



The WARNATH GROUP



# **WORKSHOP ON CHILD TRAFFICKING FOR THE JUDICIARY**

**JAMAICA**

**JANUARY 22 - 25, 2020**

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## **HANDBOOK**

This workshop is facilitated by the Warnath Group in conjunction with the Court Management Services (CMS) and the Judicial Education Institute of Jamaica (JEIJ), with funding provided by the United States Government as part of the collaboration between the Governments of Jamaica and the United States under the Jamaica-U.S. Child Protection Compact Criminal Justice Initiative for the advancement of shared interests in combating child trafficking.

The opinions, findings and conclusions stated herein are those of the Warnath Group and do not necessarily reflect those of the United States Department of State.





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# The WARNATH GROUP

## ABOUT THE WARNATH GROUP

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The Warnath Group, LLC provides strategic advisory services, customized training, and professional/technical skill development to advance work by government, business, philanthropy, international organizations and private industry regarding human trafficking, rule of law, humanitarian issues, and global women's leadership and empowerment. The Warnath Group works with leaders in countries throughout the world to design and implement strategies, laws, policies, and programs to address these issues more effectively and appropriately.

The Warnath Group (WG) team includes among the foremost professionals working on the issue of human trafficking in the world. Our trainers and advisors have served at the forefront of the development of law and policy on these and related issues around the world. The depth and breadth of specialized expertise that we bring to our work on this issue spans nearly two decades. Our collective experience includes advising governments at the highest levels and training (and developing training material) for many thousands of law enforcement and other professionals.

WG's trainers and advisors include former high-ranking government officials, police, prosecutors and judges as well as prominent and award-winning experts in providing legal assistance and other care to those who have escaped human trafficking. The WG team includes former White House staff; former officials from the U.S. Department of Justice (particularly former prosecutors) and Department of State; former State Attorneys General (with experience addressing human trafficking and victims of crime issues); sitting members of the state and federal judiciary who have presided over human trafficking cases; attorneys who have served as counsel representing victims of human trafficking and working with NGOs to advance the rights of victims; and experts in victim service provision who conduct research and analysis on human trafficking and collaborations between NGOs, law enforcement and other government officials.

The Warnath Group has been funded by the U.S. State Department to provide training and technical assistance to government officials, law enforcement, victim service providers and other professionals combating human trafficking in countries around the world for nearly a decade.

The head of the Warnath Group is Stephen Warnath who has worked to bring about policy, legal and social change to abolish contemporary forms of slavery for over twenty years. These efforts grew out of serving on the staff of the White House where his portfolio of justice policy issues included matters ranging from migration and refugees to civil rights and exploitation crimes. He also led the White House's interagency policy development of many of the Executive Orders. Later, he moved to the U.S. State Department and participated in the creation of seminal anti-trafficking instruments, including as a senior member of the U.S. delegation negotiating the U.N. Palermo Protocol and as an architect of development of the U.S. anti-trafficking law. Subsequently he worked for several years with the Organization for Security and Co-operation in Europe (OSCE) in Vienna serving as Chief of Staff of the Stability Pact Task Force on Trafficking in Human Beings (where, among other things, he participated in negotiations of the Council of Europe Convention on Action against Trafficking in Human Beings and the development of laws, policies and national action plans in many countries of South East Europe).

Mr. Warnath is also the founder and President of the NEXUS Institute, a policy and action-based research center on human rights and rule of law, specializing in research and analysis to identifying best practices to combat human trafficking ([www.NEXUSInstitute.net](http://www.NEXUSInstitute.net)). He is a co-author of a casebook on the law and policy of human trafficking. Before his public service in the government, Mr. Warnath was a litigation partner at a law firm in Washington D.C. He is a graduate of Harvard Law School and Brown University.

For more information, please contact us at:

The Warnath Group  
1440 G St NW, Suite 9118  
Washington, D.C. 20005  
[info@WarnathGroup.com](mailto:info@WarnathGroup.com)  
+1 301-857-7842

## ABOUT THE WARNATH GROUP TEAM

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**The Honorable Judge Mark J. Kappelhoff** is a District Court Judge on the Fourth Judicial District Court in Hennepin County, Minnesota. Before being appointed to the bench, Judge Kappelhoff was an Associate Clinical Professor of Law at the University of Minnesota Law School where he was the Director of the Criminal Justice Law Clinic and taught a Seminar Course on Human Trafficking. Judge Kappelhoff also is a frequent speaker and instructor on a variety of topics, including human trafficking, criminal justice reform, and civil rights enforcement.

Judge Kappelhoff spent nearly two decades as a federal prosecutor in the Civil Rights Division of the U.S. Department of Justice, where he served in a number of senior leadership positions, including Deputy Assistant Attorney General and Chief of the Criminal Section. In these positions, he prosecuted human trafficking, hate crimes, and police misconduct cases. Among his many responsibilities, he oversaw the Department's criminal and civil investigations in Ferguson, Missouri and other police departments around the country. He also played an instrumental role in the Department's efforts to secure passage of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, co-chaired the Attorney General's Advisory Group on racial disparities in federal sentencing, and created the Civil Rights Division's groundbreaking Human Trafficking Prosecution Unit.

Prior to joining the Department of Justice, Judge Kappelhoff was an Assistant Public Defender in Montgomery County, Maryland. He also has served as an adjunct professor at the University of Maryland School of Law, Georgetown University Law School, and American University, Washington College of Law.

A graduate of St. John's University in Collegeville, Minn., Judge Kappelhoff received his J.D. from American University, Washington College of Law.

Judge Kappelhoff has received a number of honors for his work as a federal prosecutor. In 2015, he received the Attorney General's Award for Exceptional Service (the Department's highest award for employees) for his work on the Ferguson Police Department investigation and in 2011 he received the Presidential Rank Award (the highest award for federal government career senior executive service professionals).

**Aylair Livingstone** is Country Director for the Warnath Group's Jamaica-U.S. Child Protection Project work. She is a Jamaican attorney-at-law with significant experience in Jamaica and internationally in law and governance, program coordination and implementation and the design of training seminars and workshops.

She has worked extensively in Jamaica on legislative and policy framework development and implementation beginning at the Attorney General's department and the Ministry of Finance as senior legal counsel, with the Ministry of Justice as Assistant Director of Legal Reform and at the Office of the Prime Minister as the first Director of the newly introduced Access to Information program. She has trained over 600 government and non-government officers and

personnel on transparency and accountability in government, public disclosure measures, ethics and change management.

Through her work on human rights and anti-corruption with the United Nations Development Program and the United Nations Office on Drugs and Crime over several years, Ms. Livingstone has worked with both government and non-government actors at all levels to guide and advise governments in the Pacific on the development and implementation of anti-corruption frameworks under the United Nations Convention Against Corruption (UNCAC) and the advancement of the U.N. Sustainable Development Goals. She has piloted the approval and passage of one of the first Public Disclosure policies and laws on access to information and trained government officers and NGOs in that region. [aylairlivingstone@warnathgroup.com](mailto:aylairlivingstone@warnathgroup.com)

**Amy Rofman** is Deputy Director for the Warnath Group's Jamaica-U.S. Child Protection Project work. She is former US State Department official that has served in numerous roles, including as co-chair of the public affairs committee of the US interagency anti-trafficking senior policy operating group. More recently she served in a senior role at a civil society organization focused on addressing human trafficking in supply chains. [amyrofinan@warnathgroup.com](mailto:amyrofinan@warnathgroup.com)

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## Overview of International Trafficking in Persons (TIP) Law and Practice

**Jamaica-U.S. Child Protection Compact (CPC)  
Criminal Justice Initiative  
January 2020**

This presentation was funded by a grant from the U.S. Department of State. The opinions, findings, and conclusions stated herein are those of the author(s) and do not necessarily reflect those of the United States Department of State.

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## Introduction to Human Trafficking

(Source of image: NATEATIP Publication "Trapped, Shawn's Story")

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## What is Trafficking in Persons?

### EXPLOITATION of One Person by Another

#### Types of Trafficking

- **Sex Trafficking**
  - Forced Prostitution (both females and males)
  - Child Sex Trafficking (under 18)
- **Forced Labor or Servitude** (Adult & Children)
  - Agriculture/Fishing
  - Construction
  - Forced Begging (often children or persons with a disability)
  - Street Vending
  - Forced Marriage
  - Domestic Servitude
- **Child Soldiers**
- **Debt Bondage**

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## Who are Victims of Trafficking? (Vulnerable People)

- Men, women, boys, girls, LGBTQ
- All ages
- All ethnicities
- Citizens and foreign-born
- Different life experiences prior to trafficking
  - Social Class
  - Education Level
  - Familial Support

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## Who are the Traffickers?

- Neighbors
  - Friends
- Family Members
- Business Owners
- Diplomats and Government Officials
- Organized Criminals
  - Pimps
- Labor Recruiters
- Men and/or Women

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## Where are Victims Exploited?

### ANYWHERE AND EVERYWHERE

- Homes
- Markets & Street Vending
  - Fishing Boats
  - Brothels
- Businesses
- Construction

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### Sample Sectors Where Trafficking Occurs

- **Prostitution**
  - Nightclubs / Bars
  - Massage Parlors
  - Hotels
  - Homes
- **Pornography**
- **Labor**
  - Farms
  - Factories
  - Shops & Market
  - Hotels
  - Homes
- **Forced Begging**
- **Criminal Activity** (Could Involve Gangs as



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### Root Causes of Trafficking (Push Factors)

Although anyone CAN be a victim, some people are more vulnerable than others due to:

- Less Power
- Fewer Choices or Opportunities
- Poverty or Limited Economic Opportunities
- Inequality
- Discrimination (gender inequality, cultural bias)
- Political Conditions (war, reconstruction, conflict)
- Natural Disasters or Large-Scale Crises

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### Root Causes of Trafficking (Pull Factors)

Victims Seeking Better Life . . .

Preyed Upon by Traffickers:

- Opportunity to Help Self and Family
- Economic Stability
- Political Stability
- Location with High Demand for Workers
- Better Living Conditions

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## How are People Exploited?

### Sample of Common Tactics Used by Traffickers:

- False Promise (kind of work)
- False Promise (quantity/quality of work or living conditions)
- False Promise to educate/care for children
- Abduction
- Debt Bondage
- Unscrupulous Labor Brokers
- False Romance (trafficker pretends to "love" victim to gain control over the victim)
- Addiction

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## Definition of Trafficking of Adults

... the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

(Article 3, UN Trafficking Protocol)

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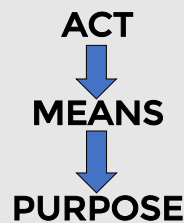
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## Elements of ADULT Trafficking in Persons



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## The Act (what is done to the person)

- Recruitment or
- Transporting or
- Transfer or
- Harboursing or
- Receipt

Figure 1: Jamaican Gleaner Classified Advertisements



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## The Means (how the trafficker gains control of the victim)

- Threat or use of force
- Coercion
- Abduction
- Fraud or deception
- Abuse of power or position of vulnerability
- Giving or receiving benefits for consent

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## The Purpose (why it is done)

for **EXPLOITATION**:

- Sexual exploitation
- Forced labor
- Slavery
- Slavery like practices
- Removal of organs
- Other forms of exploitation

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UNITED NATIONS  
Office on Drugs and Crime

UNITED NATIONS CONVENTION AGAINST  
TRANSNATIONAL ORGANIZED CRIME  
AND THE PROTOCOLS THERETO



### Definition of "Child"

According to International and Jamaica's human trafficking law a "child" is?

- A. Under 13
- B. Under 16
- C. Under 18

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### The Special Situation of Children

**Act + Exploitation = Child Trafficking**

**"Means"** is not a required finding if the person exploited is a child under the age of 18

(Art. 3(c), UN Trafficking Protocol)

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### No Means Element Required for Child

Section (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article

(Article 3, UN Trafficking Protocol)

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### Definition of Trafficking of Children

... the recruitment, transportation, transfer, harboring or receipt of persons, ~~by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception or the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,~~ for the purpose of exploitation.

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### True or False?

A victim needs to be moved for trafficking to occur?



**FALSE**

Movement is NOT a necessary element. This is a common misperception. Movement across a border or within Jamaica is not a legal requirement that needs to exist for the case to be human trafficking.

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### True or False?

A child that agrees to be in prostitution or domestic servitude is not a trafficking victim.

**False**



Consent is no defense.

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### Consent of Trafficking Victims Not a Defense

The consent of a victim of trafficking in persons to the intended exploitation . . . shall be irrelevant where any of the means (threat or use of force, deception, coercion or abuse of power) has been used.

(Art. 3(b), UN Trafficking Protocol)

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### True or False?

Anyone who facilitates a commercial sex act of a person under the age of 18 can be charged as a human trafficker (in addition to other applicable charges).



True

Those who prostitute children under 18 (could be pimps, family members, "boyfriends," gang members, massage parlor owners, madams, etc.) are traffickers.

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### Internationally Recognized Good Practices for Treatment of Victims

- Non-criminalization
- No detention
- Protection and support for suspected victims  
(participation in criminal proceedings is not required for assistance)
- Reintegration assistance
- Protection of privacy
- Legal assistance and right to participate
- Compensation

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## Special Considerations for Child Victims

- Best Interests of the Child
- Presumption of age
- Appointment of a guardian
- Allowing child victims in criminal proceedings to testify from a room outside the courtroom via two-way closed-circuit television
- Ensuring a child victim/witness is not obliged to wait outside a courtroom or judge's chamber in the same waiting area as defense witnesses



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## True or False?

*Human trafficking and human smuggling* are terms that can be used interchangeably.



**False**

Human trafficking is a crime against a person.  
Human smuggling is a crime against the state.

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## Migrant Smuggling

... the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

(Art. 3, UN Migrant Smuggling Protocol)

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## Elements of Migrant Smuggling

- Assisting a person;
- Across an international border;
- The border crossing must be illegal;
- The smuggler's purpose is to make a profit or material benefit from moving the migrant across the border.

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## Compare & Contrast

### Trafficking in Persons

Recruit, transport, transfer, harbor or receive a person through force, fraud, coercion, etc. for exploitation

### Migrant Smuggling

Facilitating illegal cross-border movement for profit

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## The Importance of Proactive Victim Identification

- Trafficking victims often do not self identify.
- A human trafficking victim may have fear, distrust, denial, and conflicting loyalties.
- Traffickers often convince trafficking victims that, if they report their traffickers to authorities, the victim will be punished.

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## Child Trafficking in Jamaica



### Box 1: Local Case of Sexual Exploitation

In September 2015 a thirteen (13) year old girl was lured away from home and prostituted at nightclubs across Jamaica by a Jamaican man. The man was arrested and charged for Child Trafficking under the Trafficking in Persons Act. His co-accused, the Night Club Owner, was also charged for the offence of Living on the Earnings of Prostitution.

