



Co-funded by the European Union



german
cooperation

DEUTSCHE ZUSAMMENARBEIT

Better Migration Management
Horn of Africa



EX-CHANGE

Compendium of trafficked persons rights-centred
practices during identification, investigations and
court proceedings in East And Horn Of Africa

with Annexes

Implemented by

giz Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH

**BRITISH
COUNCIL**

**CIVIL
POL
CONSEIL**

**EXPERTISE
FRANCE**
Cooperation internationale
pour le développement

International Organization for Migration (IOM)
The UN Migration Agency

**MINISTERO
DELL'INTERNO**

UNODC
United Nations Office on Drugs and Crime

EX-CHANGE

Compendium of trafficked persons rights-centred practices during identification, investigations and court proceedings in East And Horn Of Africa

Prepared for Expertise France
by Sulini Sarugaser Hug
and Phil Marshall, RCG
June 2019

Published by:
Expertise France
Siège social
73 rue de Vaugirard
75006 Paris

Supervision by Marco Bufo
Expertise France BMM Programme Manager Ethiopia & Djibouti
Contact: marco.bufo@expertisefrance.fr

In the framework of
Better Migration Management
GIZ GmbH
Rue de la Charité 33/ Liefdadigheidstraat 33
1210 Bruxelles/Brussels
Belgique/België
Responsible: Sabine.wenz@giz.de

<https://ec.europa.eu/trustfundforafrica/node/162>

All photos courtesy of Giuseppina Pica

Design/Layout: CMUK, Wiesbaden / Giovanni Lintas

The Better Migration Management Programme is funded by the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ). This publication was produced with the financial assistance of the EU and BMZ. Its content is the sole of Expertise France and do not necessarily reflect the views of the EU and BMZ.



Acknowledgements

This Compendium was developed through the joint efforts of Expertise France and the Research and Communications Group (RCG). Sulini Sarugaser-Hug was the principal researcher and report writer, with support from Phil Marshall. Particular thanks are due to Marco Bufo, Expertise France's Programme Manager for Ethiopia and Djibouti under the Better Migration Management Programme, who initiated and supervised the assignment and provided valuable feedback throughout the process.

Other Expertise France staff played a key role in providing important information and insights, as well as facilitating interviews in Djibouti (Vincent Dubois), Addis Ababa and Bahir Dir (Yibeltal Walelign Kebede), Kenya (Dieter Van Moorhem) and Somaliland (Abdiaziz Ismail). The design and layout of the document is a credit to Giovanni Lintas, who worked patiently and tirelessly to accommodate a range of last minute changes.

The major credit for this Compendium, however, goes to all those anti-trafficking practitioners who generously gave their time to be interviewed, including government and Embassy representatives, NGO and CSO workers and staff from BMM partners. Expertise France and RCG made a commitment to the interviewees that their comments would not be attributable to them. As such, we are unable to name them here but would like to express our sincerest gratitude and wish them well in continuing their crucial ground-breaking work against human trafficking.



Table of Contents

	Foreword	8
	Executive Summary	11
1.	Introduction	19
	Background	19
	Methodology	20
	Definition of terms	20
	Limitations of the study.....	21
2.	Developing rights-based responses in the EHoA context	23
	Rights-based strategies to prevent and combat trafficking	23
	Trafficking in persons in East and Horn of Africa	27
	The Regional Response to Trafficking in Persons.....	29
3.	Putting human rights at the centre – the Ethiopian experience	33
	Human trafficking in Ethiopia	33
	Rights-based approaches as crucial to an effective criminal justice response	35
	Prompt and accurate identification of victims of trafficking.....	39
	Data informed decision making.....	43
	Cooperation between law enforcement and victim support agencies	48
	Victim/witness care and protection throughout the criminal justice process	53
	Access to justice and remedy.....	59
	Addressing the special rights and needs of children.....	62
4.	Other promising examples from around the region	67
	Rights-based approaches as crucial to an effective criminal justice response	67
	Prompt and accurate identification of victims of trafficking.....	69
	Data informed decision-making.....	70
	Cooperation between law enforcement and victim support agencies	71
	Victim/witness care and protection throughout the criminal justice process	72
	Addressing the special rights and needs of children.....	73
5.	Concluding Comments	75

Foreword

This publication is a Compendium of rights-centred practices in the identification and treatment of trafficked persons in the course of investigations and court proceedings against the perpetrators of this crime in East and Horn of Africa (EHoA). The Compendium seeks to provide examples of how, even in low resource environments and in the face of highly complex challenges, it is possible to advance anti-trafficking objectives in a manner that fully respects the rights of trafficked persons, as well as others affected by this crime. In doing so, this document provides an opportunity for anti-trafficking policy makers and practitioners to look at practices implemented in neighbouring countries, with a view to inspiring further action in strengthening their own anti-trafficking responses.

This Compendium is an output of the Better Migration Management (BMM) Programme, funded by the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ) and led by GIZ. It has been designed and produced by Expertise France, the French international technical assistance agency, under the Ministry of Foreign Affairs and International Development and the Ministry of Economy. Expertise France, an implementing partner of the BMM Programme, has commissioned RCG (Research and Communications Group) to conduct this research and describe the identified practices.

The challenges in putting into practice commonly agreed principles and approaches are found all over the world. These challenges are amplified where the lines between human trafficking and migrant smuggling are often blurred, such as the EHoA. Women, children and men are trafficked within and across the countries of the EHoA region along different internal and international migratory routes, with their lives being affected by diverse abusive and exploitative practices of criminal individuals and networks. It is increasingly clear that in this context trafficking has to be addressed together with vulnerability of people and groups on the move (who do not all necessarily fall under the formal trafficking definition), and that the specialized intervention systems have to communicate with other systems, such as international protection and child protection systems.

More generally, anti-trafficking stakeholders recognize that human trafficking is best tackled through integrated, holistic, multi-disciplinary approaches. That means bringing together protection, prosecution and prevention activities in order to have real structural and functional links between these three axes of intervention. This can only be achieved through the convergence of all relevant agencies towards harmonized strategies and actions appropriate to national, local and transnational contexts.

With this in mind, this Compendium focuses on practices that are designed and implemented using a rights-based approach. Importantly, this involves not only agencies in charge of providing support to trafficked persons and abused migrants, but also law enforcement and judicial agencies while they undertake identification activities and investigations, and while they prepare and carry out court proceedings against alleged perpetrators of human trafficking and connected crimes. In this regard, it is increasingly evident that human rights-based and victim-centred approaches, in line with international obligations, support rather than hinder effective investigation and prosecution. Protected, supported and reassured victims of crime are more likely to come forward and to cooperate effectively with the authorities.

Importantly, rights-based and victim-centred approaches must be applied by all actors and at all stages of the referral process and of the criminal proceedings. This means adopting an empowerment approach and designing tailored individualized, multi-faceted and progressive responses, allowing trafficked persons to make their own informed choices on both the services they are receiving and whether or not they wish to cooperate with the criminal justice process.

If protecting rights means enhanced prosecution, this complementary approach also means better opportunities to develop meaningful and incisive prevention actions, through allowing stakeholders to have an in-depth, evidence-based understanding of trafficking and abuse patterns, including specific causes, vulnerable areas and groups. This helps with the design and implementation of better targeted and more effective responses, always keeping in mind that trafficking and smuggling networks have their ability to adjust their operations in response to anti-trafficking efforts.

Underlying the efforts reflected in this Compendium to strengthen rights-based responses is a strong spirit of collaboration, between agencies and countries. This signals the desire to exchange and learn from others' experiences, to catch ideas and adjust them to one's own context, and to then be interested in sharing again, what one might call a circular process of virtuous contamination. In conclusion we hope this Compendium can give a contribution to such processes.

Marco Bufo
Expertise France BMM Programme Manager
for Ethiopia and Djibouti



Executive Summary

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC requires States parties to (1) criminalize the act of trafficking in persons and its related offences (2) investigate and prosecute traffickers and (3) provide assistance and protection to victims of this crime. Since the Protocol has come into force, it has become increasingly evident that fulfilling these obligations requires States parties to ensure respect for the rights of trafficked persons.

Detailed guidance in this regard is provided by the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, Principle 1 of which states that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.” A rights-based response means victims and others are much more likely to (1) come forward to report traffickers, (2) provide valuable information on the traffickers and (3) act as effective witnesses. This in turn facilitates (4) identification and successful prosecution of trafficking networks, (5) development of effective evidence-based prevention programmes, and (6) design and implementation of appropriate policies to reduce opportunities for traffickers and make trafficking an unprofitable criminal business.

Ensuring full respect for human rights is not necessarily straightforward in practice, particularly in countries where the response to Trafficking in Persons (TIP) is comparatively nascent, where there are strong competing demands for limited resources, and where many of the victims concerned are foreign nationals who may not be seen as a high priority for these resources. In East Africa and the Horn of Africa (EHoA), resource considerations are magnified by the fact that TIP is often found in the context of mixed migration flows, which may encompass smuggled migrants, refugees and displaced people, asylum-seekers, unaccompanied minors, stranded migrants, and victims of trafficking.

Against this background, this Compendium was commissioned by Expertise France in the framework of the Better Migration Management Programme, co-funded by the European Union and by the German Cooperation. The Compendium seeks to highlight good or promising practice on the identification, protection and assistance of trafficked persons (and abused migrants) during investigations and court proceedings in EHoA. It is intended to serve as a reference tool for the use of countries in the region, primarily, and in other jurisdictions, as appropriate. The Compendium has a strong focus on Ethiopia as a case study. This is due to Ethiopia’s response to trafficking being at a slightly more advanced stage than many other countries in the region, as well as the strong representation of Ethiopia nationals in regional migration patterns. Further, information on activities in Ethiopia was more readily available than for some other countries. The specific focus on Ethiopia should not be seen as judgement on the response of the other countries covered by this study (Djibouti, Eritrea, Kenya, Somaliland Somalia, South Sudan, Sudan and Uganda). Building on the Ethiopia case studies, a sample of promising examples are included from these other countries as well as a series of text boxes highlighting additional activities that may be suitable for adaption in low resource environments. The examples are categorized under six headings as follows:

Rights-based approaches as crucial to an effective criminal justice response

Simply put, treating trafficked persons in line with their rights leads to better criminal justice outcomes. This is recognized throughout the UN Recommended Principles and Guidelines, which note that law enforcement training should acknowledge the practical value of providing incentives for trafficked persons and others to come forward to report traffickers. A well-equipped specialized response to identifying victims and apprehending traffickers is widely recognized as good practice in helping to address what is a complex crime type, foster international cooperation and promote rights-based responses.

In keeping with this, Ethiopia has established a specialized investigations unit for trafficking in persons and human smuggling at the Federal Police Commission. It has further created a specialized prosecutions unit to deal with transnational organized crimes and assigned specialized prosecutors to deal with cases of trafficking in persons and human smuggling. Kenya also has a specialist response in the form of a dedicated Anti Human Trafficking and Child Protection Unit. A number of other EHoA countries are in the process of establishing or strengthening their own specialist units.

At regional level, the Regional Operational Centre in Khartoum (ROCK) is bringing together police liaison officers from participating countries to exchange intelligence to combat criminal networks involved in human trafficking and migrant smuggling. Linked to existing INTERPOL structures, the model provides the advantage of locating officers from different countries on the same premises, speeding up communication, promoting the building of relationships and facilitating joint training.

