NETWORKING INCLUSIVENESS OF THE STAKEHOLDERS, WE WILL TOUCH THEM ALL, BY CREATING A PLAN, BY EXECUTION OF A PLAN OR PROGRAM, BY HAVING THEIR LIVES CROSS OUR PROFESSIONAL PATHS, BY OUR CHOICE OR EVEN BY CHANCE OR SPECIAL CIRCUMSTANCES.

WHY THEN, IS IT NECESSARY FOR THE SISTERS IN THE LAW, WE JUDGES, TO INITIATE COLLABORATIONS AND ACTIVE NETWORKS WHICH ADDRESS THEMSELVES TO TRAFFICKING IN PERSONS?

1. SAFETY OF ALL PERSONS IN TRANSIT INTO, AND EVEN PASSING THROUGH OUR COUNTRIES. THEY SHOULD ALL BE SAFE, ON THEIR OWN FREE WILL, NOT COERCED OR FORCED!
2. INCREASE THE COMFORT LEVEL OF OUR CONVERSATIONS REGARDING:
 - A. THE INDICATORS OF TRAFFICKING
 - B. THE THEORETICAL UNDERPINNINGS OF TIP
 - C. FACTORS WHICH CONTRIBUTE TO TIP
 - D. WHAT ARE THE TRAFFICKING ROUTES?
 - E. WHAT IS INVOLVED IN THE RESCUE & RESTORATION OF VICTIMS?
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 - F. INDEPENDENCE OF THE JUDICIARY (MOST IMPORTANT)
 - 1)FAIR, YET DETERMINED TO MAKE A DIFFERENCE
 - 2) CONFIDENT IN OUR RULINGS AND SENTENCES, YET AWARE
 - 3)COMPASSIONATE FOR PROSECUTED VICTIMS, YET KNOWLEDGEABLE OF OUTCOMES IF WE IGNORE THEM
 - 4)IMPARTIAL IN EXERCISING JUDICIAL DISCRETION, YET ABLE TO ARTICULATE A RATIONALE
 - 5) BE COMFORTABLE WITH OUR COURAGEOUS JUDICIAL TEMPERAMENT, YET SENSITIVE TO THE RIPPLING EFFECT, AS WE EMBRACE JUDICIAL REFORM WHICH KNOWS ABOUT TIP

WHY? BECAUSE WE ARE LOOKING AND WE DO SEE THE MANY FACES OF HUMAN TRAFFICKING? WHAT ARE SOME EXAMPLES OF HOW JUDGES HAVE MADE A POSITIVE DIFFERENCE REGARDING THE GLOBAL ISSUE OF HUMAN TRAFFICKING?

ACCORDING TO THE UN'S OFFICE ON DRUGS AND CRIME "JUSTICE AND PRISON REFORM REPORT " CRIMINAL JUSTICE REFORM IS AT THE HEART OF THE MANDATE OF THE UNITED NATIONS...THE MANDATE TO ASSIST STATES IN BUILDING FAIR AND EFFECTIVE CRIMINAL JUSTICE SYSTEMS ARE ALSO CONTAINED IN

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RESOLUTIONS BY THE MAIN POLICY-MAKING ORGANS OF THE UNITED NATIONS: THE GENERAL ASSEMBLY AND THE ECONOMIC AND SOCIAL COUNCIL." (1)

IF WE ARE AT ALL BOTHERED BY THE FIRST HAND KNOWLEDGE AND RESEARCH OF INTERNATIONAL AND LOCAL ORGANIZATIONS; IF WE SHUTTER TO THINK ABOUT THE EXPERIENCES OF THE VICTIMS OF TRAFFICKING, SHOULD WE MENTALLY PREPARE OURSELVES TO BE IN THE BODIES OF VICTIMS, JUST FOR A DAY OR SO...THEN THE URGENCY OF OUR NEED TO SEE THE DIVERSE FACES OF HUMAN TRAFFICKING, BY LOOKING AT CHANGE, IS NOT SUCH A LEAP OF DESPERATION...BUT IS A LEAP OF HOPE AND A LANDING OF DETERMINATION TO MAKE IT HAPPEN.