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## Child Trafficking in Jamaica



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## US Example



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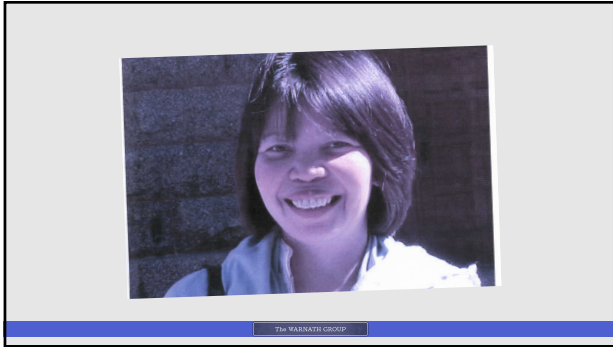
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**US Example**

**Police: MS-13 men beat sex-trafficked girl with bat 28 times, 'indented' part of her body**

Name	Age	Charges/Arrested at	Arresting Agency
Michael Anthony Rodriguez	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
Christopher Michael Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
David Anthony Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
Christopher Michael Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
Christopher Michael Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
Christopher Michael Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
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Christopher Michael Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police
Christopher Michael Cook	24, Virginia Beach	Sex Trafficking of a Child	Hampton Roads Police

**FOR IMMEDIATE RELEASE**

**Bloods Gang Member Sentenced for Sex Trafficking a Child**

U.S. Attorney's Office  
Eastern District of Virginia  
Thursday, December 15, 2016

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**US Example**

**Woman who trafficked daughter to dealer for heroin gets sentenced to 51 years to life in prison**

Posted 7:20 AM, Jan 19, 2016 Updated 5:47 PM, Jan 19, 2016

**Good Morning in State**

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## US Example




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## US Example Involving Former Police Officer




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## UK Example




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

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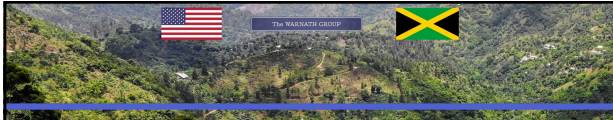
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# Thank You!

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[www.WarnathGroup.com](http://www.WarnathGroup.com)

[Info@WarnathGroup.com](mailto:Info@WarnathGroup.com)

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## LET'S WORK TOGETHER

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## **Trafficking in Persons Law – Identification Exercise – Short Cases**

### **Trafficking or Not Trafficking?**

- Shawna just turned 17 years old. She lives with her older boyfriend after running away from home. Her boyfriend told her that she needs to contribute to household expenses, and he has found a way she can do that. He will bring in men for her to have sex with, and he will use the money to pay rent. She complies.
- An uncle is sexually abusing a child, but the mother turns a blind eye because he is paying for the family's groceries.
- A child is above the age of 16 years (Jamaica's age of consent) but under the age of 18 years and engaged in sex for money.
- Andre is 11 years old. His father died, and his mother beat him, so he ran away from home. On the streets he met a man who told him he could offer him a place to stay, protect him, and make money by selling juice. Andre was excited for the opportunity to feel safe and agreed. The man gave him a room in his house to sleep in and told him he would have to sell bags of juice. Andre worked all day trying to sell the juice to drivers at the intersection, day after day. The man watched Andre from a nearby spot. After a month, when Andre asked to be paid, the man told Andre that he was not earning enough to cover the costs of his housing and in fact now owed the man 10,000 JMD. Andre told the man he wanted to quit. The man told him he would find him and beat him or his siblings, if he did not keep working to repay his debt. Furthermore, the man would report him to police, who would put him in prison. Andre continued to work, hoping that one day he would be able to repay his debts and leave.
- Javel, age 14, is from a rural area. Javel's father sent him to live with his cousin Liam in Kingston so he could go to a good school. Liam asked Javel to help out around the house and work part-time in Liam's small grocery shop after school. Javel was miserable and wanted to go back home.
- Bernadette's mother introduced her to an "auntie," Patricia in Kingston, and tells Bernadette that she will be staying at Patricia's home to help with the household tasks. Before her mother left, Bernadette saw Patricia give her

some money, and heard her mother say, “Thank you very much.” Just before leaving, her mother turned to Bernadette and said, “Obey your auntie. Do what she says and be a good daughter.”

During the following week, Bernadette stayed with “Auntie Patricia,” who taught her the “correct way” to clean a house, wash clothing, and prepare meals. Patricia said that Bernadette must prove that she deserved to go to school by first doing hard work at a home. Bernadette desperately wanted to go to school.

After one week, Patricia took her to another house, the very large home of the Smith family. There, Bernadette rose every day at 5:00 a.m. to sweep the floor and the front of the house. She fetched water from the public tap, 3 streets away, to fill all of the family’s drums and basins. Then, she woke the Smith children aged 6 and 8, fed them breakfast, and got them dressed. She also dressed the smaller children in the house, ages 4, 2, and 3 months, and gave each their food. She cleaned all of the dishes before heading out to school with the two older children. After school, she cleaned the home again, watched the little ones, and prepared the dinner. As the family finished eating, she cleared the table. When everyone was done, she cleaned the dishes, wiped the table, and cleaned the floor. Next, she bathed the little ones, and pressed the clothes of the older ones and the parents that they had chosen to wear the following day. She went to bed very late, at least an hour later than the others in the house, because she had so many chores to finish.

- Troy is unemployed and lives in Westmoreland with his parents and several siblings. While talking with some friends, he is approached by a man, Joseph, who tells him that there is well-paying work available in Italy. Italy pays migrant workers a very high wage. With a good salary, Troy could send money back to his family and pay for the education of his younger siblings. Troy discusses the opportunity with his family and decides to leave Jamaica and go to Italy. But he needs money to pay for the long, expensive journey. His family is very poor and cannot give him anything.

Troy asks Joseph if there is any way that Joseph can help him make enough money to buy his transit to Italy. Joseph tells him that Joseph’s friend has a coffee farm in the mountains, and that if Troy works on the farm for 6 months, he will earn enough money to pay for a small part of the ticket. “You can earn more money, and pay for the rest of the journey, after you find work in Italy,” Joseph tells him. Troy agrees to go to the farm.

Once at the farm, Troy works every day, from 6:00 a.m. to 6:00 p.m. in the hot sun. He develops a very bad cough, which he thinks is caused by the pesticides the farmer uses.

- Renee, 17 years old from St. Thomas, was looking at her social media accounts. An Instagram “friend” named Dahlia described how lucrative it was to work as a massage therapist in a hotel in Montego Bay. The details were a bit sketchy, but Renee was eager to earn money and yearned for excitement.

After a long series of bus rides, Renee arrived at the hotel. Exhausted from the trip, Renee lay in bed, hoping to sleep for hours. She was soon awakened, however, by a knock at the door from John, who said that he needed to speak with her immediately. Renee let him in the room, where he raped her. Renee felt scared and too ashamed to call her family.

The next day, Dahlia came to the room. She told Renee that part of being a massage therapist was engaging in sex acts with tourists. Renee would be in prostitution for the next three months. Dahlia instructed Renee that clients would come to her there, and that John would come in afterward to collect the fee that the client had paid.

After three months, John gave Renee 150,000 JMD and sent her home.

- Freddie is now an adult but joined a gang when he was 16 because the gang was feared, and he wanted to be a part of it. His job was to drive the gang leaders around on call from noon to 2am every night. Freddie eventually tried to leave but was told he has to continue working or he will be beaten up by the gang.
- A 17-year-old is having sex with an adult in exchange for money and gifts. There is no known third party involved.





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## Understanding Trauma & The Child Trafficking Victim

**Jamaica-U.S. Child Protection Compact (CPC)  
Criminal Justice Initiative  
January 2020**

This presentation was funded by a grant from the U.S. Department of State. The opinions, findings and conclusions stated herein are those of the author(s) and do not necessarily reflect those of the United States Department of State.

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## Goals of Training Session

- ✓ Understand victim trauma and its impact on victims
- ✓ Understand indicators and times when child trafficking victims may present in the court system
- ✓ Understand the “Victim-Centered” approach in the context of Judicial Independence and Neutrality
- ✓ Understand how trafficking-induced trauma creates the need for an informed judiciary

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## Audio Excerpt from Child Trafficking Victim 911 Call

OPERATOR: 9-1-1. Where is your emergency?

Caller: Hi, this is Barb, and I'm a runaway from Des Moines, Iowa and I'm in big trouble. [Inaudible] I'm afraid I'm about to get killed and—

OPERATOR: All right, honey.

Caller: —[inaudible].

OPERATOR: Honey, I'm gonna help you. Okay?

Caller: [crying]

OPERATOR: Are you at the—you're at the Hilton Garden Inn right now?

Caller: Yeah, [inaudible]—

OPERATOR: How old are you, honey?

Caller: I'm 17 years old.

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### Voice of a Child Trafficking Victim: When I was in prostitution...



- "I was only allowed to eat once a day."
- "I had to meet my quota before I could come home."
- "I would get raped anally if I talked back."
- "I had different names and had to forget about my family."
- "I was told that if I went to the cops, he would kill my mom."
- "I tried joining my church choir to stay away, but he showed up at my first concert. He sat in the first row."
- "He had pictures and said he'd put it online and everyone at school would know I was a dirty whore."
- "Men would tell me that they were going to help me, then they would have sex with me and leave."

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**What are the traditional ways in  
which judges and juries assess a  
witness' credibility?**

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### The Crime of Child Trafficking (also Adults) Often Creates Additional Challenges to Administration of Justice

- 1) Because of the nature of the crime; and
- 2) Because normal reactions by individuals to what they experience and often are subjected to during the course of this crime often are inconsistent with commonly recognized indicators for finders of truth.

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Image Credit: ONRTIP Facebook Page

### Child Trafficking Victims Experience. . .

- Betrayal
- Violence
- Loss of identity
- Loss of freedom
- Reputational harm
- Uncertainty
- Psychological abuse
- Helplessness
- Manipulation

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### Traffickers Traumatize Child and Adult Victims Through Physical and Psychological Coercion

- Beatings, burnings, rapes, and starvation
- Isolation
- Psychological abuse
- Drug or alcohol dependency
- Document withholding
- Debt bondage
- Threats of deportation
- Threats against the victim's family or friends in his/her home country

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### What is "Trauma"

- Trauma is a "psychologically wounding" experience, including:
  - Physical, emotional, sexual, & institutional abuse/neglect
- Traumatic experiences shake the foundation of victim's safety and shatter assumptions of trust
- A traumatic experience usually includes:
  - overwhelming feelings of not being able to cope
  - threat to physical or mental safety and well-being
  - a complete loss of control

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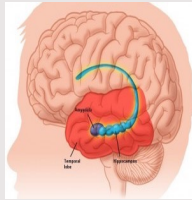
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## Trauma Impacts Brain Function – The Science!



**Prefrontal Lobe** (responsible for language)  
Cannot find words to express thoughts

**Amygdala** (responsible for emotional regulation)  
Cannot regulate or control emotions

**Hippocampus** (responsible for memory and experience assimilation actually shrinks in volume)  
Problems with short-term memory loss

**Prefrontal cortex** (responsible for regulation of emotion and fear responses)  
Feels frightened no matter what is happening

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## Impact of Trauma

Neurobiological changes during Trauma



Can affect memory and storage and make recall more difficult



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## Impact of Trauma

- Stress hormones affect brain function
- **Fight, flight or freeze reactions**
- Time slows down
- Brain takes "snap shots" and breaks them up to process. The memories stored all over the place

*"She gave no details. Said she couldn't remember."  
"If it really happened, there's no way she'd forget."*

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### Resulting Behaviors

*(may see these during hearings or trial testimony)*

- Inability to recall different aspects of experience
- Inability to recall dates, times, locations
- Inability to concentrate
- Irritability/angry outbursts
- Anxious and fearful
- Sleep disorders
- Shame and humiliation (withdrawal and isolation)
- Distrust
- Complete withdrawal into self
- Reluctance to self-identify as a trafficking victim (and may not know what trafficking is)

\*Victims attitudes/behaviors may be confusing to you -- inappropriate or odd. **It's the trauma!**

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Image Credit: ONRTIP Facebook Page

### Trauma-Induced Symptoms

*(normal reaction to abnormal events)*

- Crying
- Nausea
- Headaches
- Loss of appetite
- Panic attacks
- Anger
- Fatigue
- Nightmares
- Depression

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### Trafficking Trauma Indicators

*(Physical)*

- Signs of physical abuse (bruises, burns, scars/healing injuries)
- Signs of sexual abuse
- Branding & Tattoos
- Substance abuse/addiction
- Malnutrition or extreme weight loss
- Chronic reproductive health problems, STD, UTI, or injuries

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## Trafficking Trauma Indicators (Psychological)

- Flat Demeanor
- Expressions of helplessness, shame, guilt
- Abrupt mood changes, overreacting
- Post-traumatic stress disorder
- Phobias, panic attacks, fear, anxiety, anger
- Scattered (non-linear) thinking
- Sleeping, eating disorders
- Language of “the life”
- Chronic lying or generally uncooperative
- Loyalty to trafficker

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## Healing from Trauma

- Emotional support
  - NGO/community workers
  - Law enforcement and government agents
- Professional psychological services
  - Therapy
  - Medication
  - Hospitalization
  - Access and Costs
- Social supports
  - Family
  - Friends
  - Peers
  - Religious organization



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## Key Points for Judges

- ✓ Responses to trauma are **normal** reactions to abnormal events
- ✓ Understand the impact of trauma on a victim's ability to trust, disclose the truth, or recount his/her ordeal

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### Child Trafficking Touch Points in the Court System

*May appear as defendants, co-defendants or witnesses*

- Trafficking cases
- Child abuse & neglect
- Domestic violence
- Harassment/Protection Orders
- Theft/compelled criminalization
- Prostituted persons
- Child labor incidences
- Drug trafficking
- Gang affiliation
- Juvenile status offenses (truancy, curfew, runaway)
- Sexual assault
- Stalking
- Substance abuse & use

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### Child Trafficking Victim Challenges for Judges

- Victim Needs are Complex
- Impact of Trauma
- Case Delays
- Cultural/Language Issues
- Safety/Security
- Distrust

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### Common Victim Fears & Concerns in the Justice System

- Physical Harm (self, family, friends)
- Financial Harm
- Emotional Harm (e.g. unable to return home)
- Shame
- Prosecution for Criminal Behavior
- Reputational Harm/Outcast from Community
- Lack of Privacy

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### Victims Have Trouble Trusting (Includes Judges & Court System)

- Victims have experienced exploitation, betrayal, manipulation, broken promises, etc.
- Trafficker used threats of legal process to control victim
- Fearful of Trafficker Returning or Not Being Held Accountable
- Loyalty toward trafficker
- Victims attitudes/behaviors are often confusing and can vary -- **result of trauma/trafficking experience**

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### When I was in your courtroom...

"Getting arrested was how I was able to get out. But I wasn't ready to talk about everything that happened to me. It's been four years and I still can't talk about a lot of it. Even with people I'm the closest with. I haven't even said the name of my trafficker since, because it's that hard."

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### When I was in your courtroom...

"I was caught with drugs and a weapon at school. You sent me off to treatment because I had 'boundary issues' and I was depressed and suicidal.

My girlfriend ended up being my trafficker. She took me to a strip club in a small town and sold me to men. I was 15 years old.

Once I was able to leave, the only people that let me stay with them asked me to hold on to their drugs and a weapon that day. I felt like I owed them 'cause nobody else wanted me and they were so nice to me. I ended up on probation.

I started acting up and you all labeled me difficult. I can hear the frustration in your voice. I know that you all didn't know that I was [in prostitution] but no one asked me either.

The first time I had even heard that this happened to girls like me was at a Mission 21 class. I've been at group ever since and now I know that I was a victim. I'm working on me now. It's hard but I'm worth it."