As specialist responses are strengthened, opportunities are arising to increase proactive investigation techniques. Such techniques can significantly reduce the emphasis on victim testimony, which has a number of benefits for victims, including increasing their safety as there is less value to be gained by traffickers in intimidating either the victim or their friends and family. One example of proactive investigation is the use of undercover officers to infiltrate criminal networks. Sudan has used this technique effectively to break into networks trafficking its nationals abroad for the purposes of organ removal. Sudan is also exploring the use of tender of pardon (sometimes known as plea bargaining) which would allow minor players in trafficking networks to receive lower sentences in exchange for providing information on the rest of the network, again reducing the emphasis on victim testimony and also allowing the targeting of bigger players.

A specialist response must be complemented by a wider understanding within criminal justice structures of what is required to identify and support victims, and to collect and preserve evidence crucial to investigations and prosecutions. Capacity building programmes that promote a rights-based approach are thus essential in ensuring that the criminal justice response responds to the needs of victims. In Ethiopia and throughout the region, such training programmes are supported by multilateral and bilateral partnerships, such as that involving the IOM, UNODC, GIZ, Expertise France and others within the Better Migration Management (BMM) Programme. A key outcome of these programmes has been an increased understanding of, and sensitivity to, trauma on the part of both victim support staff and criminal justice officials.

Prompt and accurate identification of victims of trafficking

The EHoA region faces particular challenges in identifying victims in a mixed migration context. One part of the solution to this problem is migrant response and resource centres. In Ethiopia, the Regional Bureau of Labour and Social Affairs in cooperation with the International Organization for Migration has established centres at three high volume transit areas with two more planned.

In these centres, staff register all received persons and provide them with immediate assistance (water, food, medical treatment, temporary shelter, service referrals) and protection (guarded premises), as well as longer-term support (recovery services, such as trauma counselling). This includes screening to determine whether the individual is a victim of trafficking or migrant abuse and a needs-assessment to determine the specific assistance and protection required by each individual. Specific protections are applied in the case of child and female victims. Migrant resource and response centres also play a key victim and migrant protection role in other EHoA countries, although not all provide accommodation. One of the largest and longest standing is that in Obock, Djibouti, which now has a capacity to assist 250 people with separate spaces for women and children. The centres work closely with other service providers and migrant community groups and also promote understanding among migrants of the dangers of irregular migration and the warning signs of traffickers.

In Somaliland, following Expertise France training, immigration authorities are reported to systematically conduct an assessment of identified migrants. Replacing the old practice of immediate deportation, this helps identify possible victims of trafficking as well as other migrants in need of assistance. In Uganda, a new toolkit aims to help address low levels of police knowledge regarding the legal framework on trafficking and how to identify and interview possible victims in a manner which upholds their rights. The toolkit, which is to be incorporated into the core police officer training curriculum, includes a checklist to assist in the identification and interview process as well as a referral card on assistance and protection services available for victims.

Understanding that victims will not always come forward of their own volition, police officers in Addis Ababa and Bahir Dar are proactive in their outreach activities. A key part of this strategy is building relationships within the community to encourage reporting of suspicious activities. Across the region, there is also increased recognition of the role of improved labour migration management in reducing trafficking for forced labour and of the associated role of labour inspectors in case identification.

Data informed decision making

Migrant resource and response centres also play a key role in capturing key data on migration and trafficking patterns. Such data is crucial to the design of effective rights-based responses to trafficking in persons. In a related initiative, Expertise France and GIZ are working with the Hong Kong based NGO Liberty Shared to adapt the latter's Victim Case Management System (VCMS) database for use by NGOs in Ethiopia, Uganda and Kenya. This system helps service provider NGOs to properly and securely handle information about assisted persons and effectively manage their cases, as well as systematically collect and analyse data about trafficked persons, trafficking patterns, and traffickers. As implementation proceeds, the system will allow anonymized generalized reporting and analysis beyond national borders.

Accurate information is also important for those considering migration. Ethiopia's Community Conversations approach provides key information to communities and then assists these communities to reflect on their own information and experiences and come up with their own solutions. Among the results of the Community Conversations are increased acceptance of returned migrants, who often now take a role as advocate, and increased reporting of unethical brokers.

Cooperation between law enforcement and victim support agencies

Establishing cooperative working relationships between law enforcement professionals and victim support agencies is essential to ensuring victims of trafficking are referred appropriately and without delay to the assistance and protection they require. This not only helps victim recovery but also promotes better criminal justice outcomes. Civil society organizations (CSOs) play a crucial role in this area. While some countries are reluctant to embrace the role of CSOs, Kenya has codified this role in the Counter-Trafficking in Persons Act, 2010. Stop the Traffik, an NGO established in 2018, is the coordinating body for these CSOs, promoting sharing of information and coordinating development of a joint CSO workplan on countering human trafficking.

In Ethiopia, the “National Referral Mechanism of Ethiopia - Joining Efforts to Protect the Rights of Victims of Trafficking and Victimized Migrants in Ethiopia” seeks to ensure coordination among different actors in contact with victims of trafficking, potential victims, and migrants in a vulnerable situation, including those that have been exploited by human smugglers. Such a process is already functioning in Amhara State, with police and other front line law enforcement and social service personnel referring suspected victims of trafficking or migrant abuse to victim protection shelters operated by non-governmental organizations.

In the absence of any formal referral system in Somaliland, the immigration authorities conduct an initial assessment of the profile of migrants for referral. A chart outlining the current process of identifying and referring victims of trafficking and migrants was finalized in 2019 as a first step in designing an improved referral system. Elsewhere, such referral is less formal, for example through the formation and use of WhatsApp groups by key criminal justice and victim support personnel.

Under BMM, a digital directory of state and non-state service providers has been established in parts of Somalia as well as Djibouti, Sudan, Ethiopia and Kenya. In Sudan, Standard Operating Procedures for an improved migrant referral system have been established in El Gedaref State. This document describes in detail three trafficking shelters in Ethiopia, as well as the role played in Djibouti by the NGO Caritas. Throughout the region, however, the availability of shelters and other victim support services remains somewhat limited, presenting a major constraint to an effective referral system.

Victim/witness care and protection throughout the criminal justice process

As victims of a crime, trafficked persons have the right to be protected from further harm, to their privacy, and to their physical and psychological care and support pre-trial, during trial and post-trial. They also have an enforceable right to fair and adequate remedies in criminal, civil or administrative proceedings. The provision of appropriate support further requires that victims of trafficking be provided with legal and other assistance, in a language they understand, so that they are informed of their legal options and given the time, space and help to consider these options carefully.

In Ethiopia, a specialized judicial bench has been created to hear cases of trafficking in persons. There is also an expedited trial procedure known as “Real Time Dispatch”. This allows victim-witnesses to deliver their testimony to the court at the start of the hearing, so they are not obliged to remain away from their place of origin for a lengthy period of time.

Public prosecutors in Ethiopia routinely inform victim-witnesses about their right to be protected from intimidation and reprisal, and highlight the suspension of bail for suspects as one outcome of this process. They also meet with victim-witnesses prior to the trial, assisting in preparation and advising how the hearing will be conducted. Interpretation into a range of languages is available in the Addis Ababa Prosecutor’s office. Once the victim-witness has delivered their testimony for the court, there is a follow-up mechanism associated with the prosecutor’s office to allow the victim-witnesses to attain an update on the progress of the hearings. The key role of prosecutors is also recognized in Kenya, where Standard Operating Procedures for the prosecution of trafficking offences require prosecutors to prepare the victim-witness for the legal proceedings by clarifying the process and coaching them through the prepared testimony. This helps to counter attempts to discredit the victim – a key defence strategy in trafficking trials.

Many shelters also play an important role in legal proceedings, including in protecting victims from being discouraged by their family members to continue legal proceedings and instead settle the matter outside of court. The Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level, developed in BMM by Expertise France in support to the Federal Anti-human Trafficking Task Force Secretariat, aims to further strengthen coordination in Ethiopia between law enforcement agencies and non-governmental service providers through “multi-agency witnesses and victims support during investigation and before, during and after court proceedings”. Another example of the role of such multi-agency networks comes from Bahir Dar, where the police assign a security guard to the victim-witness for a period of three to four days, during which time the victim will deliver his or her testimony to the court.

While compensation for victims is currently limited across the whole region, support for the social inclusion of trafficked persons and abused migrants, including through income generating activities, is provided in some countries (Kenya and Ethiopia in particular), and can be seen as offering at least some form of redress.

Addressing the special rights and needs of children

An effective and rights-based trafficking response recognizes the need for special measures to address the particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation. In dealing with children, the best interests of the child is the primary consideration, whether or not they have been identified as victims of trafficking.

In Kenya, child victim-witnesses and victims of sexual abuse can relate their testimony to the court from a remote location via a two-way video link. Allowing remote testimony has the dual advantages of allowing children to (1) avoid their alleged abusers and (2) give their evidence in a less intimidating, more child-friendly environment. A similar process is available in Kassala State in Sudan. With a view to national expansion, Sudan's Judicial and Legal Sciences Institute has modified its training courtroom to include remote video facilities so as to familiarize judges and prosecutors with the relevant procedures. In Djibouti, Caritas cooperates with both law enforcement and the National Human Rights Commission in ensuring the best outcomes for trafficked and other vulnerable children. The Commission provides legal counsel to advocate in the child's interests, while Caritas provides support at every stage of the legal proceedings and often fills the role of legal guardian.

Ethiopia's Children's Legal Protection Centre aims to enhance children's engagement with the justice system by systemizing a child protection structure. It does so by facilitating the referral system service delivery, speeding up children's court cases and through its legal counselling services. The Centre plays an important role in identifying victims of trafficking and related forms of abuse through a systematic screening procedure. Such cases are referred to the police.

As the above examples indicate, countries in the East and Horn of Africa are developing innovative methods to ensure their processes related to the identification of victims and criminal prosecution of trafficking offences are rights-based and victim-centred. A key priority at this point is to increase services available to trafficked persons throughout the region. Limitations in this area affect both the victim recovery process and criminal justice outcomes. Beyond this, there are opportunities to expand these existing approaches within and across borders. Particular attention needs to be paid to ensuring that capacity building initiatives yield measurable outcomes in terms of (1) the identification and appropriate treatment of trafficked persons and abused migrants, (2) ensuring victims of trafficking are not punished for any crimes carried out as a consequence of being trafficked, (3) effectively investigating and prosecuting entire trafficking networks rather than just individuals, and (4) guaranteeing suspects a fair trial and, if convicted, proportional punishment.

Additional recommendations for next steps towards good practice on the identification, protection and assistance of trafficked persons (and abused migrants) during investigations and court proceedings in EHoA are incorporated throughout this Compendium.



1.0 Introduction

Background

1. <https://www.khartoumprocess.net> (accessed on 21 July 2019)

This Compendium was commissioned by Expertise France, the French international technical assistance agency, under the Ministry of Foreign Affairs and International Development and the Ministry of Economy. Expertise France is one of the Implementing Partners of the Better Migration Management (BMM) programme, which is led and coordinated by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and funded by the European Union and by the German Federal Ministry for Economic Cooperation and Development (BMZ). The BMM programme, established in 2016, aims to respond to the needs identified by the African countries of the European Union-Horn of Africa Migration Route Initiative (known as the “Khartoum Process”).¹ The programme is based on the third objective within the European Union Trust Fund aiming to improve migration management in the region, and in particular to address the trafficking and smuggling of migrants within and from the Horn of Africa. Through a regional approach, the priority is to strengthen the rights of migrants and protect them better from violence, abuse and exploitation to ensure safe migration. Expertise France’s contribution to the BMM programme centres on the second and third Pillars of the Action, namely, Capacity Building and Protection.