A SURVEY OF LITERATURE AND REPORTS OF SERVICE ORGANIZATIONS IS GLARINGLY SILENT ON SPECIFIC TRAINING OR EDUCATION FOR THE BENCH PORTION OF THE JUSTICE SYSTEM.

ONE PROGRAM THAT I AM PARTICULARLY PROUD OF IS THE AMERICAN BAR ASSOCIATION'S RULE OF LAW INITIATIVE. (I AM A MEMBER OF THE AMERICAN BAR ASSOC./ABA). PROBABLY BECAUSE THIS GROUP'S MEMBERSHIP IS THAT OF LAWYERS AND JUDGES, IT WAS EASY TO FACILITATE TRAINING FOR ALL SECTORS

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OF THE CRIMINAL JUSTICE SYSTEM. AS FOUND IN THE ABANET RULE OF LAW INITIATIVE PROGRAMS – NIGERIA, THE ANTI-TIP TRAINING WAS FOR THE JUDICIARY AND PROSECUTORS THEIR TRAINING PROGRAMS INCLUDED PRESENTATIONS ON THE PROVISIONS OF THE NIGERIAN ANTI-TIP LEGISLATION; ALSO THE MANAGEMENT OF TRAFFIC IN PERSONS CASES, FROM ARREST THROUGH PROSECUTION TO REHABILITATION. THERE WAS ALSO A PRESENTATION ON ADJUDICATING TIP CASES: JURISDICTION, PROCEDURE AND SENTENCING ISSUES. ONE OF THE OBJECTIVES OF THE TRAININGS WAS TO: “SENSITIZE BOTH THE BAR AND THE BENCH ON TIP SO THAT THEY WILL RECOGNIZE THE NEED FOR THE PROTECTION OF RIGHTS OF THE VICTIMS OF TIP...” (2)OH, THE FACES OF HUMAN TRAFFICKING..., MY SISTERS IN THE LAW, ARE WE LOOKING?THE ABA RULE OF LAW INITIATIVE HAS ALSO ORGANIZED ANTI-TIP TRAINING FOR PROSECUTORS, POLICE & JUDGES IN 4 CITIES IN ECUADOR.

THE UNITED NATIONS GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING (UN.GIFT) FROM FEBRUARY 13-15 OF THIS YEAR HELD THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING AT THE AUSTRIA CENTER. THE FORUM PRODUCED MANY BACKGROUND PAPERS AND REPORTS. ACCORDING TO THE BACKGROUND PAPER

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FOR WORKSHOP #24: QUANTIFYING HUMAN TRAFFICKING, ITS IMPACT AND THE RESPONSES TO IT” AT PAGE 7, “...IN ANY GIVEN HUMAN TRAFFICKING SITUATION, THE HIGHER THE GENERAL AWARENESS AMONG POLICE, JUDGES AND PROSECUTORS OF THE ISSUE,...THE MORE COHERENT THE CRIMINAL JUSTICE RESPONSE TO THE CHALLENGE, THE HIGHER THE SHARE OF ACTUAL CASES DETECTED. (3)

ADDITIONALLY, THIS SAME BACKGROUND PAPER NOTES, THAT “ANOTHER ISSUE ARISING OUT OF THE COMPLEXITY OF JUDGING HUMAN TRAFFICKING CASES IN COURT, NAMELY THEIR LONG DURATION. IT IS QUITE COMMON THAT SUCH TRIALS LAST UP TO TWO YEARS – AND IN MANY CASES MUCH LONGER. (4)

SO, AS JUDGES, WHY WOULD THIS BE A CONCERN? BECAUSE ONE OF THE DIFFICULTIES IN PROSECUTING SUCH CASES, THE VICTIMS OF TRAFFICKING ARE OFTEN ACCUSED AND ARRESTED FOR VARIOUS OFFENCES SUCH AS ILLEGAL RESIDENCE, ILLEGAL WORK, PROCUREMENT, PROSTITUTION, LOITERING, ETC. AND ARE NOT ABLE OR WILLING TO TESTIFY AGAINST THE PERPETRATORS, AND AMONGST OTHER REASONS, THEY ARE RETURNED TO THEIR COUNTRIES OF ORIGIN.(5) IF YOU KNOW THAT SUCH A CASE IS ON YOUR TRIAL CALENDAR AND THE CASE WILL GENERALLY TAKE A

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LONG TIME TO BE REACHED, KEEP YOUR EYE ON ITS MOVEMENT OF LACK OF MOVEMENT AND TRY TO HEAR THE CASE AS SOON AS POSSIBLE.