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## The “Victim-Centered” Approach for Judges

(whether or not the victim participates in court proceedings)

- ☐ Understand Victim Trauma
- ☐ Ensure No Prosecution/Detention of Victims
- ☐ Recognize/Identify Victims in your Courtroom
- ☐ Provide Information for Victims
- ☐ Ensure Protection/Support for Victims

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## The Basic Rights of Trafficked Persons

- ✓ Dignity
- ✓ Fairness
- ✓ Compassion
- ✓ Respect for their human rights

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## The Basic Rights of Trafficking Victims Under Jamaican Law

Outlined in the Jamaica  
Trafficking in Persons  
(Prevention, Suppression and  
Punishment) Act, Part III

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### Avoid Re-Traumatization

Avoid any activity or interaction that results in the victim feeling:

- ☐ Coerced
- ☐ Abused
- ☐ Helpless
- ☐ Trapped or Cornered



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### Importance of Using the “Victim-Centered” Approach

- Right Thing to Do - Humanitarian
- International Best Practice
- Consistent with Jamaican Trafficking Law
- Trafficking victim/witnesses more likely to share their experience in court

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### Possible Victim Needs

- Protection
- Medical Treatment
- Food & Shelter
- Appropriate Clothing
- Safe Place to Sleep
- Time to Recover/Prepare
- Contact with Family
- Information about Next Steps/  
Options

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## What Judges Should Know...

- ✓ Be aware of the trafficking problem
- ✓ Understand the nature and impact of victim abuse/trauma
- ✓ Utilize the "Victim-Centered" approach while maintaining judicial Independence
- ✓ Understand trafficking touch points in the court system

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[illegible]

Questions?  
Comments?

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

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Thank You!

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## **LONG CASE STUDY: CHILD SEX TRAFFICKING**

### **EVIDENCE PRESENTED**

#### **Initial Report of Potential Human Trafficking Case:**

The police have received an initial report from an anonymous caller, who telephoned the police with the following information:

1. The man knows of a massage parlor in a section of Kingston where there are a lot of women engaged in prostitution and says that he is concerned that some of the women may be young. He says one of them, named Jodi, told him that she was 17. He says she told him this because he has developed something of a relationship with her. She does not have any signs of injury or distress or coercion, although she appears very skinny and has initials tattooed on her neck.
2. The man hung up when the police officer asked him if he paid for sex with any of the women at the massage parlor.

#### **Police Investigation**

After conducting a brief investigation, police obtain the following information:

1. The observation team saw men regularly going into the massage parlor and coming out an hour or so later, particularly at night.
2. A search of the trash bags from the property revealed a large number of used condoms.
3. A recent labor inspection of the property showed that all papers were in order, and the establishment was paying taxes.
4. The owner of the establishment was arrested for pimping nine years ago; she was released, and the case did not proceed to trial due to a lack of evidence. She is an influential member of the community.
5. Police spoke with one woman who left the massage parlor. She said that the girls are paid well by the owner of the massage parlor. They all have new cell phones. She said that while a few are 17 years old, she doesn't see anything wrong because all are over 16 and seem fine. She showed her ID and insisted she is in full compliance with the law.

6. Three of the patrons were stopped and interviewed after they left the massage parlor. They were very reluctant to answer any questions, but two eventually admitted paying for sex with the women and girls.
7. The police located a young woman named Jodi who said she worked in the massage parlor. She was wearing a mini skirt and high heels and appeared very skinny. She was reluctant to speak or go with the police, but she did mention to the police that she was fine working in the massage parlor because she needed to earn money and her boss treated her well. She asked the police to go away, but the police decided to arrest her for prostitution related charges.

**Individual teams should discuss the following questions:**

1. Analyze whether there is enough evidence to charge a trafficking offense. If so, what specific evidence supports trafficking charges?
2. What evidence, if any, do you believe is lacking to charge a trafficking offense?
3. Please analyze your evidence based on the elements in the trafficking statute, with a particular focus on the ACT and PURPOSE elements.
4. Are there any other charges that can be brought against the massage parlor owner?
5. What would you do about the arrest of Jodi?
6. What steps, if any, would you take to ensure the safety and security of Jodi as a potential witness in the case?

## **LONG CASE STUDY: LABOR TRAFFICKING**

### **EVIDENCE PRESENTED**

#### **Initial Report of Potential Human Trafficking Case:**

The police have received an initial report from vendors at a local street market. One of the vendors provided the police with the following information:

1. The vendor reported that a local shop keeper was allegedly abusing his workers, who appear to be young teens. The shopkeeper, Gerard, operates a small shop near to the market. The boys have been working 12 hours a day for the past two months. They sleep together in a small dirt floor shack located behind the shop. One of the boys told the vendor that the shop owner beats them if they don't work hard. In fact, the vendor noticed bruises on one boy. The boys may be from another country. Gerard threatens to deport them when they complain about working such long hours. The boys have been paid a small fraction of what they were promised. The boys claim their wages are garnished for "laziness, mistakes, and to cover food and rent." The shop owner has a personal ledger that reflects erratic payments to the workers.
2. The boys were reluctant to talk at first. During their first two interactions with police they told the police that all was fine. After a third attempt by police, the boys agreed to talk and provided the following information:
  - a. One of the boys is shaking as he tells his story. He begs the police not to send him to jail or ask him to testify. The other boy has a flat affect.
  - b. The boys are named Marc and Christophe. They are under 17 years old and are from Haiti. A labor recruiter named David came to their towns and promised them that he could find them good and high-paying work at a market in Jamaica.
  - c. Before he would employ them, however, each of them would have to pay him USD\$500 up front. They would also have to pay for the cost of travel and any additional costs would be taken out of their paychecks. Since they were unemployed and desperate, they paid him the money.
  - d. The boys said that their parents let David take them to Jamaica because he said the shop owner would employ them and provide them with a good education. Marc's parents agreed to mortgage their home to pay David.

- Christophe's parents got money from a loan from a loan shark who charged a very high interest rate for the loan.
- e. David arranged for Marc and Christophe to arrive by boat. They don't remember going through passport control. When they arrived, they met Gerard, who immediately took their identification and travel documents. A large man named Junior showed them the small dirt-floored shack where they would be sleeping. Junior told them that they better not try to leave at night because he sits outside of the door of the shack. And, when he's not there, he locks the door from the outside.
  - f. They have been working 12-hour days, 7 days a week for two months. When Gerard thought that the workers were not working fast enough, he would order Junior to beat them with a big stick.
  - g. The boys have been paid only twice, but each time most of the money is withheld to pay for the transportation costs. The debt for the transportation fees never seems to go down.
  - h. David keeps track of all the expenses for the boys in a notebook that he keeps in a safe in his office. The boys' travel documents and other identification information is also kept in the safe.
3. The shop owner said that he was a good Samaritan offering these boys a much better life than they would have in Haiti. He thinks they should be arrested for entering the country illegally and deported back to Haiti.

**Individual Teams should discuss the following questions:**

1. Do you have enough evidence to charge trafficking offenses? If so, what specific evidence supports trafficking charges?
2. Please analyze your evidence according to the following structure: ACTS-[MEANS?]-PURPOSE
3. Who would you charge?
4. What are the crimes that you would charge for?
5. What steps would you take to ensure the safety and security of the victims?
6. Would you conduct any additional investigation?
7. What about the boys' apparent immigration violation?
8. What if the boys are not willing to testify? What special measures, if any, could be used in court?



## **LONG CASE STUDY: DOMESTIC SERVITUDE/CHILD TRAFFICKING**

### **EVIDENCE PRESENTED**

#### **Initial Report of Potential Human Trafficking Case:**

The police received an initial report of a possible domestic servitude situation from a concerned citizen who lives next door to a wealthy family. The neighbor, Serena, reported the following information to the police:

1. Serena, the concerned neighbor, lives next door to two wealthy doctors and their two children in Montego Bay. Over the past six months, she occasionally sees a young woman outside of the house cleaning the pool, washing the outside of the house, and cleaning the two cars.
2. One day last week, the young girl ran over to Serena's house and asked her to help her escape from the wealthy doctors. The young girl seemed very afraid and frantic, and appeared to be very skinny and malnourished.
3. She reported that she was being held in the house next door against her will.
4. She is required to work seven days a week, from 5 a.m. to midnight, cooking, cleaning the house, and caring for the doctors' two young children.
5. Fearing that the family may return home shortly, the young girl ran back to the house.

#### **Police Investigation**

After reviewing the initial report, the police decided to launch an investigation. The investigation has uncovered the following information:

The young girl was very reluctant to talk at first, but eventually she agreed to talk to the investigators and provided the following information:

1. She told the investigators that her name is Anne and she is from St. Thomas. Over a year ago, she came to Montego Bay when she was 14 years old. Her mother let her go to Montego Bay with the doctors after the doctors promised to get her an education and a job. Anne was excited for the opportunity and agreed to go live with the doctors and help around the house.

2. The doctors never sent her to school or found a job for her. They made her live in the basement in a converted closet, allowed her to eat one meal a day, and monitored her contact with her mother, who was struggling with alcohol abuse. Her father had left the family years earlier. She was rarely allowed to go outside because they told her that she would go to jail if she was discovered because they would report that she stole things from the family.
3. They made Anne work morning and night, often seven days a week. She cooked, cleaned the house and cared for the doctors' two children. When the doctors were unhappy with her they would yell at her, threaten to call her mother, tell her she was lazy and ungrateful, and threaten to call the police and have her arrested.
4. Anne was never paid for her work and the doctors informed her that she owed them money for rent and food. They had a ledger where they kept track of the money Anne owed them for food and rent.
5. Near the end of the interview, Anne started to say that the husband was particularly cruel to her, and touched her inappropriately a number of times. Anne then said she didn't want to talk anymore.
6. The doctors told investigators that Anne had wanted and agreed to come and live with them. They said that they were offering Anne a chance at a better life and she was much better off than with her alcoholic mother.
7. The doctors said that sending young children from the country to help out with domestic chores was common in their particular culture.
8. One of doctors showed a photo of Anne smiling while talking on his phone.
9. Anne's mother said she consented to letting Anne go to the doctors' house. She is disappointed Anne is not going to school, but she retains hope that Anne has access to a better life with the doctors. She revealed she receives a small amount of money periodically for Anne's housekeeping work.

**Individual Teams should discuss the following questions:**

1. Analyze whether there is enough evidence to charge trafficking offenses. If so, what specific evidence supports trafficking charges?

2. What evidence, if any, do you believe suggests that there is not sufficient basis to bring a trafficking charge?
3. Please analyze your evidence according the trafficking statues, with a particular focus on the elements of ACT and PURPOSE.
4. Are there any other charges that can be brought against the doctors?
5. What steps, if any, would you take to ensure the safety and security of Anne when she testifies?



## International Practices on Sentencing Child Trafficking Cases

**Jamaica-U.S. Child Protection Compact (CPC)  
Criminal Justice Initiative  
January 2020**

This presentation was funded by a grant from the U.S. Department of State. The opinions, findings and conclusions stated herein are those of the author(s) and do not necessarily reflect those of the United States Department of State.

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## What are the Main Forms of Harm in a Child Trafficking Case?

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## Some Common Aggravating Factors

- Vulnerable victim targeted, such as children
- Offenders abused a position of power, authority or trust
- Narcotics were used to maintain control over the victim
- There were multiple victims or multiple incidents
- Weapons were used to frighten or injure
- Offence was motivated by bias, prejudice or hate
- The offence was committed by a group or gang
- Attempts to frustrate or impede the administration of justice

Source: UNODC Anti-human trafficking manual for criminal justice practitioners

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### High Risk/Vulnerable Populations (Abuse/Neglect/Trauma)

- Child welfare systems
- Children living on the street
- **70% to 90%** of sexually exploited youth have a history of child sexual abuse
- Children who experience sexual abuse are **28 times more likely** to be arrested for prostitution
- Victims of dating violence and rape

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### Common Mitigating Factors

- It is the offender's first offence.
- The offender:
  - Is of previous good character;
  - Has shown remorse or good conduct following arrest;
  - Has also been a victim of trafficking in persons;
  - Committed the offence under duress;
  - Is very young/old;
  - Had a minor role in the offence.



Source: UNODC Anti-human trafficking manual for criminal justice practitioners

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### Ways Information Can Assist in Sentencing

- Pre-sentence adjournment of a case for further enquiry
- Sentencing information during court proceedings
- Victim impact or personal statements

Source: UNODC Anti-human trafficking manual for criminal justice practitioners

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## Excerpts from a Victim Impact Statement (Canada)



- **Financial:** "I left with absolutely nothing, no clothes, no personal items. I gave him thousands of dollars and I have nothing to show for it. I had asked him to buy me braces with the money I earned and never got them. All the while he drove around in a BMW I bought him..."
- **Physical:** "Because of him I was put in situations [where] I was beat up, robbed, assaulted by him and clients..."
- **Emotional:** "Constantly looking over my shoulder afraid...I don't feel safe at home. He knows where I live and what my family looks...I have low self-esteem. I feel unworthy, dirty, tainted, nothing; basically lost two and a half to three years of my life..."

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## Compensation for Victims

"Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered."

(II, Article 6(6), UN Trafficking Protocol)



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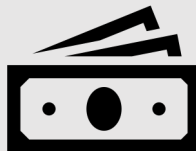
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## Asset Seizure and Forfeiture



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## International Community on Sentencing

- Criminal penalties prescribed for human trafficking commensurate with those for other serious crimes, such as rape.
- Avoidance of suspended, significantly reduced sentences, or just fines, for convictions of principal actors. Light sentences (especially for rich/powerful people) often bring about claims of corruption.
- Public officials who participate in or are complicit in human trafficking—a problem that is unfortunately not uncommon worldwide—receive serious punishment.

FOR IMMEDIATE RELEASE

Former Washington, D.C. Police Officer Sentenced to 14 Years in Federal Prison for Sex Trafficking of Two Minor Girls

Ex-Chicago cop sentenced to 25 years in sex trafficking of young girls

Tuesday, May 21, 2019

THE WASHINGTON GROUP

## United States Sex Trafficking Penalties

- **Imprisonment of 15 YEARS to LIFE if:**
  - Effected by force, fraud, or coercion;
  - OR
  - Victim under 14 years old
- **Imprisonment of 10 YEARS to LIFE if:**
  - Minor aged 14 to 18 and no proof of force, fraud, or coercion

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## Examples of Recent Sentencing Ranges for Trafficking

(adult and child trafficking statistics combined)



**USA:** In FY 2018 Sentences for sex and labor trafficking ranged from three months to life imprisonment, with more than 70 percent of cases exceeding sentences of five years.



**Canada:** In 2018, courts imposed sentences ranging from two to 12 years' imprisonment.

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## United States v. Bramer & Hertzog

### The Trafficking Scheme...

- Targeting, recruiting, and sexually exploiting two teenagers in the Minneapolis area
- Advertised sexual services on Backpage.com
- Used hotels in three different cities
- Defendants used threats, beatings, isolation, drugs, and control to exploit victims
- Dramatic escapes from traffickers

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## The Dramatic Escape and Rescue



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 THE UNITED STATES  
DEPARTMENT OF JUSTICE

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**JUSTICE NEWS**

Department of Justice  
Office of Public Affairs

FOR IMMEDIATE RELEASE Tuesday, February 11, 2014

**Minnesota Man and Woman Sentenced for Participating in a Sex Trafficking Conspiracy**

Today, the Justice Department announced that Andre James Hertzog, 29, was sentenced to serve 10 years in prison and eight years of supervised release for participating in a sex trafficking conspiracy. Hertzog's co-defendant, Nicole Bramer, 29, was sentenced to serve 21 months in prison, to be followed by five years of supervised release. In addition, the defendants were each ordered to pay \$6100 in restitution to the victims of the offense. Hertzog and Bramer are both from St. Paul, Minn.