In the context of carrying out a joint regional activity on fostering trafficked persons rights-centred practices during investigations and prosecution, Expertise France mandated the Research and Communications Group (RCG) to collect good or promising practices specifically on the identification, protection and assistance of trafficked persons (and abused migrants) during investigations and court proceedings in East Africa and the Horn of Africa. The good or promising practices collected are presented in this Compendium, which is intended to be widely disseminated to serve as a reference tool for the use of countries in the region, primarily, and in other jurisdictions, as appropriate.

The Compendium consists of five sections. This section provides a basic introduction and highlights key methodology considerations. The following section describes the regional context and the specific challenges in implementing rights-based approaches in this context, particularly in relation to limited resource constraints and high numbers of people on the move. The third section focuses specifically on Ethiopia as a case study. This is due to Ethiopia’s response to trafficking being at a slightly more advanced stage than many other countries in the region, as well as the strong representation of Ethiopia nationals in regional migration patterns. Further, information on activities in Ethiopia was more readily available than for some other countries. The specific focus on Ethiopia should not be seen as judgement on the response of the other countries covered by this study.

The fourth section of this paper provides a sample of promising examples from these other countries, as well as a series of text boxes highlighting additional activities that may be suitable for adaption in low resource environments, based on experience elsewhere. As with the Ethiopia section, many of these examples are work in progress. As such, their inclusion reflects endorsement of the underlying ideas behind these activities,

2. This matrix is available online as part of the Appendix to the digital version of this Compendium.

3. United Nations Office on Drugs and Crime (2004). United Nations Convention against Transnational Organized Crime and the supplementing Protocols. Available at: <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> (accessed on 21 July 2019)

4. Ibid.

5. Adapted from FAO definition: <http://www.fao.org/3/a-as547e.pdf> (accessed on 21 July 2019)

rather than a validation of their impact on the trafficking problem and the lives of those affected, directly or indirectly. The final section consists of concluding comments and draws together key themes from throughout the document.

Methodology

This Compendium is based on fieldwork carried out by the Research and Communications Group, supported by the Expertise France teams of Ethiopia/Djibouti and Kenya/Somaliland-Somalia, and supplemented by a series of remote interviews and a comprehensive desk review of primary and secondary materials, including statistics, reports and other documented outputs relating to the identification, protection and assistance of trafficked persons during investigations and court proceedings. A matrix with guiding questions was created to frame the collection of information.²

In Ethiopia, in-depth semi-structured interviews were held in two locations, Addis Ababa and Bahir Dar. Addis Ababa was chosen as it is the main area where persons in the process of being trafficked are gathered by recruiters/traffickers, or where they return after having been trafficked, and is also a main recruitment hub. Bahir Dar in the Amhara region is crossed by one of the main migratory routes, that is, the northern route towards Libya through Sudan. People from the Amhara region also migrate along the eastern route towards the Middle-East through Djibouti. In Nairobi, informal discussions were held on the sidelines of an Expertise France-led training programme on first responders.

Definition of terms

Trafficking in Persons:

Article 3 of the United Nations Convention against Transnational Organized Crime (UNTOC) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, defines human trafficking as “the recruitment, transportation, transfer, harbouring 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 of a position of vulnerability or of 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.”³

Smuggling of Migrants:

Article 3 of the UNTOC Protocol against the Smuggling of Migrants by Land, Sea and Air (the Migrant Smuggling Protocol) defines migrant smuggling as “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.”⁴

Good and Promising Practice:

A good practice has been defined as one that has been proven to work well and produce good results, and is therefore recommended as a model.⁵ It is a successful experience,

which has been tested and validated, in the broad sense, and is agreed by stakeholders as worthy of being shared with a view to broader adaptation.

As the study covered many countries with limited resources and where rights-based approaches in the human trafficking response are somewhat nascent, it was difficult to find practices that have been independently validated as effective, or that have been repeated elsewhere. In this light, the document has used the term “promising practice”, defined as follows: (1) the practice need not already have been repeated elsewhere; (2) a generous interpretation is given to what may be considered good practice, incorporating promising examples as well as proven practice and (3) an explanation is given for the basis on which examples have been chosen, including limitations and potential concerns. In this way, the Compendium offers a range of ideas for other countries to consider, while not exaggerating the extent to which these ideas have been independently verified as effective, sustainable and replicable. The study privileged, as a source of information, interviews with key informants on practices, rather than institutional and legal frameworks that are in place but not necessarily being implemented.

Limitations of the study

The scope of the study covers the engagement of trafficked persons with the processes relating to the criminal prosecution of trafficking offences. The scope of the study does not only relate to trafficked persons *strictu sensu*, but also considers the position of abused migrants in the same processes. The Compendium focuses on the treatment of victims in the context of criminal justice processes, including the relationship between the criminal justice apparatus and those agencies providing support to trafficked persons, in areas such as referral (identification) and victim/ witness care (protection and assistance). Although not specifically intended to cover the services provided by victim support agencies to victims – such as shelter, medical treatment, counselling, return and reintegration assistance and other social inclusion services – these services have been highlighted where appropriate. This is due to the strong correlation between the provision of appropriate services to victims and their willingness and ability to provide information on and, if necessary, testify against human trafficking networks.

The review of national materials was restricted due to inability to access the documentation and/ or their existence only in national languages. Further, data on the number of trafficked persons, investigations and prosecutions in the countries of this study are extremely limited and do not allow an accurate assessment of trends over time, which would assist in assessing the extent to which the practices described are having an impact on the trafficking problem.

These constraints have been addressed in two ways. First, where outcomes of particular practices are identified, the Compendium makes clear these reflect the views of stakeholders rather than independently validated information. Second, as noted above, the Compendium uses the terms promising practice and good examples, as distinguished from good practice, which requires a higher element of proof.



Rights-based strategies to prevent and combat trafficking

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC requires States parties, *inter alia*, to criminalize the act of trafficking in persons and its related offences (article 5), to investigate and prosecute traffickers as well as to provide assistance and protection to its victims (article 6). Since the Protocol has come into force, it has become increasingly evident that fulfilling these obligations requires States parties to incorporate a rights-based approach in their criminal justice response to trafficking in persons. Additional guidance in doing so has been provided by the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (see **Box 1**).

Box 1: Principles and Guidelines on Human Rights and Human Trafficking

The Recommended Principles and Guidelines on Human Rights and Human Trafficking were developed by the Office of the United Nations High Commissioner for Human Rights and presented to the United Nations Economic and Social Council in 2002 (E/2002/68, para. 62). The Principles and Guidelines provide practical, human rights based policy guidance for the prevention of trafficking and the protection of the rights of trafficked persons. They draw their authority from established customary rules of public international law to which all states are bound and/ or reiterate, or make specific to the context of trafficking, norms contained in international agreements, including: specialist trafficking treaties; treaties prohibiting slavery and the slave trade; treaties prohibiting forced labour and child labour; relevant human rights treaties; international criminal law and international crime control treaties; and, customary international law relevant to trafficking.

In the context of this study, the Principles and Guidelines are used as a framework to assess victim-centred good practices in the identification of trafficking victims [and abused migrants], and the investigation and prosecution of trafficking offences.

Principle 1 of the Principles and Guidelines states that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.” This requires that any strategies to prevent and combat trafficking must ensure the capacity of rights holders to exercise the rights guaranteed to them under the international human rights law framework. It further re-

6. A range of different organizations have collected data on TIP and related phenomena such as forced labour. In all cases, the data suggest that only a small proportion of victims are being identified. For example, estimates of people in situations of forced labour range from 21 million to 45 million, depending on the data collection and methodology. Against this background, 63,251 TIP victims were detected and recorded in 103 countries across the world between 2012 and 2015 (UNODC, Global Report on Trafficking in Persons 2016 (United Nations publication, Sales No. E.16.IV.6). These figures are not directly comparable, since not all victims of forced labour have been trafficked. The size of the discrepancy, however, suggests significant gaps in identification.

7. Data collected for the UNODC Global Report on Trafficking in Persons 2016, for example, indicates that on average 26% per cent of those investigated are convicted in first instance.

8. ICAT Toolkit for designing and evaluating counter-trafficking programmes, p. 59-60, available at: http://icat.network/sites/default/files/publications/documents/16-10273_ICAT_toolkit.pdf [accessed on 21 July 2019]

quires States to ensure that anti-trafficking measures do not negatively affect the human rights of those persons who have been trafficked, who are vulnerable to being trafficked (particularly migrants, internally displaced persons, refugees and asylum-seekers) and the traffickers themselves (Principle 3). Importantly, the rights of trafficking victims are not affected by a failure to prosecute or convict those who trafficked them, or by a decision to prosecute the traffickers under other laws.

The prompt, accurate identification of trafficked persons, together with their appropriate treatment, lies at the heart of all effective responses to the crime of trafficking in persons (TIP). While prevention is crucial, reducing the size of the trafficking problem requires the sustainable exit of existing victims. Further, without identifying victims, it is impossible to (1) identify and successfully prosecute trafficking networks, (2) develop effective evidence-based prevention programmes, and (3) design and implement policies to reduce opportunities for traffickers and make trafficking an unprofitable criminal business.

Yet, as noted by the UN Inter-agency Coordination Group against Trafficking in Persons (ICAT), only a small proportion of trafficked persons are identified globally, and not all those identified are receiving assistance in line with their human rights.⁶ Access to remedies for victims of trafficking remains particularly limited and the number of traffickers that have been identified and successfully prosecuted is in turn a small proportion of those investigated.⁷

Further, research with victims and feedback from victim support agencies confirm that noteworthy numbers of victims choose not to come forward to, or accept assistance from, authorities or other service providers. One reason is fear of retaliation by traffickers against the victim or family members. Other reasons, less directly related to the actions of traffickers, include:

- Restriction in shelters that function as detention facilities that victims are not free to leave
- Mandatory return to country of origin
- The risk of stigmatization by authorities/communities, particularly for those exploited in prostitution and others returning after an “unsuccessful migration” without savings and often with physical and/or psychological trauma
- Unsuitable services or services that do not meet their needs (such as vocational training that does not lead to realistic employment options)
- Lack of opportunities to recover unpaid wages or seek justice and compensation from traffickers.⁸

Further, even many migrants exposed to exploitative practice remain reliant on their exploiters to facilitate their migration pathway and hence are reluctant to expose them for fear of interrupting their migration plans; their priority being to continue their migration journey until arrival at their chosen country of destination.

Particular issues are faced in low resource environments where support for victims of trafficking must vie with a range of other competing priorities for limited government funding. As can be seen throughout the world, the constraints are even greater where a

9. For the purpose of this publication, these countries are: Djibouti, Eritrea, Ethiopia, Kenya, Somaliland-Somalia, South Sudan, Sudan and Uganda.

sizeable proportion of those requiring assistance are foreign nationals, putting additional pressure on governments unable to fully meet the needs of their own populations. The countries of East and Horn of Africa are no exception.⁹ Throughout the region, governments have signalled their commitment to combating trafficking in persons, and the related crime of smuggling of migrants.

They are, however, dealing with multiple competing priorities. Further, TIP patterns across the region are highly complex, and the lines between trafficking and smuggling of migrants (SOM) can be extremely blurred, despite clear differences in their legal definitions (**Box 2**). Both crimes frequently take place in the context of mixed migration flows, which are discussed further below.

Among the consequences of the linkages between TIP and mass migration flows are that law enforcement may come across extremely large groups of victims or possible victims at one time. Few countries have the capacity to manage such groups and there are reports across the region of law enforcement officials using their own money to pay for food for victims, and housing them in detention facilities due to the lack of other alternatives. Traffickers are known to benefit from a reluctance on the part of victims to identify them, and sometimes to hide themselves among the victims, thereby obfuscating their identity and frustrating the efforts of first responders. Severe resource constraints can also lead to victims and suspects being transported in the same vehicle, potentially adding to victim traumatization and/or providing the opportunity for intimidation and threats against the victim or family members.