DURING THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING, WHICH WAS HELD LAST MONTH, A 3 HOUR SESSION WAS CONVENED, ENTITLED “CRIMINAL JUSTICE RESPONSES TO HUMAN TRAFFICKING”,(5) WHICH “ FOCUSED ON HOW CRIMINAL JUSTICE ACTORS SHOULD AND ACTUALLY DO INVESTIGATE AND PROSECUTE THE CRIME, SO AS TO AVOID THE RE-VICTIMIZATION OF VICTIMS AND HAVING THE TRAFFICKERS CONVICTED.. THE GROUP’S APPROACH WAS THAT OF A MOCK TRIAL INTEGRATING THE ROLES PRESENT IN COURT DURING A REAL TRAFFICKING PROSECUTION, THE VICTIM-WITNESS, AN INTERPRETER, VICTIM SUPPORT, COURTROOM SECURITY, PROSECUTOR, DEFENSE ATTORNEY, THE TRAFFICKER-DEFENDANT, AN EXPERT WITNESS AND LAST, BUT NOT LEAST, A JUDGE...US,...WE, THE JUDGES.(6) PERHAPS WE ALL COULD LEARN WHAT IS EXPECTED OF US IN TRAFFICKING PROSECUTION CASES THROUGH MOCK TRIALS OVERSEEN BY THE UN OFFICE ON DRUGS & CRIME – A DRY RUN, TRUE PREPARATION FOR THE REAL THING. THE VIENNA FORUM’S MOCK TRIAL WAS

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MODERATED BY RIKKA PUTTONEN OF UNODC, THE ARTISTIC DIRECTOR WAS RANDALL IVAN BREDES RODRIGUEZ OF NEIGHBORING COSTA RICA. THE WEB PAGE CONTACT FOR UN.GIFT IS WWW.UNGIFT.ORG., WHICH IS ALSO LISTED ON THE RESOURCE PAGE OF THIS PAPER.

FROM THE “PREVENTION OF TRAFFICKING AND PROTECTION OF VICTIMS OF VIOLENCE, REPLICABLE APPROACHES, A GUIDE” IN THE CHAPTER ON VICTIM WITNESS PROTECTION, MOCK TRIALS ARE ALSO RECOMMENDED TO PREPARE VICTIMS FOR TESTIMONY IN COURT. (7)

SO, AS WE SEE THE FACES OF HUMAN TRAFFICKING AND, YES, WE ARE LOOKING, WHAT ELSE COULD WE AS JUDGES, ALSO ENGAGE IN?

AGAIN DRAWING FROM THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING, THE BACKGROUND PAPER FOR WORKSHOP 007: “FROM PROTECTION TO PROSECUTION – A STRATEGIC APPROACH” ENCOURAGES INTER-AGENCY COORDINATION AT A NATIONAL LEVEL AND CONTINUES, “AGENCIES THAT ARE LIKELY TO BE INVOLVED IN HUMAN TRAFFICKING PROSECUTION CASES INCLUDE POLICE, IMMIGRATION AUTHORITIES, SPECIALISED NGOS, SOCIAL SERVICES, INTERPRETERS AND TRANSLATORS, JUDGES, DEFENCE & PROSECUTION LAWYERS.”