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## Review: Principle of Non-Punishment of Trafficking Victims



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## Questions or Comments?



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THE TRAFFICKING IN PERSONS (PREVENTION,  
SUPPRESSION AND PUNISHMENT) ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.
3. Object of Act.

PART II. *Trafficking in Persons and Related Provisions*

4. Trafficking in persons.
5. Offences by bodies corporate.
6. Restitution.
7. Forfeiture.
8. Immunity of victim from prosecution.

PART III. *Assistance to and Protection of Victims*

9. Protection for victims.
10. Assistance to victims.
11. Proceedings to be in camera.
12. Return of victims to home country, etc.
13. Immigration regime for victims.

PART IV. *Prevention of Trafficking in Persons*

14. Entry, search and seizure.
15. Offence of threatening, obstructing, etc., constable.
16. Regulations.
17. Order to increase fines.

SCHEDULE.

THE TRAFFICKING IN PERSONS (PREVENTION,  
SUPPRESSION AND PUNISHMENT) ACT

Acts  
1 of 2007,  
12 of 2009  
Sch.,  
19 of 2013.

[1st March, 2007.]

PART I. *Preliminary*

1. This Act may be cited as the Trafficking in Persons (Pre- Short title.  
vention, Suppression and Punishment) Act.

2.—(1) In this Act, unless the context otherwise requires— Interpretation.

“child” means any person under eighteen years of age;

“child pornography” means—

(a) audio or visual depiction of any kind,  
whether—

(i) made or produced by electronic,  
mechanical or other means; or

(ii) embodied in a disc, tape, film or  
other device, whether electronically  
or otherwise, so as to be capable of  
being retrieved or reproduced there-  
from,

of sexually explicit conduct involving a child; or

(b) any representation of the genitalia of a child,  
where such audio or visual depiction or re-  
presentation lacks genuine literary, artistic,  
or scientific value;

“debt bondage” means the status or condition of a debtor 19/2013  
arising from a pledge or the use by the debtor of his S. 2(a).  
personal services or those of a person under his  
control as security for or payment of a debt, if the  
value of those services as reasonably assessed is not  
applied toward the liquidation of the debt or the length  
and nature of those services are not respectively  
limited or defined;

“exploitation” includes—

*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

- (a) the exploitation of the prostitution of a person;
- (b) compelling or causing a person to provide forced labour;
- (c) keeping a person in a state of slavery or servitude;
- (d) engaging in any form of sexual exploitation;
- (e) illicit removal of organs;
- (f) keeping a person in debt bondage;

“exploitation of the prostitution of a person” means the deriving by one person of monetary or other benefit through the provision of sexual services for money or other benefit by another person;

“forced labour” means any work or services exacted from a person by threat of penalty and for which the said person did not offer himself to provide such work or services voluntarily;

“illicit removal of organs” means the unlawful removal of organs, tissue or body parts from a victim irrespective of whether the victim consented to such removal;

“servitude” means a relationship of dependency in which the labour or service of a person is provided or obtained by threats of harm or death to that person or another person, or through any scheme, plan, or pattern intended to cause the person to believe that if he does not perform such labour or service he or another person will suffer harm or be killed;

“sexual exploitation” means compelling the participation of a person in—

- (a) prostitution;
- (b) the production of child pornography or other pornographic material;

19/2013  
S. 2(b).



(c) any other sexual activity,

as a result of being subjected to threat, coercion, abduction, the effects of narcotic drugs, force, abuse of authority or fraud;

“sexually explicit conduct” includes actual or simulated sexual activity, such as sexual intercourse whether between persons of the same or opposite sex and whether involving genital, anal or oral sex, bestiality, masturbation, sadistic or masochistic abuse;

“slavery” means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised by another, and includes practices similar to slavery, such as bondage and serfdom;

“travel document” means any document that can be used for travel between states such as—

(a) a passport;

(b) a visa;

(c) a tourist card;

(d) an airline ticket,

and any document used under the laws of a state to establish identity in that state;

“victim” means a person against whom the offence of trafficking in persons has been committed.

3. The object of this Act is to prescribe measures to prevent and combat trafficking in persons with particular regard being had to victims who are women and children, by—

Object of Act.

(a) protecting and assisting victims of trafficking, having due regard to their human rights;

(b) facilitating the efficient investigation of cases of trafficking in persons;

*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

- (c) facilitating the just and effective punishment of individuals and organizations involved in trafficking in persons;
- (d) promoting co-operation between Jamaica and other states in order to prevent and suppress trafficking in persons and to punish offenders.

*PART II. Trafficking in Persons and Related Provisions*

Trafficking in  
persons.

4.—(1) A person commits the offence of trafficking in persons where, for the purpose of exploitation he—

- (a) recruits, transports, transfers, harbours or receives another person within Jamaica;
- (b) recruits, transports or transfers another person from Jamaica to another country; or
- (c) recruits, transports, transfers, or receives another person from another country into Jamaica,

by any of the specified means in subsection (2).

(2) The means referred to in subsection (1) are—

- (a) threat or use of force or other form of coercion;
- (b) abduction;
- (c) deception or fraud;
- (d) the abuse of—
  - (i) power; or
  - (ii) a position of vulnerability;
- (e) the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person.

(3) Notwithstanding the absence of the use of any of the means specified in paragraphs (a) to (e) of subsection (2), a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of that child commits the offence of trafficking in persons.



(4) It shall not be a defence for a person who commits the offence of trafficking in persons that the offence was committed with the victim's consent.

(5) A person who facilitates the offence of trafficking in persons commits an offence.

(6) A person who commits the offence of trafficking in persons or who facilitates that offence is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

19/2013  
S. 3(a).

(7) A person who, for the purpose of committing or facilitating an offence under subsection (1) conceals, removes, withholds or destroys any—

(a) travel document that belongs to another person; or

(b) document that establishes or purports to establish another person's identity or immigration status,

is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

(8) Every person who receives a financial or other benefit knowing that it results from the offence of trafficking in persons commits an offence and is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

19/2013  
S. 3(b).

(8A) A person commits an offence where that person conspires with any other person to commit an offence of trafficking in persons and shall be liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

19/2013  
S. 3(c).

(9) For the purposes of this section, an offence under subsection (1) is facilitated—



*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

- (a) where the facilitator knows that such an offence is intended to be facilitated;
- (b) whether or not the facilitator knows the specific nature of the offence that is intended to be facilitated; and
- (c) whether or not the offence was actually committed.

Aggravating  
circum-  
stances.  
19/2013  
S. 4.

**4A.**—(1) Where a person is convicted of an offence under section 4, the Court shall determine whether any of the aggravating circumstances specified in subsection (2) are present in the course of committing the offence and if so, having regard to those circumstances the court may impose, in addition to the penalty prescribed under section 4, an additional term of imprisonment not exceeding ten years.

(2) The aggravating factors to be taken into account by the court are that—

- (a) the convicted person has been previously convicted for an offence under this Act;
- (b) the convicted person used, threatened to use, or caused another person to use or threaten to use—
  - (i) an offensive weapon;
  - (ii) an explosive; or
  - (iii) a biological or chemical agent;
- (c) in the course of the offence of trafficking in persons or any subsequent exploitation, the convicted person caused the victim to be exposed to a life threatening illness;
- (d) a wrongful act of a sexual nature was committed against the victim;
- (e) where the trafficking in persons occurred by means of the abuse of power or a position of vulnerability as specified in section 4(2)(d), the abuse was carried out by an adult in authority;

- (f) the offence involved serious injury to, or a grave risk of death to, another person, or caused the death of the victim or another person, including death as a result of suicide;
- (g) the victim suffers from a mental disorder or a physical disability;
- (h) the offence involved more than one victim;
- (i) the offence involved a series of criminal acts;
- (j) the offence was part of an activity of a criminal organization;
- (k) drugs, medication or an offensive weapon were used in the commission of the offence;
- (l) the victim is a child;
- (m) the convicted person is a public officer and the offence was committed while the public officer was acting or purporting to act in his official capacity;
- (n) the convicted person has been in an intimate relationship with the victim;
- (o) the convicted person has participated in a ceremony with the victim purporting to be a marriage ceremony, whether or not the result of the ceremony is a marriage that is legally valid; and
- (p) there exists any other factor that affects the relative seriousness of the offence.

(3) The factors specified in subsection (2) are in addition to any other factors or matters that are required or permitted to be taken into account by the Court under this Act or any rule of law.

(4) For the purposes of this section—

“adult in authority” means an adult who—

*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

- (a) is in a position of trust or authority in relation to a child;
- (b) is a person with whom a child is in a relationship of dependency; or
- (c) stands in *loco parentis* to a child;

“convicted person” means a person who has been convicted of an offence under this Act;

“criminal organization” means any gang, group, alliance, network, combination or other arrangement among three or more persons (whether formally or informally affiliated or organized and whether or not operating through one or more bodies corporate or other association)—

- (a) that has as one of its purposes the commission of one or more serious offences;
- (b) whose members individually, jointly or collectively have engaged in unlawful activity in order to obtain directly or indirectly, a financial or other material benefit or to gain power or influence;
- (c) whose members issue threats or engage in conduct to create fear and intimidation or to exert power or influence in communities, or over other persons; or
- (d) whose members utilize or operate under a common name or identifying sign, symbol, tattoo or other physical marking, colour or style of dress, or use mannerisms or graffiti or erect monuments, murals, paintings or other artwork to promote or facilitate their criminal activities;

“explosives” has the meaning assigned to it under the *Explosives (Control of Manufacture) Act*;



“mental disorder” has the meaning assigned to it in the *Mental Health Act*;

“offensive weapon” means an offensive weapon as defined in section 2(1) of the *Offensive Weapons Act* and includes a firearm as defined in section 2(1) of the *Firearms Act*;

“serious offence” means an offence for which the maximum term of imprisonment prescribed by law is a period of three years or more.

5.—(1) Subject to subsection (2), where a body corporate commits an offence against this Act, every director, manager, secretary or other similar officer concerned with the offence is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

Offences by  
bodies  
corporate.

19/2013  
S. 5.

(2) A director, manager, secretary or other similar officer concerned with the management of a body corporate shall not be liable for an offence against this Act unless the Court is satisfied—

- (a) that the offence was committed with his connivance; or
- (b) he had not exercised all such diligence to prevent the commission,

having regard to the nature of functions in that capacity and to all the circumstances.

(3) A body corporate which commits an offence against this Act is liable on conviction on indictment before a Circuit Court to a fine.

6.—(1) Where a person is convicted of the offence of trafficking in persons, the court shall, in the same proceedings in which the person is convicted of the offence, order the person to pay restitution to the victim.

Restitution.  
19/2013  
S. (6)(a).

*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

(2) Restitution shall compensate, where applicable, for any of the following—

- (a) costs of medical and psychological treatment;
- (b) costs of physical and occupational therapy and rehabilitation;
- (c) costs of necessary transportation, temporary housing and child care;
- (d) lost income;
- (e) attorney's fees and other legal costs;
- (f) compensation for emotional distress, pain and suffering;
- (g) any other losses suffered by the victim which the Court considers applicable.

(3) Restitution shall be paid to the victim from any property of the convicted person including as far as possible property forfeited under the provisions of the *Proceeds of Crime Act* for an offence of trafficking in persons or the proceeds thereof.

(4) The absence of the victim from the proceedings shall not prejudice the victim's right to receive restitution.

7. *[Repealed by Act 19/2013, S.7].*

8. Where a person provides evidence that he is a victim he shall not be liable to prosecution for any offence against the laws relating to immigration or prostitution, that is a direct result of the offence of trafficking in persons committed against him.

PART III. *Assistance to and Protection of Victims*

9.—(1) The Government shall take all reasonable steps to identify victims in Jamaica.

19/2013  
S. 6(b).

19/2013  
S. 7.

Immunity of  
victim from  
prosecution.

Protection for  
victims.



(2) When victims are identified the appropriate authorities shall provide reasonable protection to the victims and to prevent their being recaptured, intimidated or becoming the object of reprisal by traffickers and their associates.

**10.—**(1) The Government shall take appropriate steps to assist victims where practicable and such assistance may include—

Assistance  
to victims.

- (a) assistance in understanding the laws of Jamaica and their rights as victims;
- (b) assistance in obtaining any relevant documents and information to assist with legal proceedings;
- (c) assistance in replacing or providing passports and other travel documents necessary for the victim to return to his country;
- (d) assistance in language interpretation and translation where necessary;
- (e) assistance in meeting expenses related to criminal proceedings against the traffickers;
- (f) the provision of safe shelters and assistance to cover living expenses.

(2) The Government in consultation with approved non-governmental organizations and agencies shall establish and carry out programmes and initiatives to support victims by assisting in the integration, reintegration or resettlement, as the case may be, of such persons.

(3) For the purposes of this section, an approved non-governmental organization or agency refers to an organization or agency being a corporation or an association of persons whether or not resident in Jamaica, which is approved for the purposes of this section by order by the Minister.

**11.** In any proceedings involving a victim who—

Proceedings  
to be in  
camera.

*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

- (a) is a child;
- (b) has been traumatized by the experience of exploitation;
- (c) is mentally or physically challenged; or
- (d) is a person against whom was committed any of the offences set out in—
  - (i) section 76 of the Offences Against the Person Act (which relates to buggery); or
  - (ii) sections 3, 4, 5, 8, 9, 10, 13, 15 and 17 of the Sexual Offences Act (which relate to rape, grievous sexual assault, sexual touching, sexual grooming, sexual intercourse with person under sixteen, indecent assault and abduction),

the Court shall order that such proceedings be held in camera.

Return of  
victims to  
home  
country, etc.

**12.**—(1) The Minister shall establish a system to effect the return of victims to their country of citizenship or to a country in which the victim holds permanent residency.

(2) The system under subsection (1) shall take into account the—

- (a) safety of the victim while in Jamaica;
- (b) safe return of the victim without undue delay;
- (c) wishes of the victim as to the choice of country to which he is to be sent.

Immigration  
regime for  
victims.

**13.**—(1) Where the victim is a person who does not have the right to remain or reside in Jamaica, an immigration officer shall, subject to the provisions of this section, grant the victim the appropriate visas or other required authorization to allow him to remain in Jamaica for the duration of time necessary to carry out, where feasible, the—

- (a) process of identifying the victim or verifying his identity and nationality;



- (b) activities necessary to find accommodation for and other assistance to the victim;
- (c) criminal prosecution against the persons who have committed or facilitated the commission of the offence of trafficking in persons;
- (d) investigations necessary to prosecute the offence of trafficking in persons or facilitating the offence and other legal and administrative activities.

(2) The Minister may, where he considers it justified in the circumstances appropriate to do so, cancel at any time the visas or other documents which permit the victim to remain in Jamaica.

PART IV. *Prevention of Trafficking in Persons*

14.—(1) Where a Justice of the Peace is satisfied by information on oath, and such further information as he may in the circumstances require, that there are reasonable grounds for suspecting that—

Powers of search and seizure of evidence and powers of search for victims.  
19/2013  
S. 8.

- (a) evidence of or relating to an offence under this Act is to be found on any premises specified in the information;
- (b) a victim is unlawfully detained for purposes of or relating to an offence under this Act in any place within the jurisdiction of the Justice of the Peace,

the Justice of the Peace may, subject to this section, act in accordance with subsection (2).