Officials throughout the region repeatedly highlight the lack of basic resources for victim support as hampering their efforts to identify, investigate and dismantle organized criminal networks.

As this example highlights, there are particular constraints in supporting rights-based responses to trafficking in persons in low resource environments. Taking Ethiopia as a case study, this publication aims to highlight steps that can be taken in such environments to promote the rights of victims of trafficking and other affected populations, with a view to adoption by other countries in the region (and beyond). The case study focuses specifically on the interaction between victims and the criminal justice process, rather than the provision of direct support to victims, an area in which a range of guidelines and tools already exist.

In focusing on “promising practices”, the publication recognizes that the featured initiatives are, as elsewhere, a work in progress. Along with highlights of what is promising, the document makes suggestions about how these initiatives could be further evolved into good practice.

Box 2: Trafficking in Persons and Smuggling of Migrants

Trafficking in persons

The trafficking of adults involves three elements: act, means and exploitative purpose as below. When the victim is under 18 years of age, the presence of the act and exploitative purpose is sufficient.

Act: This includes one or more of: recruitment; abduction; transportation; transference; receipt; harbouring and detention of a person.

Means: Sometimes victims are recruited through force and violence but more commonly the process involves deception and trickery. Means of human trafficking include: using or threatening to use force or any forms of coercion, kidnapping, fraud, deception, abuse of power or influence, and abuse of position of vulnerability.

Purpose of Exploitation: This includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. This list is not exclusive and some countries include other forms such as kidnapping for ransom as a form of trafficking. Forced labour may involve work in factories, restaurants, farms, plantations, gold mines or homes (as domestic workers). It may also include forced criminality such as stealing or selling illegal drugs.

Smuggling of Migrants: Smuggling occurs when someone is paid to assist another in the illegal crossing of borders. This relationship typically ends after the destination has been reached and the individual has paid the smuggler a fee for assistance. While trafficking is inherently exploitative, smugglers can sometimes play a “positive role” by helping asylum seekers to escape situations where governments have failed in their duty to protect their citizens, or assisting migrants to meet the demand for labour in countries in situations where migration policies are not aligned with labour market and/or demographic realities, and migrants lack legal alternatives. This complicates law enforcement efforts as smugglers may be seen by sending communities as providing a service.

Distinctions between trafficking and smuggling

Trafficking in Persons	Migrant Smuggling
Is not voluntary; one cannot consent to being trafficked or enslaved	Is voluntary; an individual typically agrees to be taken across a border
Generates profit from exploitation of victim	Generates profit from fees for movement of people
Sometimes involves the crossing of an international border	Always involves the crossing of an international border

10. IOM Regional Office for the East and Horn of Africa, A region on the move – 2018 Mobility Overview in the Horn of Africa and the Arab Peninsula, May 2019, pp. 4. <https://www.globaldtm.info/a-region-on-the-move-migration-and-mobility-in-eha-2018/> [accessed on 21 July 2019]

11. The figures in this section come from the above document unless otherwise stated.

Trafficking in persons in East and Horn of Africa

Trafficking in the context of mixed migration

The East and Horn of Africa Route exhibits a high volume of people on the move, counting both internal migration within countries, and migration across national boundaries. Migration is triggered by a complex mix of protracted crises, emerging internal conflicts, socio-economic drivers, emerging health crises and more traditional seasonal and livelihood factors.¹⁰ These factors are constantly changing, influenced by political events such as the 2018 signing of a peace agreement between Eritrea and Ethiopia, 2019 unrest in Sudan, national disasters and changes in migration policies inside or outside the region that can add to, or reduce the risks of migration.

The population of this region numbers 311 million, of which 6.3 million persons are documented migrants (UNDESA, 2017), 3.3 million are refugees and asylum seekers and nearly 8 million are Internally Displaced Persons (IDPs).¹¹ In Ethiopia alone, in 2018, the number of IDPs was 2.8 million and refugees, 900,000.

There are four main migration routes in the region: Horn of Africa Route, Eastern Route, Northern Route and Southern Route (Figure 1). The Horn of Africa Route involves movement to or within the Horn of Africa. The Northern route connects the Horn of Africa to North Africa via land (transiting through Sudan, Egypt and Libya). Most migrants then seek sea passage to Europe. The Eastern route connects the Horn of Africa to Yemen, crossing the Red Sea or the Arabian Sea. Many migrants are then smuggled north to Saudi Arabia and other Gulf States or Middle Eastern countries. The Southern Route proceeds down the eastern corridor of Africa towards Southern Africa.

In reference to the tracked movements in the region in 2018 (of which there were 832,989), the most common nationality tracked were Ethiopian nationals (60%). Ethiopians accounted for the majority (49%) on the most populous route, the Horn of Africa Route., Ethiopian nationals (93%) also accounted for the majority of migrants moving along the second largest route, the Eastern Route, of which the intended destination by the majority (79%) of migrants is Saudi Arabia. Furthermore, most Northern Route individuals originated in Ethiopia (79%). The majority of migrants in this region are adult males (48%), yet adult females form a significant group (28%) as do children (24%). The latter includes children under the age of 5 years (6%) and unaccompanied children (3%).

As highlighted above, trafficking occurs in the context of mixed migration flows, which may encompass smuggled migrants, refugees and displaced people, asylum-seekers, unaccompanied minors, stranded migrants, and victims of trafficking. A person may start their journey as an asylum seeker, for example, before seeking the help of smugglers and then being exploited as a victim of trafficking in forced labour or kidnapped for ransom. Kidnappers frequently torture their victims with a view to expediting payment from family members. Efforts to crack down on the sea passage between Africa and Europe have added to the vulnerability of migrants, many of whom are trapped and exploited in Libya.

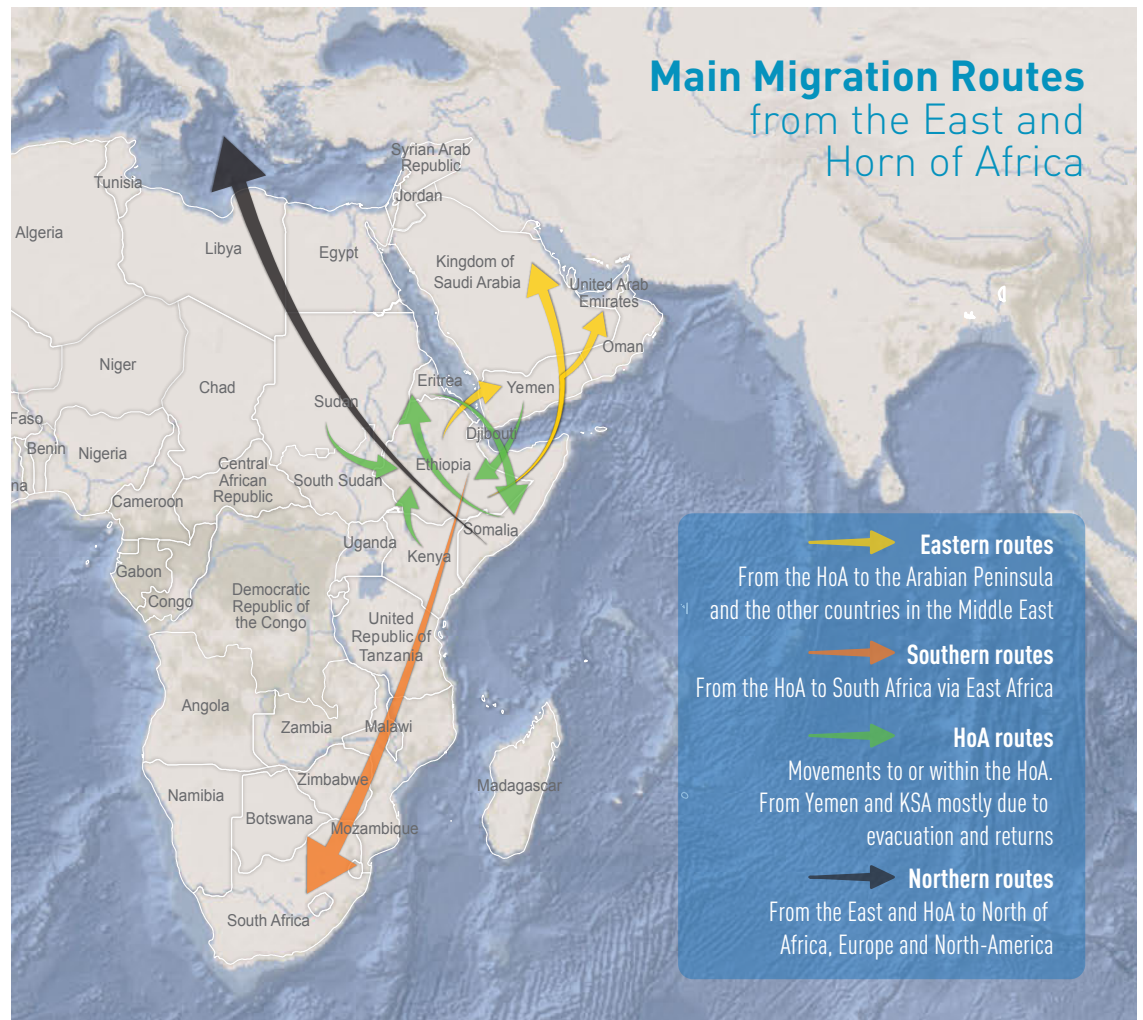


Figure 1: Main migration routes in East and Horn of Africa

Source: IOM - DTM (2019) DTM Programming in the East and Horn of Africa Info Sheet | 2019
<https://www.iom.int/east-and-horn-africa-dtm-programming-east-and-horn-africa-info-sheet-2019>.

Trafficking to the Middle East

Migrants from EHoA countries are extremely vulnerable to exploitation in the Middle East with little access to recourse and remedy. This exploitation may include denial of salary, excessive working hours, passport confiscation, and confinement. Migration through officially authorized means does not provide a guarantee against this exploitation, not least due to extremely high recruitment fees, which can lead to situations of debt bondage. While trafficking affects both men and women, women working in domestic service are often particularly vulnerable due to isolation and the risk of physical and sexual assault.

Trafficking within the EHoA

28 There are multiple forms of trafficking within EHoA, including domestic, cross-border and international patterns. Trafficking for sexual exploitation of both national and for-

eign women and children has been reported in all countries, as has domestic servitude, sometimes rooted in traditional culture practice of sending children to work for wealthy relatives. Children from EHoA and outside are also forced by organized trafficking rings to beg, sell items on the street or in some cases engage in forced criminality. The use of trafficked labour in mining has been reported in several countries, while other forms of forced labour include agriculture, construction, and brickmaking.

Other forms of trafficking identified within the region include trafficking for the purposes of organ removal and trafficking for forced marriage. The use of children associated with armed forces or armed groups has also been reported across several different conflicts relating to the EHoA.

The Regional Response to Trafficking in Persons

As can be seen from Figure 2, six of the eight countries covered by this study have ratified the UN Convention on Transnational Organized Crime, of which five have also ratified the supplementing Protocols on TIP and SOM. With the recent additions of South Sudan and Somalia, all countries have now ratified the Convention on the Rights of the Child, as well as that on the Worst Forms of Child Labour. All countries have also ratified the 1930 and 1957 Forced Labour Conventions, although only Djibouti has ratified the recent 2014 Protocol. Apart from this Protocol, notable gaps are the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990 (Uganda only), and ILO 189 on Domestic Workers (no countries). All countries other than Eritrea have ratified the 1951 Refugee Convention.