THE FINAL PAGE OF THE PAPER TELLS US THAT;

WITHOUT A COMPREHENSIVE RESPONSE, PROSECUTION CASES MAY NOT BE SUCCESSFUL, WHEREBY MINIMUM PENALTIES ARE IMPOSED AGAINST THE TRAFFICKERS. TRAFFICKED VICTIMS MAY NOT HAVE THE CONFIDENCE AND SECURITY TO PROVIDE VALUABLE EVIDENCE TO LAW ENFORCEMENT AUTHORITIES OR TESTIFY IN COURT, IF THEY ARE NOT PROTECTED AND SUPPORTED BEFORE, DURING AND AFTER THE CRIMINAL INVESTIGATION. (8)

THERE IS CONCERN THAT IN OUR COURTS, VICTIMS WILL NOT BE ABLE TO PROVIDE NEEDED EVIDENCE, IF THEY ARE NOT PROTECTED. IF THERE ARE RESOURCES IN YOUR AREA, CERTAINLY THEY SHOULD BE SHARED WITH ADVOCATES AND SUPPORTERS.

AS TO A VICTIM’S APPEARANCE IN COURT, WE MUST MAKE SURE THAT THERE IS NO INCIDENTAL INTERACTION OR CONTACT WITH THE TRAFFICKERS. WHICH MIGHT REQUIRE SPECIFIC DIRECTIONS FROM YOU THAT THE VICTIM MUST ARRIVE IN COURT ATLEAST 45 MINS. TO 1 HOUR BEFORE THE COURT BEGINS. FURTHER, IT

IS ALSO POSSIBLE TO INSTRUCT THAT THE VICTIM IS NOT LEFT ALONE IN ANY OF THE HALLWAYS OR WITNESS ROOMS. IF THE VICTIM MUST

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USE THE RESTROOM, AN ESCORT OF THE SAME GENDER SHOULD BE AVAILABLE, TO REMAIN WITH THE VICTIM AT ALL TIMES.

SHOULD WE NOTICE THAT THE VICTIM WHILE IN COURT AND TESTIFYING IS BEING GIVEN THE “EVIL” OR “GONNA GET YOU EYE” OR OTHERWISE EXPRESSIONS OF INTIMIDATION BY THE TRAFFICKER...ON THE RECORD, AN INSTRUCTION IS GIVEN THE DEFENDANT-TRAFFICKER TO REFRAIN FROM SUCH BEHAVIOR. SHOULD SUCH BEHAVIOR CONTINUE, WHERE POSSIBLE, CONSEQUENCES SHOULD BE IMPOSED, SUCH AS REMOVAL FROM THE COURTROOM OR BEING SECLUDED IN AN OUT OF COURT HOLDING CELL, HAVING BEEN FOUND IN CONTEMPT OF YOUR DIRECT ORDER.

THERE IS CONCERN THAT IN OUR COURTS, OUR PENALTIES, OUR SENTENCES FOR TRAFFICKERS MAY BE LIGHT OR MINIMAL. MY SISTERS IN THE LAW, UNLESS WE ARE RESTRICTED BY MANDATORY LIGHT SENTENCING, IT IS UP TO US TO BREAK THE BACKS OF THE TRAFFICKERS BY, WHERE POSSIBLE MAXIMAZING THEIR SENTENCES.

THE UNIFEM SOUTH ASIA OFFICE ‘S ARTICLE ON “UNIFEM AND TRAFFICKING” OUTLINES AN 11 YEAR OLD INITIATIVE WHICH

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“ADDRESSES A REGIONAL EFFORT TO WORK WITH THE JUDICIARY TO LOOK AT WAYS OF MAKING THE JUSTICE DELIVERY SYSTEM MORE GENDER SENSITIVE IN BANGLADESH, INDIA, NEPAL, PAKISTAN AND SRI LANKA, WITH PAARTICULAR EMPHASIS ON CASES PERTAINING TO VIOLENCE AGAINST WOMEN.” WHAT THIS CREATIVE INITIATIVE INVOLVED WAS DEVELOPING, REFINING AND ADAPTING EDUCATION MODULES FOR THE JUDICIARY IN THESE COUNTRIES INVOLVING JUDGES OF THE APEX COURTS OF THE SOUTH ASIA REGION AS WELL AS ACTIVISTS AND MEMBERS OF LAW FACULTIES. CURRENTLY, ACCORDING TO THE REPORT, THE PROCESS OF EQUALITY EDUCATION FOR JUDGES IS BEING CARRIED DEEPER, EXTENDING NOT ONLY TO THE JUDICIARY OF THE APEX COURTS BUT ALSO TO REPRESENTATIVES OF THE JUDICIARY AT THE LOWER AND STATE LEVELS. IN FACT, THE NGO-JUDGE PARTNERSHIP IS STILL BEING STRENGTHENED. IN NEPAL, A JUDGES SOCIETY, AN INFORMAL FORUM, HAS BEEN SET UP TO TRAIN JUDGES ON EQUALITY ISSUES.. AGAIN WITH EMPHASIS ON CASES PERTAINING TO VIOLENCE AGAINST WOMEN. (9)

