



**Cour
Pénale
Internationale**

**International
Criminal
Court**

The Trust Fund for Family Visits



As an international judicial institution, the ICC is committed to upholding internationally recognised human rights throughout its judicial process. This includes ensuring the appropriate standards and conditions of detention. In our experience, regular and meaningful contact with family members contributes significantly to the psychosocial well-being of detained persons, and consequently, the quality and efficiency of proceedings. By contributing to this trust fund, States and other donors can help to ensure that the rights of detained persons are upheld and that the Court's judicial processes are as fair, humane and efficient as possible.

■ Peter Lewis, Registrar

What is the Trust Fund for Family Visits?

The Trust Fund for Family Visits (“TFFV” or “Fund”) helps to ensure that all persons detained for hearings before the International Criminal Court (“ICC” or “Court”) are treated humanely and that their right to family life is upheld equally. Visits with family members contribute significantly to the psychosocial well-being of detained persons, which is indispensable for a fair and efficient judicial process. This Fund ensures that indigent detained persons whose families could not otherwise afford to visit them are able to receive a limited number of visits during their time in detention, which may span several years.

To ensure the responsible use of donations to the Fund, requests for family visits by indigent detained persons are approved by the Court only if they meet specific criteria, including that the recipients are members of the immediate family of indigent detained persons and lack independent means to visit.

How and why was the TFFV created?

The right to the respect of private and family life is enshrined in Article 16 of the Universal Declaration of Human Rights

and Articles 17 and 23 of the International Covenant on Civil and Political Rights. All persons detained by the ICC are entitled to receive visits in accordance with Regulation 100(1) of the Regulations of the Court and Regulation 179 of the Regulations of the Registry.

The right to family visits does not, according to existing law and standards, entail a corresponding legal right to have such visits paid for by the detaining authority. However, the ICC Presidency upheld, in March 2009, that the Court had an obligation to provide and fund family visits for indigent detained persons due to the fact that: (i) persons detained in The Hague tend to be far from where their family is located, and (ii) pre-trial proceedings and detention, during which time detained persons are presumed innocent, can extend over several years. The period of detention can be even longer if the accused person was detained by national authorities prior to being surrendered to the ICC.

The decision of the Presidency was reinforced by a 2009 Resolution of the Assembly of States Parties (“ASP”), which invited the Court to continue to address the well-being of detained persons in its custody, paying particular attention to the maintenance of family contacts. The TFFV was established by the ASP in 2010.

Why is the TFFV important?

In the experience of the Court, and its Detention Centre in particular, the facilitation of family visits for indigent detained persons through the TFFV has played a critical role in promoting psychosocial well-being. This, in turn, has had a significant, positive impact on how judicial proceedings have progressed. Having direct contact with immediate family members helps detained persons to maintain their mental and physical health throughout what is an often lengthy judicial process. This can save the Court valuable time, as well as human and financial resources, for example, by preventing the delay of proceedings due to issues related to a detained person's mental or physical health.

The importance of facilitating family visits of detained persons' partners and children cannot be overstated. Maintaining family cohesion is not an abstract principle. It involves people; people inside the community of the ICC detention centre and people inside the family unit of the detained person. Maintaining family links is not only a legal obligation, but also an ethical and moral one.

■ **Paddy Craig**, Chief Custody Officer, ICC Detention Centre

Psychological and sociological research highlights the psychosocial benefits of visits for detained persons. These benefits include the reduction of depressive symptoms and misconduct during detention, improved participation in court proceedings, and the potential for improved social reintegration should the defendant be convicted and released after serving his or her sentence. Visits offset social isolation and have a humanising

effect on the detained person. Visits also improve familial relationships, with particular benefits for the psychosocial development of the children of detained persons. Psychological stability, improved familial relationships, and the mitigation of adverse social impacts through the practice of visits effectively maintains the dignity of defendants and upholds the Court's objective to influence positively the societies within which it operates.

How is the TFFV funded?

The TFFV is subsidized entirely through voluntary contributions by States, non-governmental organizations and individuals. Since its inception, the Fund has received close to 250,000 Euros from five States. Since 2011, this funding has enabled eight indigent detained persons to receive, collectively, 33 family visits involving 105 family members, including 72 children.

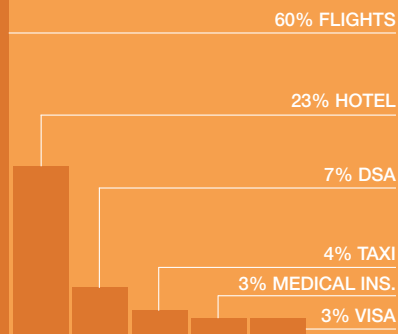
How much do family visits cost?

The table below provides an overview of the approximate costs of family visits over the course of one year. It accounts for eight separate visits, involving 24 family members, benefiting three indigent detained persons. The amount of funding required varies each year, depending on how many indigent persons are in ICC custody, and the particular circumstances and needs of their respective families.

While these costs may seem high, it is important to bear in mind that the Court must account for several variables, including the often significant distance between the Detention Centre and the place of residence of indigent detained persons' families, as well as the size of a given family and specific cultural, linguistic and personal factors that may necessitate special assistance during travel.

Budget item	Cost (€)	Pax	Total Cost (€)
FLIGHTS	1,504	24	36,096
TRANSPORT	107	24	2,568
HOTEL	582	24	13,968
VISA	83	24	1,992
MEDICAL INSURANCE	64	24	1,536
DSA	160	24	3,840
TOTAL			60,000

BREAKDOWN OF COSTS, PER PERSON, PER TRIP IN %



HOW STATES AND OTHER ENTITIES CAN SUPPORT THE TFFV

DONATE

While multi-year donations are particularly helpful for ensuring the sustainability of the Fund, and allow for better planning and preparation, the Court is also grateful for smaller, individual contributions that collectively help it to meet its obligations towards indigent detained persons. States and other entities that are interested in making a donation or have questions regarding this Fund are invited to contact the Registry's External Relations and State Cooperation Unit:

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RAISE AWARENESS

Sharing information about the TFFV helps to widen its funding base. In particular, States Parties and other entities can help to increase awareness about this Fund at the national level by sharing this brochure and requesting from the Registry any additional information that may be required by policymakers. States and other entities are also welcome to make proposals about how to ensure the sustainability of this important Fund.

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