Five of the eight studied countries have dedicated laws against trafficking that are generally in line with the UN Trafficking in Persons Protocol and, when combined with other elements of their Penal Code, offer an adequate basis on which to prosecute cases of trafficking:

- Djibouti 2016 Law No.133 On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants
- Ethiopia Anti-trafficking Proclamation, No.909/2015
- Kenya Counter-Trafficking in Persons Act of 2010
- Sudan Combating Human Trafficking Act, 2014
- Uganda Prevention of Trafficking in Persons Act 2009

The remaining countries – Eritrea, Somalia and South Sudan – all contain provisions relating to human trafficking within their respective Penal Codes. Eritrea criminalizes enslavement and trafficking for sexual exploitation. In Somalia, trafficking was traditionally criminalized under the old penal code and specific legislation is under consid-

	Djibouti	Eritrea	Ethiopia	Kenya	Sudan	Somalia	South Sudan	Uganda
United Nations Convention against Transnational Organized Crime (UNTOC) 2000	2005	2014	2012	2005	2018			2005
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC	2005	2014	2012	2012	2014			2000
Protocol against the Smuggling of Migrants by Land, Sea or Air, supplementing the UNTOC	2005		2012	2012	2018			2000
Forced Labour Convention, ILO 29, 1930	1978	2000	2003	1964	1957	1960	2012	1963
Protocol of 2014 to the Forced Labour Convention, 1930	2018							
Abolition of Forced Labour Convention ILO 105, 1957	1978	2000	1999	1964	1970	1961	2012	1963
Domestic Workers Convention ILO 189								
Worst Forms of Child Labour ILO 182	2005	2019 ¹²	2003	2001	2003	2014	2012	2001
UN Convention on the Rights of the Child (CRC)	1990	1994	1991	1990	1990	2015	2015	1990
CRC Optional Protocol on the Involvement of Children in Armed Conflict 2000	2011	2005	2014	2002	2005	2005	2018	2002
CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000	2011	2005	2014	2000	2004		2018	2001
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990								1995
United Nations Convention against Corruption, 2005	2005		2007	2003	2014		2015	2004
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956	1979		1969		1957			1964
Slavery Convention, 1926			1969		1957			1964
Convention relating to the Status of Refugees, (1951 Refugee Convention)	1977		1969	1966	1974	1978	2018	1976
United Nations Convention on the Law of the Sea, 1994	1991		1982	1989	1985	1989		1990

Figure 2: Ratification of key international instruments relating to TIP and SOM by country

13. See: <http://migration.igad.int/wp-content/uploads/2017/02/Regional-Migration-Policy-Framework1.pdf> [accessed on 21 July 2019]

14. IOM Sudan, 2017. Legal resource guide on human trafficking.

eration in both Puntland and Somaliland. In South Sudan, articles of the Penal Code, Child Act and Labour Act criminalize some aspects of trafficking. Support to trafficked persons is available to some extent in all countries, and the availability of assistance is generally increasing. Overall, however, victim support services remain somewhat piecemeal across the region, largely due to resource constraints, and this is having a significant negative effect on the ability of law enforcement to effectively investigate and successfully prosecute TIP cases.

There are also a number of regional initiatives against trafficking and related issues. In 2012, the Intergovernmental Authority on Development (IGAD) developed a Regional Migration Policy Framework. The Policy Framework identifies nine key thematic migration issues, including human trafficking and smuggling of migrants, and outlines two sets of recommendations for Member States to curb the phenomena of human trafficking and smuggling of migrants in the IGAD Region.¹³

The African Union Horn of Africa Initiative on Human Trafficking and Migrant Smuggling was launched in Khartoum in October 2014 to tackle human trafficking and smuggling from the Horn of Africa. The Khartoum Declaration, adopted by Djibouti, Egypt, Eritrea, Ethiopia, Libya, Sudan, South Sudan and Tunisia, outlines a range of measures to address trafficking and smuggling, including to (1) strengthen law enforcement while protecting victims of trafficking and smuggled migrants who have been victims of other human rights abuses, (2) strengthen processes for the identification of victims of human trafficking and provide specialized assistance, and (3) ensure that refugees and asylum seekers are treated in accordance with relevant regional and international conventions.¹⁴

Alongside this initiative, the EU-Horn of Africa Migration Route Initiative (known as the Khartoum Process) was launched as a platform for political cooperation among the countries along the migration route between the Horn of Africa and Europe. As highlighted in the Introduction, the Khartoum Process aims to establish a continuous dialogue for enhanced cooperation on migration and mobility and to implement concrete projects to address human trafficking and the smuggling of migrants. One such project is the Regional Operational Centre in Khartoum (ROCK), which will bring together police liaison officers from participating countries to exchange intelligence to fight criminal networks involved in human trafficking.



15. Regional Mixed Migration Secretariat, Ethiopia Country Statement – Addressing Migrant Smuggling and Human Trafficking in East Africa, September 2017 [‘RMMS’], pp. 1. This EU-funded project is also known as “AMMi”, of which Expertise France is the implementing agency.

16. Ibid., pp. 1.

17. Ibid., pp. 13.

In a geographically large, populous and low-resource environment experiencing high volumes of migratory flows, Ethiopia has developed a number of promising practices towards meeting the challenge of providing a rights-based approach in its strategies to prevent and combat trafficking within this specific context. After providing a brief overview of current trafficking patterns affecting Ethiopia, this section outlines these promising examples and makes suggestions as to possible next steps to further evolve these into internationally recognized good practice. The topics are consolidated under the following headings:

1. Rights-based approaches as crucial to an effective criminal justice response
2. Prompt and accurate identification of all victims of trafficking
3. Data informed decision making
4. Cooperation between law enforcement and victim support agencies
5. Victim/witness care and protection throughout the criminal justice process
6. Addressing the special rights and needs of children
7. Access to justice and remedy

In each section, specific human rights concepts are highlighted, with particular reference to the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking (**Box 1 above**).

Human trafficking in Ethiopia

Ethiopia is a source, transit and to a lesser extent, destination country for irregular migration and migrant smuggling within Africa, as well as to the Middle East and Europe.¹⁵ Much of the human trafficking involving Ethiopia is closely linked to these smuggling activities.¹⁶ Addis Ababa is a recognized key hub for highly organized criminal networks, which facilitate irregular flows from East Africa and the Horn of Africa to Europe via North Africa.¹⁷ In transit, migrants find themselves vulnerable to being kidnapped for ransom, extortion, debt bondage, sex trafficking and forced labour. Ethiopian girls are exploited in domestic servitude and to some extent commercial sex

18. United States Department of State, 2019 Trafficking in Persons Report - Ethiopia, 20 June 2019, available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/ethiopia/> (accessed on 21 July 2019)

19. Ibid.

20. RMMS (2017), pp. 1.

21. IOM (2019), pp. 31.

22. United States Department of State (2019).

23. RMMS (2017), pp. 18-19.

24. IOM (2019), pp. 28.

25. Ibid., pp. 30.

26. United States Department of State, 2018 Trafficking in Persons Report - Ethiopia, 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0b454.html> (accessed on 21 July 2019)

27. Ibid.

28. RMMS (2017), pp. 13.

29. Ibid.

in neighbouring African countries, particularly Djibouti and Sudan.¹⁸ Ethiopian boys are subjected to forced labour in Djibouti as shop assistants, domestic workers, and street beggars, in addition to forced criminality.¹⁹ Further, Ethiopian migrants who have sought the services of recruitment agencies for labour migration to the Middle East, have also become victims of human trafficking at their destination.²⁰ Ethiopian men and boys also migrate to other African nations, where some are subjected to forced labour.

The mass return of Ethiopian irregular migrants from Saudi Arabia neatly illustrates the dimension of irregular migration experienced by Ethiopian nationals. Following a campaign launched by the Saudi Arabian government in March 2017 to grant all irregular migrants an amnesty period of 90 days to regularize their status or leave the country without facing penalties, an estimated 230,000 people returned to Ethiopia between April 2017 and December 2018, of whom 86% reported to have done so involuntarily.²¹ This mass deportation generated a large degree of publicity in Ethiopia and is considered by stakeholders to have added impetus to the national response to trafficking and encouraged reflection within communities about the realities of migration. Of the returnees, the majority of males (60%) reported having been engaged in unskilled labour and the majority of females (86%) reported having worked as domestic labourers. Many Ethiopian women working in domestic service in the Middle East are reportedly subject to severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, passport confiscation, and confinement. Ethiopian women who migrate for work or flee abusive employers in the Middle East are also vulnerable to sexual exploitation.²²

There are a number of drivers to migration in Ethiopia. In some parts of the country, demographic pressure and unemployment is the main driver of migration along these routes. This situation has led young Ethiopian migrants to seek employment opportunities abroad and send money home. Whilst such remittances are beneficial for the Ethiopian economy and alleviate the pressures on the domestic labour market, the Ethiopian government is nevertheless concerned about the treatment of Ethiopians abroad.²³ At the same time, significant risky out-migration is also found in relatively richer parts of the country, with stories of previous success motivating young people to leave in search of both wealth and excitement. Migration is also a cultural phenomenon, seen as a rite of passage for young males and is encouraged by families.²⁴

Migration is also driven by forced displacement as a result of conflict.²⁵ Ongoing displacement among Ethiopia's regions created vulnerability to trafficking, such as the protracted conflict in the Oromia region in late 2016, and the emigration of ethnic Tigrayans from the Amhara region into Tigray to escape ethnically-based unrest in Amhara.²⁶ Seasonal movement and natural disasters, such as the severe drought in 2015-2016, increased instances of internal trafficking.²⁷ Internally, the target group for traffickers includes girls from impoverished rural areas who are exploited in domestic servitude and prostitution within the country, while boys are subjected to forced labour.²⁸ Child sex tourism in Ethiopia is also reportedly on the rise.²⁹

Legal and institutional framework

Ethiopia ratified the UN Convention against Transnational Organized Crime (UN-TOC) in July 2007. In June 2012, Ethiopia acceded to the Protocol against Smuggling of Migrants by Land, Sea, and Air supplementing UNTOC, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

30. Federal Negarit Gazette of the Federal Democratic Republic of Ethiopia (2016). Proclamation No. 909/2015: Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants. The Proclamation, which is currently under revision, is available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=101059&p_count=1&p_classification=03 (accessed on 21 July 2019)

31. Based on exchange rate on 21 June 2019.

32. United States Department of State (2019).

33. Federal Taskforce on Countering Migrant Smuggling and Trafficking in Persons (2015). Operationalization and Structural directive of Federal taskforce against human trafficking and migrant smuggling.

Until 2015, legal efforts to combat migrant smuggling or human trafficking were carried out within the framework of constitutional or Criminal Code provisions. In August 2015, Ethiopia promulgated Proclamation No. 909/2015 to “Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants”.³⁰ This criminalized labour trafficking and sex trafficking, prescribing penalties of 15 to 25 years imprisonment and a stringent fine of 150,000 to 300,000 Ethiopian birr (4575 to 9150 Euro³¹), which, with respect to sex trafficking, are commensurate with those prescribed for other serious crimes, such as rape.³² Proclamation No. 909/2015, which is currently under revision, grants victims of trafficking and returnees protection schemes and special rights, including:

- Rescue, voluntary return and rehabilitation of victims;
- Access to social services, medical care, counselling, and psychological treatment;
- The right to privacy;
- Access to information about legal proceedings;
- Economic reintegration; and
- Immunity from prosecution in relation to illegal acts committed as a consequence of being a victim of human trafficking.