AS WE SEE THE FACES OF HUMAN TRAFFICKING, RIGHT IN FRONT OF US...WE MUST CONTINUE TO LOOK. THIS TIME LET US

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LOOK AT THE MODEL OF PARTNERING BETWEEN NGOS AND JUDGES. THERE ARE MANY RESOURCES AVAILABLE TO ALLOW US TO BE MORE SENSITIVE TO VICTIMS OF VIOLENCE...THE VICTIMS OF TRAFFICKING IN PERSONS. IN THE METROPOLITAN-ATLANTA AREA OF GEORGIA IN THE US, THERE ARE SEVERAL NGOS WHICH ARE APPROPRIATE FOR SUCH TRAINING – WHAT ABOUT IN YOUR COUNTRY? AT OUR PERSONAL LOCALES, WE COULD EVEN LOOK REGIONALLY FOR APPROPRIATE TRAINERS WHICH ARE NGOS. GENDERED LEGAL ASSOCIATIONS AS WELL AS SENSITIVITY SPECIALISTS WOULD LIKELY BE HONORED TO PROVIDE GENDER SENSITIVITY TRAINING TO AN AUGUST GROUP, SUCH AS US.

ONE EXAMPLE OF INVOLVEMENT WITH TRAFFICKING IN PERSONS BY A PUBLIC UNIVERSITY, IN THE STATE OF FLORIDA, JUST SOUTH OF MY STATE OF GEORGIA, STILL THE SAME GEOGRAPHIC REGION, CALLED THE SOUTH , FLORIDA STATE UNIVERSITY HAS A CENTER FOR THE ADVANCEMENT OF HUMAN RIGHTS.

NOT ONLY ARE THE TRAINERS TRAINED THROUGH THIS INNOVATIVE CENTER FOR EDUCATION, BUT, FSU HAS CREATED STUDENT INTERNSHIPS WHICH PROVIDE SUBSTANTIVE HUMAN

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RIGHTS EXPERIENCES TO FSU STUDENTS AND ALSO DIRECTLY SUPPORTS THE WORK OF HUMAN RIGHTS NGOS AROUND THE WORLD. FOR EXAMPLE, LAW SCHOOL PLACEMENTS (OUR FUTURE JUDGES) THE INTERNATIONAL BAR ASSOCIATION IN LONDON, THE UN DEVELOPMENT PROGRAM AND THE FLORIDA IMMIGRATION ADVOCACY COURT IN MIAMI, FLORIDA. THE ART THERAPY DEPARTMENT INCLUDES AN ANNUAL PLACEMENT IN THAILAND FOR 2 STUDENTS TO WORK AT A HOME OUTSIDE OF BANGKOK FOR CHILD VICTIMS OF SEX TRAFFICKING AND SEXUAL ABUSE. ADDITIONALLY THESE COLLEGE STUDENTS HAVE WORKED IN TIRANA, ALBANIA WITH THE ALBANIA HUMAN RIGHTS GROUP ON ANTI-HUMAN TRAFFICKING. THE WASHINGTON, DC BASED INTERNATIONAL JUSTICE MISSION, AN NGO, PURSUES A 4-FOLD APPROACH TO COMBAT HUMAN TRAFFICKING & BELIEVES THAT PROSECUTING PERPETRATORS IS THE SILVER BULLET IN STOPPING HUMAN TRAFFICKING. THERE ARE NGOS ALL OVER THE WORLD, WITH WHICH WE, AS JUDGES COULD NETWORK. FINALLY, I SHARE WITH YOU, AS WE CONTINUE TO SEE THE FACES OF HUMAN TRAFFICKING, FROM A DECEMBER, 2003 REPORT ENTITLED, "GENDER, HUMAN TRAFFICKING AND THE CRIMINAL JUSTICE SYSTEM IN CAMBODIA", A PART OF THE ASIA REGIONAL COOPERATION TO PREVENT PEOPLE TRAFFICKING. (10)