(2) The Justice of the Peace may issue a warrant authorizing the constable named therein to enter the premises specified therein, with such assistance and by the use of such force as is necessary and reasonable to—

- (a) enter upon the premises;
- (b) search the premises for evidence of or relating to an offence under this Act;



*TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION  
AND PUNISHMENT)*

- (c) search the premises for any victim unlawfully detained for purposes of or relating to an offence under this Act; and
- (d) in the case of—
  - (i) paragraph (b), seize any property found in the course of the search that the constable believes on reasonable grounds to be evidence of or relating to an offence under this Act; and
  - (ii) paragraph (c), take the victim to or keep the victim in a place of safety or other lawful place, until the victim can be brought before the Justice of the Peace.

(3) The Justice of the Peace before whom the victim is brought may cause the victim to be dealt with as the circumstances may permit or require for the protection and welfare of the victim and in accordance with the proper administration of justice.

(4) For the purposes of this section “an offence under this Act” refers to an offence which has been committed or is about to be committed.

Offence of threatening, obstructing, etc., constable.

**15.** Any person who threatens, assaults, or obstructs a constable acting in the execution of his duty under this Act commits an offence and is liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a period not exceeding six months.

Regulations.

**16.** The Minister may make regulations for carrying into effect the objects and purposes of this Act either generally or in relation to any particular case.

Order to increase fines.

**17.—(1)** The Minister may by order published in the *Gazette* increase the fines provided under this Act.

(2) An order under subsection (1) shall be subject to affirmative resolution.

SCHEDULE [*Repealed by Act 19/2013, S. 9.*]



JAMAICA

No. 19 – 2013

I assent,

[L.S.]

/sgd/ P. L. Allen  
Governor-General.

31<sup>st</sup> day of August 2013

AN ACT to Amend the Trafficking in Persons (Prevention,  
Suppression and Punishment) Act.

[31<sup>st</sup> day of August 2013 ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and  
with the advice and consent of the Senate and House of Representatives  
of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Trafficking in Persons (Prevention,  
Suppression and Punishment) (Amendment) Act, 2013 and shall be  
read and construed as one with the Trafficking in Persons (Prevention,  
Suppression and Punishment) Act (hereinafter referred to as the  
“principal Act”) and all amendments thereto.

Short title  
and  
construction.

Amendment  
of section 2  
of principal  
Act.

2. Section 2(1) of the principal Act is amended—

- (a) by inserting next after the definition of “child pornography” the following definition—

““debt bondage” means the status or condition of a debtor arising from a pledge or the use by the debtor of his personal services or those of a person under his control as security for or payment of a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited or defined;”;

- (b) in the definition of “exploitation” by inserting next after paragraph (e) the following as paragraph (f)—

“(f) keeping a person in debt bondage;”.

Amendment  
of section 4  
of principal  
Act.

3. Section 4 of the principal Act is amended by—

- (a) deleting from subsection (6) the word “ten” and substituting therefor, the word “twenty”;
- (b) deleting from subsection (8), the word “ten” and substituting therefor, the word “twenty”; and
- (c) inserting next after subsection (8), the following as subsection (8A)—

“ (8A) A person commits an offence where that person conspires with any other person to commit an offence of trafficking in persons and shall be liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.”.

Insertion of  
new section  
4A in  
principal  
Act.

4. The principal Act is amended by inserting next after section 4 the following as section 4A—

“ Aggravating  
circum-  
stances.

4A.—(1) Where a person is convicted of an offence under section 4, the Court shall determine whether any of the aggravating circumstances specified in

subsection (2) are present in the course of committing the offence and if so, having regard to those circumstances the court may impose, in addition to the penalty prescribed under section 4, an additional term of imprisonment not exceeding ten years.

(2) The aggravating factors to be taken into account by the court are that—

- (a) the convicted person has been previously convicted for an offence under this Act;
- (b) the convicted person used, threatened to use, or caused another person to use or threaten to use—
  - (i) an offensive weapon;
  - (ii) an explosive; or
  - (iii) a biological or chemical agent;
- (c) in the course of the offence of trafficking in persons or any subsequent exploitation, the convicted person caused the victim to be exposed to a life threatening illness;
- (d) a wrongful act of a sexual nature was committed against the victim;
- (e) where the trafficking in persons occurred by means of the abuse of power or a position of vulnerability as specified in section 4(2)(d), the abuse was carried out by an adult in authority;
- (f) the offence involved serious injury to, or a grave risk of death to, another person, or caused the death of the victim or another person, including death as a result of suicide;

- (g) the victim suffers from a mental disorder or a physical disability;
- (h) the offence involved more than one victim;
- (i) the offence involved a series of criminal acts;
- (j) the offence was part of an activity of a criminal organization;
- (k) drugs, medication or an offensive weapon were used in the commission of the offence;
- (l) the victim is a child;
- (m) the convicted person is a public officer and the offence was committed while the public officer was acting or purporting to act in his official capacity;
- (n) the convicted person has been in an intimate relationship with the victim;
- (o) the convicted person has participated in a ceremony with the victim purporting to be a marriage ceremony, whether or not the result of the ceremony is a marriage that is legally valid; and
- (p) there exists any other factor that affects the relative seriousness of the offence.

(3) The factors specified in subsection (2) are in addition to any other factors or matters that are required or permitted to be taken into account by the Court under this Act or any rule of law.

(4) For the purposes of this section—

“adult in authority” means an adult who—

- (a) is in a position of trust or authority in relation to a child;

- (b) is a person with whom a child is in a relationship of dependency; or
- (c) stands in *loco parentis* to a child;

“convicted person” means a person who has been convicted of an offence under this Act;

“criminal organization” means any gang, group, alliance, network, combination or other arrangement among three or more persons (whether formally or informally affiliated or organized and whether or not operating through one or more bodies corporate or other association)—

- (a) that has as one of its purposes the commission of one or more serious offences;
- (b) whose members individually, jointly or collectively have engaged in unlawful activity in order to obtain directly or indirectly, a financial or other material benefit or to gain power or influence;
- (c) whose members issue threats or engage in conduct to create fear and intimidation or to exert power or influence in communities, or over other persons; or
- (d) whose members utilize or operate under a common name or identifying sign, symbol, tattoo or other physical marking, colour or style of dress, or use

mannerisms or graffiti or erect  
monuments, murals, paintings  
or other artwork to promote  
or facilitate their criminal  
activities;

“explosives” has the meaning assigned to it  
under the *Explosives (Control of  
Manufacture) Act*;

“mental disorder” has the meaning assigned  
to it in the *Mental Health Act*;

“offensive weapon” means an offensive  
weapon as defined in section 2(1) of the  
*Offensive Weapons Act* and includes a  
firearm as defined in section 2(1) of the  
*Firearms Act*;

“serious offence” means an offence for which  
the maximum term of imprisonment  
prescribed by law is a period of three  
years or more.

Amendment  
of section 5  
of principal  
Act.

5. Section 5(1) of the principal Act is amended by deleting the word  
“ten” and substituting therefor the word “twenty”.

Amendment  
of section 6  
of principal  
Act.

6. Section 6 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the  
following—

“ (1) Where a person is convicted of the offence of  
trafficking in persons, the court shall, in the same  
proceedings in which the person is convicted of the  
offence, order the person to pay restitution to the  
victim.”;

(b) by deleting subsection (3) and substituting therefor the  
following—

“ (3) Restitution shall be paid to the victim from any  
property of the convicted person including as far as  
possible property forfeited under the provisions of the



*Proceeds of Crime Act* for an offence of trafficking in persons or the proceeds thereof.”.

7. Section 7 of the principal Act is repealed.

Repeal of section 7 of principal Act.

8. Section 14 of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 14 of principal Act.

“ Powers of search and seizure of evidence and powers of search for victims.

14.—(1) Where a Justice of the Peace is satisfied by information on oath, and such further information as he may in the circumstances require, that there are reasonable grounds for suspecting that—

- (a) evidence of or relating to an offence under this Act is to be found on any premises specified in the information;
- (b) a victim is unlawfully detained for purposes of or relating to an offence under this Act in any place within the jurisdiction of the Justice of the Peace,

the Justice of the Peace may, subject to this section, act in accordance with subsection (2).

(2) The Justice of the Peace may issue a warrant authorizing the constable named therein to enter the premises specified therein, with such assistance and by the use of such force as is necessary and reasonable to—

- (a) enter upon the premises;
- (b) search the premises for evidence of or relating to an offence under this Act;
- (c) search the premises for any victim unlawfully detained for purposes of or relating to an offence under this Act; and

(d) in the case of—

- (i) paragraph (b), seize any property found in the course of the search that the constable believes on reasonable grounds to be evidence of or relating to an offence under this Act; and
- (ii) paragraph (c), take the victim to or keep the victim in a place of safety or other lawful place, until the victim can be brought before the Justice of the Peace.

(3) The Justice of the Peace before whom the victim is brought may cause the victim to be dealt with as the circumstances may permit or require for the protection and welfare of the victim and in accordance with the proper administration of justice.

(4) For the purposes of this section “an offence under this Act” refers to an offence which has been committed or is about to be committed.”

Repeal of  
Schedule to  
principal  
Act.

9. The Schedule to the principal Act is repealed.

Passed in the Honourable House of Representatives this 9th day of July 2013.

LLOYD B. SMITH  
*Deputy Speaker.*

Passed in the Honourable Senate this 19th day of July 2013 with four (4) amendments.

FLOYD E. MORRIS  
*President.*

On the 23rd day of July 2013 the House of Representatives agreed to the amendments made by the Senate.

MICHAEL A. PEART  
*Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Clerk to the Houses of Parliament.*



No. 7 – 2018

I assent,

[L.S.]

  
Governor-General.

26<sup>th</sup> day of March 2018

AN ACT to Amend the Trafficking in Persons (Prevention,  
Suppression and Punishment) Act.

[27<sup>th</sup> March 2018]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and  
with the advice and consent of the Senate and House of Representatives  
of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Trafficking in Persons (Prevention,  
Suppression and Punishment) (Amendment) Act, 2018, and shall be  
read and construed as one with the Trafficking in Persons (Prevention,  
Suppression and Punishment) Act (hereinafter referred to as the  
principal Act) and all amendments thereto.

Short title  
and  
construction.

2. The principal Act is amended in section 4 by inserting next after  
subsection (9) the following subsection—

Amendment  
of section 4  
of principal  
Act.

“ (10) Where a person is charged with an offence under this  
section—

(a) there shall be no committal proceedings; and

(b) the person shall be tried before a Judge of the Circuit Court sitting without a jury.”.

Amendment  
of section 6  
of principal  
Act.

3. The principal Act is amended in section 6 by inserting next after subsection (4) the following subsection—

“ (5) An order of restitution under this section may be enforced by the victim, or by the prosecution on behalf of the victim, in the same manner as a judgment in a civil action.”.

Amendment  
of section 16  
of principal  
Act.

4. The principal Act is amended in section 16 by renumbering the section as section 16(1) and inserting the following as subsection (2)—

“ (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision for the better carrying out of the provisions of section 6 (restitution to victims).”.

Passed in the House of Representatives this 30th day of January, 2018.

PEARNEL CHARLES, CD, MP, JP  
*Speaker.*

Passed in the Senate this 23rd day of February, 2018.

THOMAS TAVARES-FINSON, CD, QC, JP  
*President.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

  
Clerk to the Houses of Parliament.

JAMAICA

No. 12 – 2012

I assent,

[L.S.]

(Sgd.) P. L. Allen  
Governor-General.

24th December 2012

AN ACT to provide for the admissibility in criminal and civil proceedings and Coroner's inquests of evidence by the use of special measures, and for matters connected therewith and purposes incidental thereto.

**The date notified by the Minister  
[ bringing the Act into operation ]**

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

#### PART I. *Preliminary Provisions*

1.—(1) This Act may be cited as the Evidence (Special Measures) Act, 2012, and subject to subsection (2), shall come into operation on a day or days to be appointed by the Minister, by notice published in the *Gazette*.

Short title.  
and com-  
mencement.

(2) Different days may be appointed for the commencement of different provisions of this Act and for different purposes of a particular provision.

Interpretation.

**2.—(1) In this Act—**

“child witness” means a witness under the age of eighteen years;

“civil proceedings” means any proceedings, other than criminal proceedings, before—

- (a) the Supreme Court or the Court of Appeal;
- (b) a Resident Magistrate;
- (c) a Family Court or a Children’s Court;
- (d) any other court designated by the Minister by order, for the purposes of this Act; or
- (e) where applicable, a foreign court pursuant to Part V;

“Coroner” has the same meaning as “the appropriate Coroner” in the Coroners Act;

“court” means any court of law in Jamaica, and includes a Coroner exercising jurisdiction under the Coroners Act;

“criminal proceedings” means criminal proceedings before—

- (a) the Gun Court, a Circuit Court or the Court of Appeal;
- (b) a Resident Magistrate on indictment or in the exercise of a special statutory summary jurisdiction;
- (c) a Family Court or a Children’s Court;
- (d) any other court designated by the Minister by order, for the purposes of this Act; or
- (e) where applicable, a foreign court pursuant to Part V;



“live link” means a technological arrangement whereby a witness, without being physically present in the place where proceedings are held, is able to see and hear and be seen and heard by the following persons present in such place—

- (a) the judge, Resident Magistrate or Coroner;
- (b) the parties to the proceedings;
- (c) an attorney-at-law acting for a party to the proceedings;
- (d) the jury, if there is one;
- (e) an interpreter or any other person permitted by the court to assist the witness; and
- (f) any other person having the authority to hear and receive evidence;

“medical practitioner” means a medical practitioner registered pursuant to the provisions of the Medical Act;

“proceedings” means civil proceedings, criminal proceedings or a Coroner’s inquest;

“special measure” means the giving of evidence by a witness in proceedings, by means of a live link or video recording, in the manner and circumstances provided for pursuant to the provisions of this Act;

“video recording” means a recording on any medium from which a moving image may be produced by any means and includes any accompanying soundtrack;

“witness” means in relation to any proceedings, a person who has given, has agreed to give or has been summoned or subpoenaed by the court to give evidence.

(2) For the purposes of Part II, a witness is a vulnerable witness if—

- (a) the witness is a child witness at the time that an application or a motion under Part II is being determined by the court;

- (b) the witness is a complainant in criminal proceedings relating to a sexual offence; or
- (c) the court determines in accordance with subsection (3) that the evidence of the witness is unlikely to be available to the court, or the quality of the evidence if given in court by the witness is likely to be diminished as regards its completeness, coherence or accuracy, by reason of—
  - (i) fear or distress on the part of the witness in connection with testifying in the proceedings; or
  - (ii) the fact that the witness has a physical disability, physical disorder or suffers from a mental disorder within the meaning of the Mental Health Act.

(3) In determining whether the evidence of the witness is unlikely to be available to the court or the quality of his evidence is likely to be diminished under subsection (2)(c), the court shall consider—

- (a) in the case of criminal proceedings, the nature and circumstances of the offence to which the criminal proceedings relate;
- (b) the age of the witness;
- (c) any threat of harm made to the witness, a family member of the witness or any other person closely associated with the witness, or to any property of the witness;
- (d) any views expressed by or submissions made on behalf of the witness; and
- (e) any other matter that the court considers relevant.

#### PART II. *Applicability of Special Measures*

Special  
measures  
applicable to  
witnesses.