Proclamation No. 909/2015 also mandated the establishment of: (1) a national committee, answerable to the Office of the Prime Minister and led by the Deputy Prime Minister, that incorporates several ministries, regional states, other governmental organizations and non-governmental organizations, and (2) an Anti-Human Trafficking and Smuggling of Migrants Task Force, led by the Office of the Attorney General, and mandated to execute and oversee the implementation of the Proclamation. The Task Force consists of almost all the same ministries represented on the National Committee, plus representatives from National Security and Intelligence Service, as well as the Ethiopian Federal Police Commission. The Task Force has developed a five-year National Plan of Action against Trafficking in Persons and Smuggling of Migrants (2015-2020).³³ In 2016, the Task Force also endorsed a National Referral Mechanism which still needs to be rolled out in the Regional States and consequently, locally, at zonal and woreda (district) levels.

Rights-based approaches as crucial to an effective criminal justice response

Simply put, treating trafficked persons in line with their rights leads to better criminal justice outcomes. This is recognized throughout the UN Recommended Principles and Guidelines, which notes that law enforcement training should acknowledge the practical value of providing incentives for trafficked persons and others to come forward to report traffickers (Guideline 5.2).

34. It is important to highlight that suspects also have rights, including the right to a fair trial process and proportionate sentencing.

35. See <https://rm.coe.int/168008371d> and https://www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf (accessed on 21 July 2019)

36. The traffickers were eventually detected in the United Kingdom when police started to build relationships with the children concerned. <https://www.antislavery.org/london-smet-police-help-bust-child-trafficking-gang-romania/> (accessed on 21 July 2019)

As highlighted in the previous section, a rights-based response means victims and others are much more likely to (1) come forward to report traffickers, (2) provide valuable information on the traffickers and (3) act as effective witnesses.³⁴ Ensuring that criminal justice actors, policy makers and others coming into contact with trafficked persons understand this point can be crucial in over-coming possible resistance to rights-based approaches, particularly in the case of foreign victims with irregular migration status (see **Box 3**). In Ethiopia, this work is done through combination of a specialist response to trafficking and building the capacity of a much wider group of actors.

Box 3: The non-punishment principle

Trafficking victims are often forced to commit crimes, such as being forced into prostitution or petty theft. The non-punishment principle states that “trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.” Such unlawful activities may include petty theft or drug dealing, as well as, in jurisdictions where these are criminalized, prostitution or begging.

This principle helps to (1) protect victims’ rights and (2) promote effective prosecution by removing an important obstacle to victims coming forward to authorities. First articulated in the UN Recommended Principles and Guidelines, this principle was included in the Council of Europe Convention on Action against Trafficking in Human Beings, and UNODC’s Model Law against Trafficking in Persons, and is now recognized as crucial to an effective TIP response.³⁵

In Ethiopia, Proclamation No. 909/2015 grants victims of trafficking immunity from prosecution in relation to illegal acts committed as a consequence of being a victim of human trafficking.

Rights-based framework

Trafficking in persons is a complex crime that requires specialization and expertise for its effective investigation and prosecution. This is particularly important in the early years of the response, where criminal justice systems are likely to lack a broad understanding of the characteristics of this crime, the barriers to identifying trafficking cases, and their responsibility to ensure the safety and immediate wellbeing of trafficked persons (Guidelines 5.1 and 5.7).

In Europe for example, police across several jurisdictions were coming into frequent contact with Romanian children engaged in petty crime without realising they were victims of an organized trafficking ring based out of Romania. Lack of understanding of this crime led to traffickers being able to operate in plain sight for several years through moving children to different jurisdictions according to the different age of criminal liability.³⁶ As highlighted by this case, an effective response to TIP also re-

37. The Federal Anti-Human Trafficking Committee established by Proclamation No. 909/2015, is responsible for overseeing the national activities related to combatting human trafficking in Ethiopia. Chaired by the Deputy Prime Minister, its Secretariat, created in 2015, is under the authority of the Office of the Federal Attorney General. The Committee is organized into four subgroups focused on: prevention, protection, prosecution and research, monitoring and evaluation.

quires close international cooperation. The presence of staff specializing in this issue greatly facilitates such cooperation.

To facilitate this specialized response and ensure the investigation and prosecution of cases of trafficking is sensitive to the needs of trafficked persons, the UN Principles and Guidelines recommend the establishment of specialized counter-trafficking units (Guideline 5.4).

Promising practice

A specialist response to identifying victims and apprehending traffickers

In line with the above recommendation, Ethiopia has established a specialized investigations unit for trafficking in persons and human smuggling at the Federal Police Commission. It has further created, at the Federal level, a specialized prosecutions unit to deal with transnational organized crimes, and assigned specialized prosecutors to deal with cases of trafficking in persons and human smuggling.

To coordinate the investigation and prosecution of human trafficking cases, the Federal Anti-Human Trafficking Task Force established a Law Enforcement Working Group composed of the police, Office of the Attorney General, immigration and other authorities.³⁷

To help institutionalize the increasing collaboration between the police and prosecution services in tackling TIP and other serious criminal activities, the two entities have agreed on a memorandum of understanding entitled the “Business Re-engineering Process”. The MOU sets specific targets including to: (1) halve the time for the completion of prosecutions; and (2) conduct the first interview with the victim-witness together, so as to assist in the assessment of collected evidence. The document has been adapted locally in selected regions. In Bahir Dar, in the Amhara region, for example, police and prosecutors share physical office space to facilitate exchange and collaboration.

Ensuring that key actors can support an effective response

A specialist response must be complemented by a wider understanding of what is required to identify and support victims, and to collect and preserve evidence crucial to investigations and prosecutions. Capacity building programmes that promote a rights-based approach are thus essential in ensuring that the criminal justice response to trafficking responds to the needs of victims. In Ethiopia, such training programmes are supported by multilateral and bilateral partnerships, such as that involving GIZ, IOM, UNODC, Expertise France and others within the Better Migration Management Programme. Together, these partnerships cover a wide range of key topics, including:

- Understanding trafficking in persons, smuggling of migrants and the differences between these crimes (all actors)

- Establishing a common understanding on the international and national legal framework for countering human trafficking (led by UNODC)
- Identification of victims of trafficking (led by IOM)
- Referral of victims of trafficking for specialized assistance and protection services (led by Expertise France)
- The child rights protection framework and how this applies to trafficking in persons (led by RETRAK)
- Specialized investigation and prosecution techniques for tackling organized crime, including trafficking in persons (led by UK Embassy).

In terms of changes arising from these initiatives, staff from victim shelters highlight the role of the trainings in increasing sensitivity to the trauma the victim-witness has endured, leading to increased empathy. Criminal justice actors also voiced their desire for increased training opportunities to develop specialized skills on dealing with trafficked persons and in the investigation and prosecution of trafficking offences. At present, however, as in most countries, assessment of the outcomes and impact of this training remains somewhat anecdotal and this is an area for attention moving forward.

Possible next steps

Possible next steps for Ethiopia towards internationally recognized good practice might include:

1. In order to consolidate and maximize the benefit of existing capacity building activities, Ethiopia could consider developing a comprehensive national capacity building strategy. This would include:
 - National criminal justice training curricula on trafficking in persons, including online courses, to be finalized and integrated into national training academies for police, prosecutors and judges. This should include entry-level training;
 - Training workshops linked to clear performance targets, with viable systems in place for follow-up mentoring and assessment of outcomes;
 - Identification and addressing of barriers to implementation of knowledge and skills learned. These might include lack of resources, competing priorities, and staff rotation policies; and
 - Measures to ensure the most appropriate participants are selected for training on victim-centred practices in identifying, investigating and prosecuting human trafficking offences. This involves expanding coverage both geographically and in terms of the range of front line respondents most likely to come into contact with victims of trafficking. This might include border police, asylum caseworkers, immigration services,

refugee counselling centres, specialized migration centres, youth welfare offices, labour inspectors, immigration services, health support organizations, labour authorities, migrant organizations, airport personnel, other transport providers and traditional, religious and community leaders.

2. There is an opportunity for Ethiopia to further improve cooperation among key actors through:
 - Supporting further collaboration between the police and prosecutors, including by systematically locating specialized officers working on serious crimes in the same premises across the country;
 - Implementing a memorandum of understanding to systematize the coordination of activities between the federal and regional anti-human trafficking task force secretariats through a binding framework; and
 - Encouraging cooperation among federal and regional agencies, civil society and international organizations to coordinate victim assistance and centralize information on anti-trafficking activities.

Prompt and accurate identification of victims of trafficking

As highlighted in the previous section, the prompt, accurate identification of trafficked persons, together with their appropriate treatment, lies at the heart of all effective responses to the crime of trafficking in persons. (Guidelines 2.1 – 2.3).

Rights-based framework

At present the identification of victims of trafficking remains challenging for several reasons. Many victims of trafficking do not self-identify as such due to low awareness that they are victims of a crime. For others, suffering retaliation for exposing their trafficker is a real fear. Foreign nationals may have additional concerns as slow or inaccurate identification can lead to the treatment of trafficked persons as criminals rather than as victims given that trafficked persons are often arrested, detained, charged and even prosecuted for entering the country illegally, working illegally or engaging in activities which are criminalized in the country, such as prostitution, soliciting or begging.³⁸

39. Ibid., para. 25.

40. Ibid., para. 26.

41. Mixed migration movements are defined as encompassing various categories of persons on the move, including refugees, asylum seekers and migrants travelling, mostly in an irregular manner, along similar routes, using similar means of travel, and for various and often interrelated reasons. See: United Nations General Assembly, Report of the Special Rapporteur on trafficking in persons, especially women and children, A/HRC/38/45, 14 May 2018, para. 7.

42. These are at Metem-ma (via Sudan and Libya to Europe), Afar (via Galafi and Djibouti to Yemen), Somali (via Togo-wuchale, Somaliland, Bosasso and Yemen to Saudi Arabia) and Moyale (via Kenya to South Africa) areas, respectively.

43. IOM (2019), pp.48

44. Most migrants reporting that they left their habitual residence due to a natural disaster were from the Oromia region in Ethiopia. Oromia was hit by drought and flash floods in the first half of 2018.

tization, and denial of the rights to which they are entitled.³⁹ Furthermore, where trafficked persons are criminalized or experience negative encounters with law enforcement authorities, this impedes efforts to prosecute trafficking offences. Victims become reluctant to cooperate with authorities, having lost trust due to the negative experience suffered as a result of their interaction.⁴⁰ These considerations highlight the importance of the non-punishment principle (**Box 3**).

In this context, a human rights approach cannot be seen narrowly in the context of human trafficking but must be consistently applied across the whole spectrum of activities dealing with migration. The right to freedom of movement and the right to seek asylum are internationally guaranteed norms. However, the crimes of migrant smuggling and trafficking in persons are ever-present and increasingly blurred in mixed migration movements.⁴¹ People may not necessarily enter mixed migration movements as trafficked persons, but later become trafficked during their journey or when they reach a transit or destination country. Hence, both independent migrants and those using the services of a smuggler are susceptible to finding themselves in exploitative situations at the hands of traffickers at a later stage.

Promising practice

Identifying victims in a mixed migration context

In response to the challenges provided by the mixed migration context, the regional Bureau of Labour and Social Affairs in cooperation with the International Organization for Migration has established Migrant Response Centres at three high volume transit areas located on the Northern, Eastern and Southern migration routes.⁴² According to the Amhara Bureau of Labour and Social Affairs, these Migrant Response Centres provide services to approximately 400 persons per year. The opening of two additional centres is planned, including one in Azezo, near Gondar.