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IN SECTION 5.3.1 – UNDER DUTIES OF JUDICIAL BODIES, THERE IS DISCUSSION OF BOTH THE JUDICIAL POLICE & JUDGES. IT IS NOTED THAT THE JUDICIAL POLICE PERFORMS THE IMPORTANT TASK OF INVESTIGATING OFFENCES. AS FOR JUDGES, "FOR EACH CASE THAT COMES TO COURT, THE CHIEF JUDGE OF THE COURT APPOINTS ONE JUDGE TO BE THE INVESTIGATING JUDGE AND ANOTHER JUDGE TO BE THE TRIAL JUDGE. THIS MEANS THAT JUDGES THEMSELVES REQUIRE THE SKILLS FOR BOTH OF THESE ROLES. EACH JUDGE HAS THEIR OWN POOL OF COURT CLERKS TO SERVE THEM, WHO ARE GIVEN TASKS INCLUDING INVESTIGATING, INTERVIEWING VICTIMS AND TAKING TESTIMONY. (11) UNFORTUNATELY, IN CAMBODIA AT THAT TIME, THERE WERE ONLY 14 WOMEN IN THE POOL OF JUDGES, A TOTAL NOT GIVEN. FEMALE VICTIMS OF TRAFFICKING USUALLY FELT INTIMIDATED BY MALE JUDGES AND BELIEVED THAT MALE JUDGES WOULD FAVOR MEN, SUCH AS THE PERPETRATORS. SIMILARLY, THE PROPORTION OF FEMALE CLERKS IN CAMBODIA IS LOW. FOR EXAMPLE, IN BANTEAY MEANCHEY THERE WERE 34 CLERKS, OF WHOM ONLY 3 AT THE TIME WERE FEMALE. IN THE FIRST INTAKE OF THE NEW ROYAL SCHOOL FOR JUDGES AND PROSECUTORS, THERE WERE ONLY 6 WOMEN

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OUT OF 55 STUDENTS. MY SISTER-JUDGES FROM CAMBODIA, ARE THE NUMBERS ANY BETTER TODAY? CERTAINLY, WE HOPE SO.

AS TO INVESTIGATING JUDGES – THEIR ROLE IS VERY IMPORTANT, THAT OF DECIDING WHETHER THE ACCUSED SHOULD BE SENT TO TRIAL BY THE COURT.

THE RECOMMENDATION OF THE REPORT HELD THAT “IT WOULD BE A GOOD STRATEGY TO IDENTIFY CERTAIN JUDGES TO WHOM THE CHIEF JUDGE WOULD AGREE TO ASSIGN TRAFFICKING CASES, AND THEN PROVIDE TRAINING TO THOSE JUDGES AND THEIR CLERKS ON WORKING WITH CHILDREN, WORKING WITH VICTIMS OF TRAFFICKING AND BEST INVESTIGATION PRACTICES FOR TRAFFICKING CASES. LOUDLY IT SAYS”AGAIN, IT WOULD BE A PRIORITY TO INCLUDE WOMEN JUDGES AND WOMEN CLERKS IN THAT SPECIAL GROUP”. (12)

FINALLY THERE IS A DISCUSSION ABOUT THE TRIAL JUDGES. ACCORDINGLY, THE TRIAL JUDGE HAS THE MOST IMPORTANT TASK OF DECIDING WHETHER THE ACCUSED IS GUILTY OR NOT GUILTY. THE TRIAL JUDGE SHALL ONLY DO THAT BY CONSIDERING THE EVIDENCE THAT IS PUT BEFORE THE COURT. THE RECOMMENDED “POSITIVE STRATEGY” FOR TRIAL JUDGES WAS TO WORK WITH THE CHIEF JUDGES TO ENSURE THAT THE JUDGES WHO HAVE THE MOST