3.—(1) Subject to the provisions of this section, in any proceedings, on application by a party to the proceedings or on its own motion, the court may issue a direction that a special measure,

or a combination of special measures, shall be used for the giving of evidence by a witness if—

(a) in the case of a witness in criminal proceedings other than the accused, the court is satisfied that the special measure is appropriate in the interests of the administration of justice, in accordance with subsections (5) and (6); and—

(i) the witness is a vulnerable witness; or

(ii) the witness is available to testify, but it is not reasonably practicable to secure his physical attendance at the proceedings;

(b) in the case of a witness in civil proceedings, or at a Coroner's inquest, the court is satisfied that the special measure is appropriate in the interests of the administration of justice.

(2) The court shall not issue a direction under subsection (1) unless arrangements to implement the special measure are available to the court.

(3) Where a vulnerable witness is a complainant in criminal proceedings relating to a sexual offence, he may inform the court, in writing, that he does not wish to have a special measure apply to him.

(4) For the purposes of subsection (1)(a)(ii), in determining whether or not it is reasonably practicable to secure the physical attendance of the witness at the proceedings, the court may take into account—

(a) the expense that would be incurred in bringing the witness to attend the proceedings; and

(b) any logistical difficulties in the witness attending the proceedings; and

(c) any other factors which the court considers relevant.

(5) Subject to subsection (6), in determining whether a special measure is appropriate in the interests of the administration of justice under subsection (1), the court shall consider—

- (a) any views expressed by or submissions made on behalf of the witness;
- (b) the nature and importance of the evidence to be given by the witness;
- (c) whether the special measure would be likely to facilitate the availability or improve the quality of that evidence;
- (d) whether the special measure may inhibit the evidence given by the witness from being effectively tested by a party to the proceedings; and
- (e) any other matter that the court considers relevant.

(6) If a vulnerable witness is a child witness, each of the special measures or a combination of them shall be deemed to be appropriate in the interests of the administration of justice and a direction to that effect shall be made by the court unless—

- (a) the court is satisfied that the special measures would not be likely to improve the quality of the evidence of the child witness in the circumstances of the case; or
- (b) the child witness requests that one or both of those special measures, as the case may be, not be made and the court is satisfied that the quality of the evidence of the child witness would not be diminished as a result.

(7) In making a determination under subsection (6), the court shall consider—

- (a) the age and maturity of the child witness;
- (b) the ability of the child witness to understand what is involved in giving evidence by means of the special measure; and
- (c) any other matter that the court considers relevant.

4.—(1) In any criminal proceedings, on application by an accused or on its own motion, the court may issue a direction that the special measure under section 6 (which relates to live link evidence) shall apply in relation to the evidence given by the accused, if the court is satisfied that—

Special measure applicable to evidence of accused in criminal proceedings.

- (a) the accused—
  - (i) is a child; or
  - (ii) has a physical disability, physical disorder or suffers from a mental disorder within the meaning of the Mental Health Act, which renders it impracticable for him to be physically present to give evidence in court;
- (b) the special measure would enable the accused to participate more effectively in the proceedings;
- (c) arrangements to implement the special measure are available to the court; and
- (d) the special measure is appropriate in the interests of the administration of justice, in accordance with subsection (2).

(2) In determining whether a special measure is appropriate in the interests of the administration of justice under subsection (1)(d), the court shall consider—

- (a) any views expressed by or submissions made on behalf of the accused;
- (b) whether the special measure would be likely to facilitate the availability or improve the quality of the evidence to be given by the accused;
- (c) whether the special measure may inhibit the evidence given by the accused from being effectively tested by a party to the proceedings; and
- (d) any other matter that the court considers relevant.

PART III. *Special Measures*

Meaning of  
“party”.

5. For the purposes of this Part, “party” includes a person who is entitled or permitted to examine a witness at a Coroner’s inquest.

Evidence by  
live link.

6.—(1) A direction issued under Part II may provide for a witness to give evidence by means of a live link.

(2) Where a direction under subsection (1) provides for a witness to give evidence by means of a live link, the witness may not give evidence in any other way in the proceedings unless the court revokes or varies the direction.

(3) The court may, on an application by a party to the proceedings or on its own motion, revoke or vary a direction that provides for a witness to give evidence by means of a live link, if the court is satisfied that—

- (a) there has been a material change in the circumstances since the direction under subsection (1) was issued; or
- (b) it is otherwise appropriate in the interests of the administration of justice.

Video recorded  
evidence.

7.—(1) A direction issued under Part II may provide for all or part of a video recording of an interview of a witness, whether recorded before or after the commencement of proceedings, to be admitted as evidence in chief in the proceedings.

(2) The court may exclude part of a video recording from the direction issued under subsection (1), if the court is of the opinion, having regard to all the circumstances of the case, that the prejudicial effect of that part outweighs its probative value.

(3) Subject to subsection (4), if a direction provides for a video recording of an interview of the witness to be admitted as evidence in chief, the court may direct that any other evidence to be given by the witness in the proceedings be given by means of a live link.

(4) Where video recorded evidence is admitted under this section, the witness shall be called by the party that tenders the

evidence to give testimony in person under cross-examination unless—

- (a) the court directs under subsection (3) that evidence given by the witness on cross-examination shall be by means of a live link; or
- (b) the parties agree that there is no need for the witness to be available for cross-examination.

(5) A witness who gives evidence in chief by means of a video recording may not give additional evidence in chief without the permission of the court pursuant to subsection (6).

(6) The court may give permission for the purposes of subsection (5) on its own motion or on application by a party to the proceedings if the court is satisfied that—

- (a) the evidence concerns a matter that is not dealt with in the witness's recorded testimony; or
- (b) it is appropriate to do so in the interests of the administration of justice.

(7) On the court's own motion or on application by a party to the proceedings, the court may revoke or vary a direction that provides for a witness to give evidence in chief by means of a video recording if—

- (a) it appears to the court that the witness is not available for cross-examination, and the parties do not agree that there is no need for the witness to be available for cross-examination;
- (b) a condition of the direction or an applicable rule of court has not been complied with to the satisfaction of the court;
- (c) there has been a material change in circumstances since the direction was given; or
- (d) the court is otherwise satisfied that it is appropriate in the interests of the administration of justice to revoke or vary the direction.



#### PART IV. *Evidentiary Issues Regarding Special Measures*

Issues  
regarding  
evidence  
given in  
accordance  
with special  
measures.

8.—(1) A court may sit at a place designated by the Minister under section 12(2) during any part of the proceedings—

- (a) in which evidence is to be given by means of a live link pursuant to a direction of the court under Part II in the proceedings; and
- (b) where facilities to implement that direction are not available at the location where the court usually sits.

(2) Evidence given by a witness in accordance with a direction issued under Part II shall be admissible to the same extent and effect as if it were given in direct oral testimony.

(3) Unless the context otherwise requires, for the purposes of this Act or any other law, a witness is deemed to be physically present at the proceedings when he gives evidence by means of a live link pursuant to a direction issued under Part II.

(4) Where evidence is given in accordance with a direction issued under Part II in criminal proceedings involving a trial by jury, the court shall give the jury any warning, that it considers necessary, to ensure that the fact that the direction was given does not prejudice the accused.

(5) Nothing in this Part or in Part II affects—

- (a) the power of a court, apart from the provisions of this Part, to make an order, give directions or give leave in relation to a witness; or
- (b) the admissibility of evidence by a video recording that would be admissible under any other law.

#### PART V. *Providing Evidence by Live Link to Foreign Court and Receiving Evidence by Live Link from Foreign Court*

Evidence by  
live link in civil  
or criminal  
proceedings  
conducted in a  
foreign state.

9.—(1) Subject to subsection (3), if a person in Jamaica is to give evidence by means of a live link, in civil or criminal proceedings conducted in a foreign state, the party who intends to

call the person as a witness may apply, without notice, to a Judge of the Supreme Court, or a Resident Magistrate, in Chambers for a summons or subpoena, as the case may be, requiring the person—

- (a) to attend at the place fixed by the Judge or Resident Magistrate for the taking of the evidence by means of a live link and to remain in attendance until he is excused by the person in charge of the proceedings in the foreign state; and
- (b) to bring any document or other article specified in the summons or subpoena, that is in his possession or under his control with him for that purpose.

(2) The Judge or Resident Magistrate who hears an application under subsection (1) shall issue a summons or subpoena, as the case may be, for the giving of evidence by means of a live link, if he is satisfied that—

- (a) there are legal proceedings in the foreign jurisdiction in relation to the evidence requested; and
- (b) the facilities for providing the evidence by means of a live link are available.

(3) The place fixed by the Judge or Resident Magistrate under subsection (1) shall be a place designated by the Minister under section 12(2).

(4) This section shall not apply to proceedings in connection with which a request is made under the Mutual Assistance (Criminal Matters) Act.

**10.—**(1) Pursuant to the provisions of section 9, where a witness in Jamaica gives evidence by means of a live link in proceedings conducted in a foreign state, the witness shall not be compelled to give any evidence which he could not be compelled to give—

- (a) in criminal or civil proceedings in Jamaica; or
- (b) in criminal or civil proceedings in the foreign state.

Application of law for witness giving evidence by live link in proceedings conducted in a foreign state.

(2) Without prejudice to subsection (1), a witness shall not be compelled under this Part to give any evidence if his doing so would be prejudicial to the security of Jamaica; and a certificate signed by or on behalf of the Minister responsible for national security to that effect shall be conclusive evidence of that fact.

(3) Subject to subsection (1), for the purposes of the laws relating to evidence, procedure, perjury and contempt of court, the witness referred to in subsection (1) shall be deemed to be physically present before the court or tribunal in the foreign state when giving evidence pursuant to this Part.

(4) This section shall not apply to proceedings in connection with which a request is made under the Mutual Assistance (Criminal Matters) Act.

Application of  
law for  
witness giving  
evidence by  
live link in  
proceedings  
conducted in  
Jamaica.

**11. –**(1) Where a witness in a foreign state gives evidence by means of a live link in proceedings that are conducted in Jamaica, the witness shall not be compelled to give any evidence which he could not be compelled to give—

- (a) in criminal or civil proceedings in the foreign state; or
- (b) in criminal or civil proceedings in Jamaica.

(2) Subject to subsection (1), for the purposes of the laws relating to evidence, procedure, perjury and contempt of court, the witness referred to in subsection (1) shall be deemed to be physically present before the court or tribunal in Jamaica when giving evidence pursuant to this Part.

#### PART VI. *Miscellaneous Provisions*

Regulations.

**12.—**(1) Subject to subsection (3), the Minister may make regulations generally for giving effect to the purposes and provisions of this Act.

(2) The Minister may by order published in the Gazette, after consultation with the Chief Justice, designate any place in Jamaica, where facilities to give evidence by means of a live link or video recording are available, as a place where—

- (a) the court may sit under Part IV; or

(b) Judges or Resident Magistrates may require the attendance of witnesses under Part V.

(3) Rules of court may be made, dealing generally with matters of practice and procedure for the purposes of this Act, including rules—

(a) respecting the procedure to be followed in connection with—

- (i) applications under Part II;
- (ii) giving evidence by means of a live link; or
- (iii) giving evidence by means of a video recording;

(b) respecting arrangements (including arrangements falling within subsection (4)) to be put in place to implement a direction issued pursuant to the provisions of this Act.

(4) Arrangements falling within this subsection are those relating to the provision for the use by a witness of such devices as the court may consider appropriate with a view to enabling questions or answers to be communicated to or by the witness, despite any disability, disorder or other impediment that the witness has or suffers from.

Passed in the Senate this 23rd day of November, 2012 with one amendment.

STANLEY ST. JOHN REDWOOD  
*President.*

Passed in the House of Representatives this 4th day of December, 2012.

LLOYD B. SMITH  
*Deputy Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*/Sgt./* Clerk to the Houses of Parliament.

No. 110B

**THE EVIDENCE (SPECIAL MEASURES) ACT****THE EVIDENCE (SPECIAL MEASURES (VIDEO RECORDED EVIDENCE)  
(CRIMINAL PROCEEDINGS) REGULATIONS, 2015**

In exercise of the powers conferred upon the Minister by section 12(1) of the Evidence (Special Measures) Act, and of every other power hereunto enabling, the following Regulations are hereby made:—

**PART I—Preliminary**

Citation. 1. These Regulations may be cited as the Evidence (Special Measures) (Video Recorded Evidence) (Criminal Proceedings) Regulations, 2015.  
Interpretation.

Interpretation. 2. In these Regulations—

“Constabulary Force” means—

- (a) the Jamaica Constabulary Force; or
- (b) the Rural Police appointed under the *Constables (District) Act*;

“guardian” includes the legal guardian or other person in custody of a witness who has a mental disorder within the meaning of the *Mental Health Act*;

“master copy” means one of the audio visual recording media used to record the interview of a witness and which is recorded simultaneously with other similar recording media in the presence of the witness;

“parent” includes the birth parent, putative, foster or adoptive parent, legal guardian or other person having the care or custody of a child witness;

“recording medium” includes any removable physical audio recording medium; such as a magnetic tape, optical disc or solid state memory, which can be played and copied;

“working copy” means an audio visual recording media, other than the master copy, used to record the interview of a witness and which is recorded simultaneously with other similar recording media in the presence of the witness, or after the making of the master copy is complete.

Application. 3. Pursuant to section 3 of the Act, these Regulations shall apply to the video recording of the interview of a witness, other than an accused, in criminal proceedings where it is intended that the video recording produced therefrom is to be offered as evidence in the criminal proceedings.

Procedures preliminary to conducting video recorded interview. 4.—(1) Where the witness to be interviewed is a child witness or a person who has a mental disorder within the meaning of the *Mental Health Act*, the interviewing officer shall, before the interview is conducted—

(a) explain to the parent or guardian of the witness the purpose for which the interview is to be conducted and recorded; and

(b) provide the parent or guardian with a confirmation form, as set out in Form 1 of the Schedule, and request that the parent or guardian affix his signature to the form confirming that—

Schedule.

(i) the purpose of and the process involved in the video recording of the interview have been explained to him; and

(ii) it is intended that the video record be used as the evidence of the witness at the trial.

(2) Subject to paragraph (3), the failure or refusal by the parent or guardian to affix his signature to a confirmation form shall not preclude—

(a) the interviewing officer from conducting the interview;

(b) the production of a video record of the interview; or

(c) the use of the video record as the evidence of the witness.

(3) Where the parent or guardian does not sign the confirmation form, the interviewing officer shall indicate on the form the reason for the parent or guardian refusing or failing to sign.

#### PART II—*The Interview*

Interviews to be conducted by interviewing officer.

5. The interview of a witness shall be conducted by an interviewing officer in an interview room equipped for the purpose, or any other facility which is designated by the Commissioner of Police for that purpose, subject to the satisfaction of the Commissioner of Police that the provisions of the Act have been complied with.

Persons who shall be present at video recording of the interview of the witness.

6.—(1) For the purposes of these Regulations, the following persons shall be present at the video recording of the interview of a witness—

- (a) subject to paragraph (2), the interviewing officer, who shall be a member of a Constabulary Force and shall be specially trained to conduct video recorded interviews of witnesses, including vulnerable witnesses;
- (b) the witness;
- (c) the person operating the equipment to be used to conduct the video recording;
- (d) where necessary any one or more of the following—
  - (i) the investigating officer in the matter in relation to which the interview is to be conducted;
  - (ii) an intermediary, who shall be, available—
    - (A) to assist a witness who may have communication difficulties during the interview process, and to explain questions or answers without changing the substance in relation thereto; and
    - (B) to advise the interviewing officer, on the manner in which questions may be put to the witness, having regard to the age and mental capacity of the witness;
  - (iii) an interview supporter, who shall be available during an interview to provide emotional support to the witness, including making a request that a break be taken in the interview;
  - (iv) an interpreter;

(2) The investigating officer in a matter in relation to which an interview shall be conducted shall not be the interviewing officer in the same or a related proceedings.