The Migrant Response Centres serve as de-facto transitory centres or shelters to which law enforcement agents may refer suspected victims of trafficking or of migrant abuse. The Migrant Response Centre staff register all received persons and provide them with immediate assistance (water, food, medical treatment, temporary shelter, service referrals) and protection (guarded premises), as well as longer-term support (rehabilitation services, such as trauma counselling). This includes screening to determine whether the individual is a victim of trafficking or migrant abuse and a needs-assessment to determine the specific assistance and protection required by the individual. Specific protections are applied in the case of child and female victims; both groups are housed in separate areas of the shelter. The Migrant Response Centres also promoting understanding among migrants of the dangers of irregular migration and the warning signs of traffickers.

In 2018, 98% of migrants registered by the Migrant Response Centres were of Ethiopian nationality and most were travelling along the Eastern Route towards Saudi Arabia (77%).⁴³ Most individuals reported migrating for economic reasons (84%), while a small percentage left their communities of origin due to armed conflict (5%) or natural disaster (3%).⁴⁴

45. The task force members in the Amhara region meet in person twice a month, in addition to informal communication over the phone, etc., and have been collaborating in such a manner for the past five years. The police also report to work closely with immigration officials to identify falsified travel documents and education certificates.

A proactive community outreach response

Recognizing the barriers to victims coming forward, the police officers interviewed in Addis Ababa and Bahir Dar have developed practices to more proactively identify possible victims. These rely on: (1) building relationships and awareness within the community to encourage reporting by the public of suspicious neighbourhood activities related mostly to the harbouring of victims both en route and at the point of exploitation; (2) a system of mentorship between experienced and junior police officers to increase their ability to identify victims and investigate human trafficking offences; and, (3) establishing task forces with law enforcement partners (local and federal police agencies, intelligence and military officers) to facilitate the exchange of information on trends relating to the commission of human trafficking offences, including identification of hot spots for transporting victims.⁴⁵

Possible next steps

Possible next steps for Ethiopia towards internationally recognized good practice might include:

1. To guarantee non-punishment of trafficked persons, Ethiopia could ensure full implementation of the legal protections against prosecution of trafficked persons for activities they were involved in as a direct consequence of their situation as trafficked persons, including for violations of immigration laws.
2. To ensure efforts to identify victims are fully standardized throughout the country, Ethiopia could work to consolidate existing tools and processes, including through ensuring the National Referral Mechanism is rolled out at the regional, zonal and woreda levels. This would bring together law enforcement, judicial and victim support agencies throughout the process from identification to assistance and protection through to the social inclusion of trafficked persons and abused migrants, including support for participation in criminal proceedings against the perpetrators. As with the Amhara MoU (discussed below), specific systems and tools could be adopted in order to ensure full and systemic implementation of the referral procedures. To support this work, the following specific initiatives could be undertaken:
 - Developing a standardized proactive identification procedure to detect suspected victims of trafficking, drawing on existing indicators as developed by IOM and UNODC;
 - Developing standard screening forms that are sufficiently detailed to allow first responders to identify migrants in vulnerable situations early on and refer them to appropriate channels. This could also include indicators of migrant vulnerabilities that can lead to a risk of trafficking, based on the experience acquired by national agencies, international organizations and civil society; and
 - Developing a protocol to conduct a risk assessment when engaging with abused migrants or victims of trafficking.

3. To expand efforts to identify victims, Ethiopia could further:
 - Ensure interviews are routinely conducted in a dedicated private room at the police station and that people are always interviewed separately;
 - Facilitate the quick and efficient identification of trafficked persons, and other migrants in need of protection, by ensuring capacity building efforts reach the first responders of all agencies that might encounter trafficking crimes or victims, including the police, immigration, border guards and labour inspectors. This would include training on the use of indicators of vulnerability and referral to protection services;
 - Map all stakeholders likely to come into contact with the migrant population, especially health providers, migrant community leaders, social workers, labour inspectors and asylum caseworkers and ensure they are trained in identification and screening tools and coordination mechanisms in place for identification and referral;
 - Facilitate victim identification during search and rescue operations and at disembarkation points, by creating safe and confidential spaces to carry out individual interviews. Such interviews should be performed by trained staff and interpreters who can promptly assess indicators of vulnerability and provide adequate support, also in order to separate potential victims from traffickers;
 - Reinforce or create mobile multidisciplinary teams for identification and referral of trafficking victims or potential victims, the composition of which can be adapted to the circumstances of the case;
 - Systematically provide immediate assistance to all suspected victims apprehended for an interview, including water, food, clothing, sanitary necessities, etc.; and
 - Ensure that victims are never kept in police stations overnight. This sometimes happens when police are so focused on recording the victim's testimony that they keep them after the shelter cut-off time. Instead, ensure transfer to a shelter for the night and return to the police station the following day to complete the recording of their testimony.
4. To maximise the potential of Migrant Response Centres, Ethiopia could consider:
 - Routinely ensuring transfer to the Migrant Response Centres for individual screening and assessment procedures as soon as possible after suspected victims are identified;
 - Allocating sufficient resources to the Migrant Response Centres to meet human rights standards for reception and assistance in accordance with the OHCHR and Global Migration Group Principles and Guidelines on the human rights protection of migrants in vulnerable situations. This includes ensuring that the MRCs meet the basic needs of the migrants who are sheltered, including basic comfort, hygiene standards, no overcrowding and protection from any abuse and exploitation.

46. A formal request was sent from the Federal Attorney General to his or her regional counterparts requesting responses to questions based on indicators to determine the level and seriousness of trafficking in persons in the respective region.

Data informed decision making

Rights-based framework

The collection of sufficient, standardized and disaggregated statistical information, and an accompanying analysis on patterns of trafficking and related criminal activity experienced in the country, in addition to conducting research, is necessary to design an effective response to preventing and combatting the crime (Guidelines 3.2 – 3.4).

Similarly, at an individual level, people cannot access their rights unless they are well-informed. Strategies aimed at preventing trafficking must therefore include information campaigns for the general public aimed at promoting awareness of the dangers and consequences associated with trafficking, and in particular, the link to potentially dangerous migration decisions (Guidelines 2.4 and 7.5). Basic awareness campaigns, however, tend to be one way and not take account of the fact that information is just one factor that affects decisions on individual behaviour.

Promising practice

Capturing key data to design appropriate institutional responses

Research into the link between migration movements and trends in human trafficking is instrumental in assessing the appropriate institutional response to combat trafficking in persons. The outcome of a study recently conducted by the Federal Anti-Human Trafficking Task Force to determine priority regions in which to establish a mechanism to coordinate anti-trafficking activities revealed that such mechanisms are urgently needed in regions experiencing particularly high migration flows.⁴⁶ These are: Gambella, to address the Sudanese refugees that are vulnerable to human smugglers; Ben-gashul, emerging as a transit region for migrants; and the Afar region, which is a transit area to cross the border to Djibouti on the migration path to the Middle East.

The Migrant Response Centres in Metemma, Semera and Moyale have an important role in collecting information and data on mixed migration movements, and, in particular on patterns of human smuggling and human trafficking. The Centres routinely collect the following information on migrants: place of origin, sex, age, method of entry in the country, method of recruitment, and migration path taken. This information is shared with the Bureau of Labour and Social Affairs, which transmits it to the appropriate regional anti-human trafficking task force.





47. The Federal Anti-Trafficking Task Force Secretariat capitalizes on the good working relationship between the Federal Office of the Attorney General and the regional offices of the Attorney General to receive the reports.

48. The Amhara Anti-Trafficking Task Force, established in mid-2017, counts 32 entities among its members which include the: Office of the Attorney General, police service, regional supreme court, Bureau of Labour and Social Affairs, Bureau for Peace and Security, Bureau of Youth, Sports, Women and Child Affairs. Its activities are coordinated by its Secretariat, the Human Rights Directorate of the Office of the Attorney General, Amhara.

49. The set-up, training, and roll-out of this system was completed during an August 2016 meeting in Hargeisa, attended by MRC staff from Ethiopia, Djibouti, Somaliland, Puntland and Sudan.

50. The Community Conversations model was first introduced in Ethiopia to address the practice of female genital mutilation. It was then applied to HIV/AIDS prevention.

Nations, Nationalities and People's Region, Tigray, and Oromia) in an effort to ensure complementary courses of action and avoid duplication. This includes the organization of annual meetings for the purposes of developing and sharing views on annual strategic plans for both federal and regional entities. It also coordinates the submission of annual reports from the regional and federal secretariats to the Federal Anti-Human Trafficking Committee.⁴⁷ At the regional level, the Amhara Regional Anti-Human Trafficking Task Force coordinates regional anti-trafficking activities through compiling biannual and annual reports from its members, organising regular joint meetings biannually, and through various capacity building and monitoring and evaluation interventions.⁴⁸ The establishment of an information Management system is foreseen under the Amhara Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (see below).

As an example of the role that technology can play in improving data collection and analysis, IOM has developed a smartphone-based "Migrant Response Centre Data Collection System" application that allows for migrant profiles and protection needs to be identified and organized in a comprehensive and region-wide manner.⁴⁹

Community Conversations

An interview with the police, for example revealed that many victims of trafficking, once returned to their places of origin, are stigmatized by their communities and as a result are highly susceptible to being re-trafficked, despite by definition being fully aware of the risks. They often fall prey to traffickers who want their victims to disappear from the area to discourage any reporting against them. So the traffickers take any opportunity and offer incentives to again leave the country. The police reported that they have encountered communities which accept trafficking in persons and human smuggling as a normal practice and therefore are active in discouraging the victims from pursuing the prosecution of the offender as the latter is viewed by the community, not as a criminal, but as helping the community escape their impoverishment. According to a prosecutor, victim-witnesses remain highly susceptible to intimidation and influence by the network of the accused to discontinue participation in legal proceedings. Furthermore, in the experience of a police officer, returnees who experience regular migration and smuggling are more likely to become traffickers themselves. The returnees know how the crime is committed and they keep their former relationship with the trafficker.

One response in Ethiopia is the Community Conversations (CCs) approach.⁵⁰ This follows basic development principles by providing key information to communities and facilitating these communities to come up with their own solutions. The focus of the CCs in Ethiopia is on risks of irregular migration with an emphasis on tackling the problem through alternatives at home, action against exploitative brokers and promotion of regular labour migration.

A key characteristic of the CC model is the focus on one specific issue, in this case migration, to allow sufficient time for communities to reflect on, and digest the complexities involved and identify appropriate actions that can be taken forward communally. Among the results of the Community Conversations are increased acceptance of returned migrants, who often now take a role as advocate, and increased reporting of brokers. One community respondent highlighted that the process had caused the community to realise that their views on the realities of migration were based on outdated

information, “Further, we began to ask why, if migration was as good as the brokers were telling us, they were not sending their own children.”⁵¹

The Ethiopian model uses government structures to facilitate linkages with government services such as the provision of livelihood opportunities as an alternative to migration. These linkages offer potential not just for communities to access these services but also to engage with government on how these services might be strengthened and, in some cases, better aligned with local priorities.

The Amhara Regional Anti-Human Trafficking Task Force has implemented several complementary activities on increasing community awareness about human trafficking and on victim identification, linking these to the context of mixed migration flows. This includes the creation of media and public platforms for victims of trafficking to recount their experiences of migration and trauma suffered, as well as the types of support made available to them upon return. Task Force Secretariat staff highlight the impact of its awareness raising activities in higher numbers of reported suspected incidences of the crime by the public.