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TRAINING ON TRAFFICKING AND WORKING WITH VICTIMS ARE ASSIGNED AS TRIAL JUDGES FOR TRAFFICKING CASES.(13)

I SHARED THE CAMBODIAN INFORMATION SO THAT WE MAY SEE THAT IN ALL SECTORS OF THE WORLD, TRAINING IS BEING CONDUCTED, MIND AND SKILL-SETS ARE BEING MODIFIED AND DIFFERENCES ARE BEING MADE IN OUR AWARENESS, OUR SENSITIVITIES AND OUR APPROACHES TO HAVING VICTIMS OF HUMAN TRAFFICKING IN OUR MIDST AS JUDGES AND IN OUR NEED FOR STRONG, CONFIDENT SENTENCING OF TRAFFICKERS.

IN CLOSING, I HOPE THAT SOME OF THE INFORMATION, EXAMPLES AND MODELS OF WHAT IS BEING RECOMMENDED TO US IN DIFFERENT SITES AND COURT FORMATS MAY BE OF HELP.

MY COLLEAGUES, WE, AT THIS PLACE, IN THIS SPACE AND FOR THIS MOMENT, SEE THE FACES OF HUMAN TRAFFICKING, I ASK, ONCE WE RETURN TO OUR COURTS, WILL WE STILL BE LOOKING?

THANK-YOU!

FEATURED RESOURCES

1. UNODC – JUSTICE AND PRISON REFORM REPORT
WWW.UNODC.ORG/UNODC/EN/JUSTICE-AND-PRISON-REFORM/INDEX.HTML
2. RULE OF LAW INITIATIVE PROGRAMS – NIGERIA
RULE OF LAW INITIATIVE PROGRAMS – ECUADOR
WWW.ABANET.ORG/ROL/PROGRAMS/CRIMINAL-LAW.HTML
3. 024 WORKSHOP: QUANTIFYING HUMAN TRAFFICKING, ITS IMPACT AND THE RESPONSES TO IT, PAGE 7
(THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING 13-15 FEBRUARY 2008, AUSTRIA CENTER VIENNA) BACKGROUND PAPER UN.GIFT (UN GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING)
WWW.UNGIFT.ORG
4. IBID AT 12.
5. CRIMINAL JUSTICE RESPONSES TO HUMAN TRAFFICKING, PAGE 7
MOCK TRIAL, MODERATOR, RIKKA PUTTONEN, UNODC
(THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING 13-15 FEBRUARY, 2008, AUSTRIA CENTER VIENNA)
WWW.UNGIFT.ORG
6. IBID.
7. PREVENTION OF TRAFFICKING AND PROTECTION OF VICTIMS OF VIOLENCE – REPLICABLE APPROACHES, A GUIDE
SOUTH ASIA REGIONAL INITIATIVE/EQUITY SUPPORT PROGRAM
8. 007 WORKSHOP: FROM PROTECTION TO PROSECUTION – A STRATEGIC APPROACH, PP. 5, 7
(THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING 13-15 FEBRUARY, 2008, AUSTRIA CENTER VIENNA) BACKGROUND PAPER UN.GIFT (UN GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING)
WWW.UNGIFT.ORG
9. “UNIFEM AND TRAFFICKING”
REGIONAL: GENDER AND JUDGES
THE UNIFEM SOUTH ASIA OFFICE, HUMAN RIGHTS REPORT LINK
WWW.UNIFEM.ORG.IN/HUMANRIGHTS
10. GENDER, HUMAN TRAFFICKING AND THE CRIMINAL JUSTICE SYSTEM IN CAMBODIA – DECEMBER 2003, PAGE 47
ASIA REGIONAL COOPERATION TO PREVENT PEOPLE TRAFFICKING
11. IBID AT 48
12. IBID AT 49
13. IBID.