Persons who shall be in the interview room during video recording of an interview.

7. During the conducting and video recording of an interview of a witness, the following persons shall be present in the interview room, to the exclusion of all other persons—

- (a) the interviewing officer;
- (b) the witness who is being interviewed; and



(c) where necessary one of both of the following—

- (i) an interpreter;
- (ii) an intermediary,

however, where the witness being interviewed is a child witness or a person who has a mental disorder within the meaning of the *Mental Health Act*, an intermediary shall be present.

Person to be present in room in close proximity to interview room during the video recording of an interview.

8.—(1) Subject to paragraph (2), the following persons shall be present in a room in close proximity to the interview room during the conducting and video recording of the interview of a witness—

- (a) the person who is to operate the equipment to be used to conduct the video recording;
- (b) the investigating officer; and
- (c) where necessary, an interview supporter.

(2) During an interview, the categories of persons specified in paragraph (1) shall be present in the room to the exclusion of all other persons.

Commencement of video recording of interview of witness.

9.—(1) The consent to the video recording of an interview of a witness shall be voluntarily given by the witness.

(2) The camera in the interview room shall be placed in such a manner so as to ensure that there is maximum coverage of the room, and all persons present in the interview room during the recording of the interview shall be visible at all times on the video record.

(3) The recording medium for the interview shall be new and previously unused.

(4) Where the witness has indicated his readiness to be interviewed, the interviewing officer shall instruct the person operating the equipment used to conduct the video recording to—

- (a) remove the recording medium from the manufacturer's sealed packaging in the presence of the witness;
- (b) load the recording equipment; and
- (c) set it to record.

Requirements  
for video  
recording.

10. Pursuant to regulation 9, the following additional requirements shall be satisfied in relation to a video record that has been made in accordance with the provisions of these Regulations—

- (a) at the commencement of the recording of the interview, each person in the interview room shall identify himself so that his identity may be recorded;
- (b) the interviewing officer shall state the date and time at which the interview commences so that the date and time may be recorded;
- (c) where there is an interpreter present, the interpreter shall be seen and heard on the video record making a verbal declaration that he will accurately and completely translate the words of the witness and the interviewing officer; and
- (d) the video record shall show that there is an analogue clock clearly visible to everyone in the interview room except the witness being interviewed.

Breaks in  
interview.

11.—(1) Subject to paragraph (2), during an interview the interviewing officer may direct that a break be taken.

(2) Where the interviewing officer directs that a break shall be taken in the interview, he shall indicate on the recording medium—

- (a) that a break shall be taken;
- (b) the estimated duration of the break to be taken; and
- (c) the reason for which the break shall be taken.

(3) Where the break being taken is for a short duration and the interviewing officer and the witness do not leave the interview room, the recording equipment shall not be turned off, and when the recording of the interview recommences, it shall continue on the same recording medium, and the date and time at which the recording recommences shall be recorded and the interviewing officer shall confirm that this is a continuation of the interview of the witness that was being recorded at the time of the break.

(4) Where the break is for more than thirty minutes and the provisions of paragraph (2) have been complied with, the interviewing officer shall turn off the recording equipment, but the recording medium shall not be removed.

(5) Pursuant to paragraph (4), where the recording is recommenced it shall continue on the same recording medium and the date and time at which the recording recommences shall be recorded and the

interviewing officer shall confirm that it is a continuation of the statement of the witness that was being recorded at the time of the break.

(6) Where the interviewing officer decides to conclude the interview prematurely and it is estimated that the interview will continue at another time, being in excess of twelve hours from the time of conclusion, the fact that the video recording is concluding prematurely, the reasons for it and the time shall be recorded on the recording medium, and the recording equipment shall be turned off and the recording medium shall be removed.

(7) Where pursuant to paragraph (6), the recording medium is removed, the procedure for conclusion of a video recording set out in regulation 14 and 15(1), (2), (3), (4) and (5), shall be followed and where the recording is recommenced, the recording shall continue on a new recording medium and the interviewing officer shall, in addition to complying with regulation 10—

- (a) ensure that the interview recommences, as close as possible to the point at which it was prematurely concluded; and
- (b) at the beginning of the new video recording, state—
  - (i) that the video recording is a new recording of an interview that started on another recording medium;
  - (ii) the reason for the premature conclusion of the previous session of the interview;
  - (iii) the date and time at which the recording of the earlier video record began; and
  - (iv) the time at which the recording of the earlier video record ended.

Changing the  
recording  
media.

12.—(1) In instances where the recording medium is not of sufficient capacity to record the entire interview of a witness, further recording media shall be used.

(2) Where under paragraph (1), the recording medium is changed, the recording medium shall be removed from the recording equipment and regulations 15(1) and 17 shall apply with appropriate modifications as the circumstances may reasonably require.

(3) A person operating the recording equipment shall inform the interviewing officer when the recording medium only has a short time left to record.

(4) Where, pursuant to subsection (3), the person operating the recording equipment indicates to the interviewing officer that the recording

medium has only a short time left to record, the interviewing officer shall indicate on the recording that—

- (a) the recording medium is coming to an end;
- (b) he is completing this part of the video recording; and
- (c) the video recording will continue on a new recording medium.

(5) The interviewing officer shall instruct the person operating the recording equipment to remove the recording medium from the recording equipment and insert a new recording medium which has been removed from the manufacturer's sealed packaging in the presence of the witness, and the recording equipment shall then be set to record.

Failure of  
recording  
equipment.

13.—(1) If there is a failure of the recording equipment which can be rectified immediately, the procedures set out in regulation 11 shall be followed, with appropriate modifications as the circumstances may reasonably require.

(2) When the recording is resumed, the interviewing officer shall—

- (a) record and explain on the video recording—
  - (i) the reason for the break in recording; and
  - (ii) the date and time at which the recording of the earlier video recording began and the time at which it ended; and
- (b) ensure that the video recording is recommenced as close as possible to the time of the failure of the recording equipment.

Conclusion of  
video  
recording.

14.—(1) After the conclusion of the video recording, the witness shall be offered the opportunity to review his recorded interview.

(2) At the conclusion of the recording the time shall be recorded and the recording equipment shall be switched off.

### PART III—*Handling of Video Record*

Procedure for  
securing  
storage of  
video record.

15.—(1) The recording media shall be removed from the recording equipment and labelled as the master copy, and two additional copies, hereinafter referred to as the “working copies”, shall be made and labelled in the presence of witness.

(2) The interviewing officer shall ensure that there shall be three video records made of the interview.

Schedule.

(3) Pursuant to paragraph (2), the video records shall be—

- (a) a master copy; and
- (b) two working copies of the master copy.

(4) The master copy of a video record shall be—

- (a) sealed in an envelope with a certificate in the form set out as Form II in the Schedule; and
- (b) placed in the safe custody of the Jamaica Constabulary Force.

(5) The working copies shall be—

- (a) identified as the working copies by a certificate in the form set out as Form II in the Schedule; and
- (b) placed in the custody of the Jamaica Constabulary Force.

(6) The Jamaica Constabulary Force shall keep, in the manner approved by the Commissioner of Police, a record of—

- (b) the date on which the master copy and the working copies of the video record are placed in the custody of the Jamaica Constabulary Force;
- (b) the name, badge number and rank of the member of the Jamaica Constabulary Force who received the master copy and the working copies of the video record; and
- (c) the particulars of any person who has been granted access to or custody of the master copy and the working copies from that date and the reasons therefor.

(7) A record of every person who viewed, or had custody of, the working copy shall be kept with it.

(8) The record under paragraph (7) shall include—

- (a) the name, occupation and signature of the person who viewed, or had custody of, the working copy; and
- (b) the date on which that person viewed the working copy or, as the case may require, the period during which the person had custody of it.

Overall  
responsibility  
for securing  
storage of video  
records.

16. The Commissioner of Police has responsibility to oversee the equipping of police stations across Jamaica for the secure storage of video records of interviews conducted pursuant to these Regulations.

Distribution of  
working copy  
to prosecu-  
tion.

17. A working copy of the video record shall be given to the prosecution where—

- (a) a charge is brought against a person accused of committing the offence to which the interview on the video record relates; and
- (b) it is decided that the accused shall be prosecuted.

Defence  
counsel to  
receive a  
working copy  
of video  
recorder.

18.—(1) Where—

- (a) an accused has retained defence counsel or defence counsel has been appointed by the court; and
- (b) there is a video record of the interview of the witness in the criminal proceedings for which defence counsel has been retained or appointed,

the prosecution shall issue a request in writing to the Crime Officer of the Division in charge of the police station at which the working copy of the video record was stored, for another working copy of the video record to be issued to the prosecution for service on the defence counsel.

(2) Pursuant to paragraph (1), the prosecution shall serve the working copy—

- (a) in the case of a preliminary inquiry, no less than seven days before the date on which the video record shall be submitted in evidence at the preliminary inquiry;
- (b) in the case where the accused is to be tried summarily or on indictment, within fourteen days after the accused has pleaded not guilty.

(3) Immediately upon receipt of a working copy of the video record, the defence counsel shall complete, in duplicate, a form as set out as Form III of the Schedule as proof of receipt of a working copy from the prosecution.

Schedule.

(4) Where, in accordance with paragraph (3), defence counsel completes the Form as required, both the prosecution and defence counsel shall keep a copy of the completed form.

Working  
copies where  
multiple  
defence  
counsel for  
multiple  
accused.

19.—(1) Where in a single proceeding—

- (a) there is more than one accused; and
- (b) each accused is represented by a different defence counsel in the same proceeding,

the prosecution shall, subject to paragraph (2), issue a request in writing to the Crime Officer of the Division in charge of the police station at

which the working copy of the video record was stored requesting that additional working copies of the video record be issued to the prosecution for service on each defence counsel.

(2) A request issued under paragraph (1) shall indicate that for the particular proceeding—

- (a) there is more than one accused person;
- (b) each accused person is represented by defence counsel who is different from defence counsel representing the other accused person in the same proceeding;
- (c) the prosecution is requesting that the Crime Officer of the Division referred to in paragraph (1), issue a directive that additional working copies of the video record commensurate with the total number of defence counsel (less defence counsel who received one of the original working copies from the prosecution in the proceeding) be made available to the prosecution for service on each defence counsel.

(3) Where the prosecution receives additional working copies of the video record under this regulation, the prosecution shall serve a working copy on each defence counsel and the procedure set out in regulation 18(2) to (4) shall apply.

Restrictions  
on accessi-  
bility distribution  
demonstration  
and viewing of  
working  
copies.

20.—(1) Subject to paragraph (2), where working copies of a video record have been given to the prosecution and defence counsel, no person other than such prosecution or defence counsel shall be given access to the working copies of the video record.

(2) Notwithstanding paragraph (1), a member of a Constabulary Force who is authorized under these Regulations to gain access to working copies of a video record may make a working copy of the video record available for viewing—

- (a) by an attorney-at-law, where the police require the assistance of that attorney-at-law to determine—
  - (i) what charges may be laid in relation to the statement made by a witness during the course of the interview that is the subject of the video record; or
  - (ii) whether, in relation to the matter to which the video record is connected, court proceedings may be instituted;

- 
- (b) subject to paragraph (3), by a person—
    - (i) who is suspected of having committed an offence to which the video record relates;
    - (ii) who has been charged with an offence in relation to which the video record may be used in evidence; or
    - (iii) against whom an information has been filed or an indictment has been preferred in relation to an offence, in relation to which the video record may be used in evidence;
  - (c) by the witness whose interview is recorded on the video record, for the purpose of refreshing his memory before giving evidence in court or being cross-examined in court;
  - (d) for the purpose of making a transcript of the working copy, by a member of a Constabulary Force;
  - (e) by an attorney-at-law representing the witness or the Crown in the matter to which the video record relates;
  - (f) by a Judge or Resident Magistrate, to determine whether the video record is admissible in a criminal proceeding or whether it contravenes any enactment or rule of law; or
  - (g) to enable the Commissioner of Police or any other member of a Constabulary Force to discharge his duties under any other enactment.

(3) Whether or not an accused person has legal representation, the accused shall not be issued with a copy of a video record.

(4) Where an accused person is charged with a criminal offence in relation to which there is a video record of a witness, the accused shall be—

- (a) permitted, in the presence of a member of a Constabulary Force, to view the video record; and
- (b) issued with a transcript of the video record.

(5) Each prosecution and defence counsel who has been supplied with a working copy of a video record shall keep it in safe custody.

(6) The prosecution and defence counsel may only use a working copy for the following purposes—

- (a) preparing the case in the criminal proceedings to which the video record relates;



- (b) showing the video record to any expert from which advice is being sought in connection with the criminal proceeding;
- (c) in the case of defence counsel, to give advice to the person who is being represented in the criminal proceeding to which the video record relates.

(7) A person to whom the prosecution or defence counsel is authorized to show the working copy under paragraph (6) shall view the working copy only in the presence of the prosecution or defence counsel, as the case may be.

Power to copy or edit a video record.

21.—(1) Subject to regulation 19, a person shall not make a copy of, or edit, a video record without obtaining the permission of the court to do so.

(2) Subject to paragraph (1), only a member of a Constabulary Force, who is authorised by the Commissioner of Police, may make a copy of the video record or edit a working copy of the video record.

#### PART IV—*Transcript of Video Record*

Prosecution to serve transcript on accused or attorney-at-law.

22.—(1) Subject to paragraph (3), the prosecution shall serve on an accused, who is not represented by an attorney-at-law, a transcript of the video record of the interview of a witness.

(2) Subject to paragraph (3), where an accused is represented by an attorney-at-law, the prosecution shall serve on the attorney-at-law representing the accused, a transcript of the video record of the interview of a witness.

(3) The prosecution shall serve the transcript—

- (a) in the case of a preliminary enquiry, no less than seven days before the date on which the video record shall be submitted in evidence at the preliminary enquiry;
- (b) in the case where the accused is to be tried summarily, or on indictment, within fourteen days before the date of the trial.

(4) A copy of the transcript shall be kept with the master copy of the video record.

Member of Constabulary Force to prepare transcript.

23.—(1) Every transcript of a video record shall be prepared by a member of a Constabulary Force other than the investigating officer in the criminal proceedings in which the accused is involved.

(2) The transcript of a video record prepared under these Regulations shall be deemed to be the written statement of the witness whose interview was recorded.

Certification of transcript.

24. A transcript prepared under these Regulations shall be valid only upon certification of its validity as an accurate transcript of the video record by the investigating officer in the matter to which the transcript relates.

PART V—*Retention, Return, and Destruction of  
Video Records*

Court to retain video record until proceedings complete then destroy record.

25.—(1) Where a video record is admitted into evidence into in criminal proceedings, the video record shall be retained by the court until the completion of the proceedings.

(2) Upon the completion of the proceedings in which a video record was admitted into evidence, the Court Administrator or the Registrar of the Court, as the case may be, shall, as soon as reasonably practicable after the completion of the proceedings—

- (a) destroy every working copy of the video record in the possession of the Court pertaining to the completed proceedings; and
- (b) return to the Crime Officer of the Division in charge of the police station at which the video record was made, the master copy of the video record or, as the case may be, the video record that was admitted into evidence.

(3) Where no criminal proceedings have been brought against an accused person, neither the master copy nor the working copy of the video record shall be destroyed.

Defence counsel to return video record.

26. Every defence counsel in possession of a video record shall return the video record to the prosecution as soon as practicable where—

- (a) defence counsel ceases to represent the accused person in the matter to which the video record relates; or
- (b) the criminal proceedings to which the video record relates have either been determined or discontinued.

Prosecution to return video record.

27. Where criminal proceedings to which any video record in the possession of the prosecution relates have been either determined or discontinued, the prosecution shall return forthwith to the Crime Officer of the Division in charge of the police station at which the video record was stored every video record in his possession that pertains to the proceedings, including the video record returned by defence counsel in accordance with regulation 26.

Police to des-  
troy returned  
working  
copies of  
video record.

28. Where a working copy of a video record is returned under regulations 26 and 27, the Commissioner of Police shall cause the video recording to be destroyed forthwith.

Master copy  
of video re-  
cord not to be  
destroyed.

29.—(1) No master copy of a video record created under these Regulations shall be destroyed.

(2) Every master copy returned to a Constabulary Force shall be stored for safekeeping in such manner as may be determined by the Commissioner of Police.

## SCHEDULE

(Regulation 4)

## FORM I

## THE EVIDENCE (SPECIAL MEASURES) ACT

## CONFIRMATION FORM

## THE EVIDENCE (SPECIAL MEASURES) (VIDEO RECORDED EVIDENCE)

## (CRIMINAL PROCEEDINGS) REGULATIONS, 2015

(Under Regulation 4)

1. Name of witness \_\_\_\_\_

Date of Birth of witness \_\_\_\_\_

(State whether witness has a mental disorder within the meaning of the *Mental Health Act*) \_\_\_\_\_

2. I/We, \_\_\_\_\_ am/are the person/

(name of parent of witness)

the persons who has/have the parental/guardianship responsibility for

(name of witness)

I/We, confirm the following—

- (a) that the purpose of and process involved in the video recording of the interview of \_\_\_\_\_ have been explained to me/us by \_\_\_\_\_;

(name and rank of member of Constabulary Force)

- (b) I/We, am/are aware that it is intended that the video record be used as the evidence of \_\_\_\_\_ at a trial arising from the evidence provided in the video recorded interview; and

- (c) I/We, am/are aware that failure to affix my/our/signature(s) to this Form shall not preclude—

- (i) \_\_\_\_\_ from being interviewed;

(name of witness)

- (ii) the production of a video record of the interview; or

- (iii) the use of the video record as the evidence of the witness.

\_\_\_\_\_  
*Signature of parent(s) of witness*\_\_\_\_\_  
*Signature of Interviewing Officer*\_\_\_\_\_  
*Date*

SCHEDULE, *contd.*

(This part is to be completed only where parent(s) refuses/refuse to affix his/her/their signature to the form).

I \_\_\_\_\_ hereby confirm  
(name of interviewing officer)  
that all matters referred to under paragraph (2) of this Form have been explained  
to \_\_\_\_\_ and he/she/they have refused  
his/her/their  
(name of parent/parents)  
(name of guardian/guardians)

to affix signature(s) above for the following reasons—

List reasons

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\_\_\_\_\_  
*Signature of Interviewing Officer*

\_\_\_\_\_  
*Date*

## FORM II

(Regulation 15)

## THE EVIDENCE (SPECIAL MEASURES) ACT

*Certificate for Video Record of Interview*

1. Type of copy \_\_\_\_\_ (Specify whether master copy or working copy)
2. Type of recording \_\_\_\_\_ (Specify whether videotape, DVD or other)
3. Police Reference number of video record \_\_\_\_\_
4. Court File number (if applicable) \_\_\_\_\_
5. Date of interview \_\_\_\_\_
6. Name of witness interviewed \_\_\_\_\_
7. Date of birth of witness interviewed \_\_\_\_\_
8. Name and rank of Interviewing Officer \_\_\_\_\_
9. Name and designation of other persons present \_\_\_\_\_
10. Reasons for interview \_\_\_\_\_
11. Location where interview was recorded \_\_\_\_\_
12. Time interview commenced \_\_\_\_\_
13. Time interview concluded \_\_\_\_\_
14. Duration of interview \_\_\_\_\_
15. Number of recording media used and number in series of recording media \_\_\_\_\_
16. Number of breaks in interview \_\_\_\_\_
17. Reasons for breaks \_\_\_\_\_
18. Reasons for premature conclusion (if applicable) \_\_\_\_\_
- Other \_\_\_\_\_

I certify that the contents of this certificate are correct.

Date \_\_\_\_\_

Signed \_\_\_\_\_  
Signature of Interviewing Officer

## FORM III

(Regulation 18)

## THE EVIDENCE (SPECIAL MEASURES) ACT

## Certificate of Receipt

*(To be completed out in duplicate)*

Pursuant to Regulation 18 of the Evidence (Special Measures) (Video Recorded Evidence) (Criminal Proceedings) Regulations, 2015

Name of Defence Counsel \_\_\_\_\_

This is to certify that I have been provided with video record no. ( ) of an interview between \_\_\_\_\_ and \_\_\_\_\_  
(name of interview officer) (name of witness)

A copy of the certificate relating to the video record of the interview is herewith attached.

I/We undertake that whilst the recording is in my/our possession I/we shall—

- (a) not make or permit any other person to make a copy of the recording;
- (b) not release the recording to; \_\_\_\_\_  
(name of accused person)
- (c) not make or permit any disclosure of the recording or its contents to any person except when in my/our opinion it is strictly necessary in the interests of the witness and/or the interests of justice;
- (d) ensure that the recording is always kept in a locked, secure container and not left unattended in vehicles or otherwise unprotected;
- (e) return the recording to you when I am/we are no longer professionally involved in the matter; and
- (f) record details of the name of any person allowed access to a recording together with details of the source of the authorisation granted to him or her.

Date \_\_\_\_\_

Date \_\_\_\_\_

Signature of Defence Counsel \_\_\_\_\_

Signature of member of the prosecution \_\_\_\_\_

Witness \_\_\_\_\_

Dated this 2nd day of July, 2015.

MARK GOLDING,  
Minister of Justice.



## SUPREME COURT OF JUDICATURE OF JAMAICA

### PRACTICE DIRECTION (CRIMINAL)

#### PRACTICE DIRECTION FOR EVIDENCE BY LIVE LINK

This Practice Direction is issued by the Honourable Chief Justice, in consultation with Judges of the Supreme Court. It is intended to govern the practice in the Supreme Court as well as for guidance of the Parish Court Judges, where practicable.

#### **Purpose:**

1. The purpose of this Practice Direction is to provide practical and other guidance for giving evidence by means of a live link in civil and criminal proceedings in the Supreme Court.

#### **General:**

2. Where it is lawful and in the interests of justice to do so, courts should exercise their statutory and other powers to have witnesses give evidence by live link. This is consistent with the overriding objectives in the Civil Procedure Rules and the Criminal Procedure Rules.
3. Where a court on its own motion considers giving a direction for a witness to give evidence by live link it should fix a hearing at which it will decide whether to do so and the Registrar must give each party likely to be affected at least seven days' notice of the date, time and place of the hearing.
4. When evidence is given by live link, the objective should be to make the process as close as possible to the usual practice in a trial where evidence is given in open court.

#### **Preliminary**

5. Where the court orders or directs that a witness may give evidence by live link, the court may make such orders as necessary to facilitate the live link, including such orders related, but not limited, to the following:
  - a. the payment or waiver of the prescribed fee;



- b. the arrangements to be made with the Registrar and appropriate court officer;
  - c. the use, location and remuneration of an interpreter;
  - d. the taking of the oath or affirmation by the witness at the location from which the witness is giving evidence by live link (the "remote site"); and
  - e. making available to the witness at the remote site any documents to which the witness is to be or may be referred.
- 6. Where the remote site is located overseas the court should consider all relevant factors including but not limited to time zone differences and the convenience of the witness, the parties and their representatives.
  - 7. The parties and the court should give consideration as to the documents to which the witness is likely to be referred during the giving of his evidence and the parties should endeavor to agree on those documents.
  - 8. Additional documents are sometimes introduced during the course of a witness's evidence. The Applicant should ensure that documents may be transmitted to the remote site during the live link.
  - 9. Except as otherwise ordered by the court or required by law, each party to the proceedings may have a representative present at the remote site.
  - 10. It is recommended that the Applicant has a person present at the remote site in order to deal with any technical problems which may arise.

### **Considerations at the Hearing**

- 11. At the commencement of live link proceedings all persons present at the remote site should be identified and the judge shall make a record and the judge shall be informed of any persons who enter or leave the remote site during the proceedings.
- 12. Steps should be taken for the witness to give his or her evidence unaided and free from interference and the judge shall give such directions as necessary to ensure this is achieved.
- 13. During the giving of evidence by live link, the witness should be able to see the person asking questions.

14. Where evidence is being given by live link there may be some delays between the receipt of the picture and that of the accompanying sound and allowance should be made for this to prevent 'speaking over' the witness.
15. If the giving of evidence by live link is compromised in any way because of technical or other difficulties, the court may direct that the live link be discontinued and other arrangements be made for it to be commenced or continued at another time.
16. A witness giving evidence by live link must comply with all directions of the court and all practices and procedures of the court and where the witness fails to comply with a judge's directions the judge may take such steps as necessary including directing the discontinuation of the live link and disregarding the evidence of that witness.
17. Evidence given by live link forms part of a trial to which the public is entitled to have access, subject to any directions which the court may give otherwise.

Dated the 31<sup>st</sup> day of January, 2018



Zaila McCalla, OJ  
Chief Justice  
January 31, 2018





## RESOURCE SHEET FOR CHILD TRAFFICKING CASES

This resource sheet is aimed at helping officials identify situations that may involve child trafficking and offers recommendations to address and protect victims.

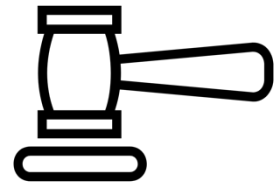
### WHAT IS CHILD TRAFFICKING?

Human trafficking is a human rights violation that involves the **exploitation** of human beings for the purpose of forced labor or services, or commercial sex. Under Jamaica's "**Trafficking in Persons (Prevention, Suppression and Punishment) Act**," "a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of that child commits the offence of trafficking in persons." A child is defined by this law as "any person under eighteen years of age." While the term "trafficking" connotes movement of people, movement of a person is not a necessary element of trafficking under Jamaica's trafficking law. Children under 18 in prostitution are trafficking victims regardless of consent; consent is not a factor for child trafficking victims. Other examples of child trafficking include children in domestic servitude and other forms of forced labor.

### INTERSECTIONS WITH THE CRIMINAL JUSTICE SYSTEM

Prostitution  
Labor violations/Child labor  
Juvenile offences  
Child abuse & neglect  
Civil Court (Housing, Guardianship)  
Delinquency  
Domestic violence  
Sexual exploitation

Drug trafficking  
Gang affiliation  
Sexual assault  
Stalking/Harassment  
Substance abuse/use  
Theft /Compelled criminalization  
Forced marriage



### WHAT TO LOOK FOR



- Children in prostitution or pornography
- Children in begging or street peddling
- Cannot come and go freely at work or home
- "Trauma bonding" – positively identifying with an abuser who might be a potential trafficker
- Chronic runaway or homelessness
- Truancy/frequent school transfers
- Unstable family environment
- Older boy/girlfriend or accompanied by an older person
- Wearing new/expensive things with no means to buy them
- Evidence of controlling or dominating relationships
- No access to identification or travel documents

OR

**Something just doesn't seem right!**

This Resource Sheet was developed by Warnath Group as an implementing partner of the Jamaica-U.S. Child Protection Compact Criminal Justice Initiative, funded by the U.S. Department of State. The opinions, findings, and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of State.



### Possible Physical Indicators

- Signs of physical abuse: bruises, broken bones, burns, scarring, or injuries in stages of healing
- Tattoos or branding
- Malnutrition or extreme weight loss
- Pregnancy or reproductive health problems, sexually transmitted diseases, urinary tract infections
- Injuries consistent with sexual assault
- Infectious/chronic diseases or illnesses

### Possible Behavioral/Mental/Emotional Indicators

- Drug/alcohol addiction
- Expressions of helplessness, shame, or guilt
- Emotional detachment
- Symptoms of post-traumatic stress disorder, phobias, panic attacks, fear, anxiety, anger, depression, or abrupt mood changes
- Sleeping or eating disorders
- Hyper-vigilance or paranoid behavior
- Explicit online social media activity
- Short-term memory loss



### TRAFFICKING VICTIM RIGHTS ARE INCLUDED IN JAMAICA'S TRAFFICKING LAW

- Non-criminalization for offences related to prostitution or immigration that is a result of trafficking. (Jamaica Trafficking in Persons Act, Section 8)
- Assistance and protection including shelter, reintegration and interpretation as needed. (Jamaica Trafficking in Persons Act, Part III)
- Restitution upon conviction of offender (from trafficker's forfeited assets where possible) (Jamaica Trafficking in Persons Act, Section 6)
- *In camera* proceedings if child victim (Jamaica Trafficking in Persons Act, Section 11)

### IMPORTANT CONTACT INFO FOR REFERRAL OF SUSPECTED CASES

<b>National Taskforce Against Trafficking in Persons (NATFATIP)</b> Phone: 876 906-4923 – 31 ext. 5411 or (876) 908-5510	<b>Office of the National Rapporteur on Trafficking in Persons (ONRTIP)</b> Phone: (876) 583-3011
<b>Jamaica Constabulary Force, Trafficking in Persons Unit</b> Phone: (876) 967-1389 Email: tip.ocid@jcf.gov.jm	<b>Child Protection and Family Services Agency (CPFSA)</b> Phone: (876) 948-6678/2841-2; 888-PROTECT (776-8328) Email: info@childprotection.gov.jm
<b>Centre for the Investigation of Sexual offences and Child Abuse (CISOCA)</b> Phone: (876) 926-4079 Email: cisoca@jcf.gov.jm	<b>Office of the Children's Advocate</b> Phone: 876-967-3225
<b>Office of the Director of Public Prosecutions, Trafficking in Persons Unit</b> Phone: (876) 922-6321 Email: dpp@dpp.gov.jm	



## The WARNATH GROUP

Dear Colleague:

Thank you for joining the Warnath Group in January 2020 for our Workshop on the Crime of Child Trafficking for the Judiciary. After your workshop experience, we would like to contact you at six-month intervals to learn about your experiences fighting human trafficking in Jamaica through a short web survey or possibly focus groups. The information will not be used to judge your work, it is intended to help Warnath Group improve the effectiveness of our trainings and ensure that we offer useful services over the duration of this project and beyond. In addition, you are always welcome to share any activities, results or outcomes that have occurred as a result of this workshop or associated with the topics addressed.

Should you like to share or have any questions, please contact us at:  
LegalAnalyst@WarnathGroup.com. We greatly appreciate your time and look forward to communicating with you in the future.

Sincerely,

The Warnath Group Team  
1440 G St NW  
Suite 9118  
Washington, D.C. 20005  
[www.warnathgroup.com](http://www.warnathgroup.com)  
(+1) 301-857-7842

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**We have created a web page just for you!**



Visit <https://www.warnathgroup.com/jamaica-january-2020/>

**Password: 2020**

**This web page compliments your in-person workshop and includes additional resources and information.**

**We will also use this web page to stay in contact with you after the workshop is completed.**

**Have questions or need help accessing your web page?  
Contact the Warnath Group at [legalanalyst@warnathgroup.com](mailto:legalanalyst@warnathgroup.com)**