Possible next steps

Possible next steps for Ethiopia towards internationally recognized good practice might include:

1. Consolidating data on migration and trafficking data nationwide. In addition to determining appropriate institutional responses to combat human trafficking, this data can be used to generate statistical reports and qualitative intelligence information to enhance the investigative capacity of law enforcement agents. This would include:
 - Establishing a professional and confidential system for systematically collecting, storing and regularly sharing information on the profile of trafficking victims and their reason for migrating, including migration dynamics and trends in the region.
 - Sharing this information through regional task forces and other existing reporting channels.
2. Collecting and making readily available more information about the realities of life in destination countries. At present, migrants in general remain extremely reluctant to share negative experiences, so as not to be seen as a failure or to avoid worrying family or friends. As a consequence, while many of those considering migration are aware of the risks involved, there is a tendency to over-estimate the benefits. While campaigns that focus solely on negative aspects of life abroad will not be credible, a more balanced assessment would allow migrants to make a more informed choice.

52. The police-issued letter is shared with the appropriate Bureau of Women and Children Affairs. The receiving shelter is required to issue a letter of response to the police. Reportedly, sporadic checks of victim's files are conducted by the authorities to verify that the shelter has appropriately dealt with this official correspondence.

Cooperation between law enforcement and victim support agencies

Rights-based framework

States are required to protect trafficked persons from further exploitation and harm and ensure their access to adequate physical and psychological care (Principle 8). At a minimum, this includes the provision of safe and adequate shelter as well as access to primary health care and counselling (Guidelines 6.1 and 6.2). In fulfilling the obligation to ensure that trafficked persons receive necessary support and assistance, law enforcement authorities are encouraged to work in partnership with non-governmental agencies (Guideline 5.9).

Victim support agencies (VSAs) frequently provide essential services, such as water, food, shelter, medical and psychological care, and free legal assistance. This is particularly important in low resource environments. VSAs and other non-government organizations, who are often the first to come into contact with trafficked persons, play an important role in referring victims to the appropriate authorities for assistance, filing criminal complaints with the victim's consent, and reporting suspicious activity to law enforcement authorities.

Establishing cooperative working relationships between law enforcement professionals, public social services and NGOs is essential to ensuring victims of trafficking are referred appropriately and without delay to the assistance and protection they require.

Promising practice

Practice of referring victims of trafficking to shelters by police

In Ethiopia, the police have developed a practice of referring suspected victims of trafficking or migrant abuse to victim protection shelters operated by non-governmental organizations. Following a first interview at the police station, the police ordinarily transport the victim to the shelter along with an official letter of request for their immediate assistance, rehabilitation and safekeeping until completion of the criminal justice process.⁵² Interviews revealed cooperative working relationships between the police and shelter staff marked by accessibility and mutual respect.

This practice has also been conveyed into a broader set of tools aimed at having the National Referral System effectively enacted in the Amhara Regional State, and developed with the support of Expertise France under the BMM Programme. Through a series of local multi-agency workshops, the Bureau of Labour and Social Affairs and the Regional Anti-Trafficking Task Force, have developed a multi-agency "Memorandum

53. The MOU was signed in March 2019 in Bahir Dar by: the Bureau of Labour and Social Affairs, the Regional Anti-human Trafficking Task Force Secretariat – Amhara Attorney General, Amhara Police Commission, Bureau of Technical Vocational Training and Enterprise Development, Bureau of Women Children and Youth Affairs, Bureau of Health, Immigration Department (Metema Branch) and five NGOs (Agar Ethiopia, OPRIFS, Good Samaritan Association, Timret Le Hiwot, Mahibere Hiwot for Social Development).

of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State”. This covers identification, protection, assistance, social inclusion, and support in legal proceedings, with a particular focus on referral to and from shelters.⁵³

The MoU sets out a clear division of responsibilities among the different entities and standardizes the process of cooperation. Focal persons are identified and an annual plan and a data collection system are foreseen, as well as annual regular meetings including one aimed at outlining possible Prevention actions to be based on evidence from the protection and prosecution activities carried out under the system. The MoU is complemented by implementing guidelines and a monitoring, evaluation and learning system (see the Annex of the online version of this Compendium, containing the MoU and its tools). The representatives of other Regional States have already declared their interest in developing such a system in their own contexts.

Promising mechanisms for systemizing referrals

National Referral Mechanism

At the national level, the final draft of the “National Referral Mechanism of Ethiopia - Joining Efforts to Protect the Rights of Victims of Trafficking and Victimized Migrants in Ethiopia”, was submitted for approval in 2018 to the Federal Anti-Human Trafficking Task Force Committee. This comprehensive document seeks to ensure coordination among different actors in contact with victims of trafficking, potential victims, and migrants in a vulnerable situation, including those that have been exploited by human smugglers.

Further, it incorporates special identification and screening tactics for child trafficking victims, in addition to the profiling of voluntary returnees and deportees at the Bole International Airport. Under the National Referral Mechanism, the Federal Anti-Human Trafficking Task Force is the lead coordinator for referring trafficking victims to services, in cooperation with international organizations and other government entities.

Shelters for victims of trafficking

There are a number of shelters for victims of trafficking established by non-governmental organizations within the country. As well as providing protection for victims against intimidation or reprisals, these shelters provide three other important functions: (1) serving as a point of referral for first responders to suspected victims of trafficking and migrant abuse; (2) involving shelter staff with expertise in conducting standardized screening procedures for identifying victims of trafficking and vulnerable smuggled migrants; (3) delivering both immediate and longer-term assistance for rehabilitation of victims. During their stay in the shelter, victims might also be assisted to pursue legal proceedings against their exploiters.

(1) Point of referral: Shelter staff interviewed reported that both IOM, who may identify suspected victims at the international airport, and the local police, who are often the first responders to suspected victims, will transport such individuals to the shelter and request their safekeeping. IOM works with the Ethiopian Federal Immigration authorities in the context of the Assisted Voluntary Return programme to deliver

post-arrival assistance to returnees who are victims of trafficking or migrant abuse. This includes the facilitation of transport from the airport to the shelter.

(2) Shelter staff have been trained in conducting standardized screening procedures for identifying victims of trafficking and vulnerable smuggled migrants. Following transfer of the suspected victims to the shelter, the shelter staff will conduct an interview to determine whether an individual is a victim of trafficking or migrant abuse using standardized indicators. Reportedly, these indicators are widely known among shelter counsellors, having first been used in 2011, and are constantly being updated with experiential knowledge.

The shelter staff also play a role in collecting evidence to be used in legal processes against accused perpetrators of trafficking or abuse. For example, shelter staff will ask the victims to identify their Ethiopian agents responsible for their recruitment into exploitative labour practices. With the consent of the victim, this information will be shared with the Bureau of Labour and Social Affairs (BoLSA) to assist in sanctioning these agents.

Shelter staff reported on several measures taken to encourage participation of victims in legal proceedings. These include the provision of a dedicated legal counsellor at the shelter, whose role is to clarify the legal processes to the victims, update them on progress made and advocate for speedy resolution of their cases. The shelters also provide transportation of the victim-witness to the prosecutor's office or the court for hearings. Child witnesses, in particular, may benefit from being accompanied by a shelter counsellor.

Furthermore, the shelter counsellors have been trained by international organizations to conduct interviews to determine if the shelter resident has been a victim of another criminal offence and requires legal support. Where this results in a positive determination, the shelter counsellor will encourage the resident to file a complaint with the police and will facilitate this process. Importantly, however, the counsellor will not inform the police without the consent of the resident.

(3) The provision of comprehensive services by the shelters includes immediate assistance in the form of safe accommodation, food and clothes, health assistance, and psychological support. Shelters also conduct specialized needs assessments for victims in particular situations of vulnerability and make referrals to appropriate services. To support longer-term recovery and reintegration, the shelter also provides recreational activities, educational activities, life skills training, vocational guidance and training; facilitating access to the labour market, including small grants for starting income generating activities; family tracing and reunification; support for social inclusion in place or in the locality of origin or in a third locality; and legal advice and support for preparation and participation in trials, including specific psychological support.

Profile of three shelters in Ethiopia for victims of trafficking and abused migrants

(a) The Organization for the Prevention, Rehabilitation and Integration of Female Street Children (OPRIFS) shelter has been in operation for 20 years. It is present in two locations: Addis Ababa and Bahir Dar. The OPRIFS shelter provides females less than 18 years of age with a range of services. This includes food, shelter, and medical attention including a vaccine program, psychological counselling, informal education,

54. The Good Samaritan Association shelter is not covered in this study.

55. The male shelters were established through the support of Expertise France, as implementing partners of the Better Migration Management program.

and life skills training. The psychological counselling commences a week after the girl is transferred to the shelter and continues until she is reunited with her family. Reunification is done following a recommendation from the shelter counsellor. The average length of stay is three to four months. All the counsellors at the shelter are women (11 in total). At the time of the interview all the children were Ethiopian nationals. Girls with special needs – such as those with intellectual disabilities, or who are pregnant or HIV positive – are referred to specialized shelters. For example, the Good Samaritan Association provides shelter services for physically and psychologically/mentally severely affected female victims in Addis Ababa and in Gondar.⁵⁴

(b) The AGAR Ethiopia shelter was established in 2005. It focuses on providing services to victims of trafficking and migrant returnees, as well as a programme to support older persons who are victims of, or are vulnerable to, abuse. Until 2018, it provided services only to female victims but now there are separate shelters for females and male victims, adults and children, in both Addis Ababa and in Bahir Dar.⁵⁵ At the time of the interview, all shelter residents were Ethiopian nationals with the exception of three Ivorian nationals. AGAR provides the following types of support to victims: food, clothing, accommodation, medical treatment, sanitation material, psychological counselling privately and in groups, family tracing and reunification, and life skills training including technical and vocational skills.

On average, victims will stay at the Addis Ababa shelter for three months to focus on their recovery, following which they will commence job training at AGAR Ethiopia's training centre in Dukem area, Oromia region which offers victims, following their rehabilitation, livelihood options.

To assist with the reintegration of victims, AGAR Ethiopia receives the support of the government, including the provision of land and the facilitation of appropriate licenses, etc. The shelter in Bahir Dar accepts mainly victims of trafficking, but also persons who are vulnerable to being trafficked, such as internally displaced persons. It has counted 89 beneficiaries since it opened in 2018. The separate male and female shelters hold a maximum of 20 persons each. The shelter reported that the majority of its residents are Ethiopian nationals from outside the Amhara region. At the time of the interview, residents also included nationals of Nigeria and Somalia.

Importantly, the Bahir Dar shelter is specifically for the recovery period, not for long-term stay. Residents are permitted to stay up to a maximum of two months, following which they are reunited with families.

(c) RETRAK Ethiopia, established in 2007, is an organization which provides comprehensive assistance such as food, shelter, education, basic health care, and psychological care, to abused migrant children and child victims of trafficking. It has three shelters, also referred to as “transitional centres”, in Addis Ababa, with a capacity of 30 children each. Two are reserved for female children and one is for male children. RETRAK Ethiopia also has three regional centres situated along the main migration corridors, each with a capacity for 15 children and reserved for male children only. In total, RETRAK reintegrates approximately 600 children a year who are rescued primarily from living on the street or in exploitative domestic work. The children stay for approximately three to four months for recovery. Once returned to their families, they are followed up for another two years to ensure they have securely reintegrated into their communities.

Possible next steps

Possible next steps for Ethiopia towards internationally recognized good practice might include:

1. Implementing the National Referral Mechanism, by:
 - Finalizing the National Referral Mechanism document, based on its current legislative revision, for identifying and assisting victims, ensuring its implementation in close cooperation with all actors, including victim service providers.
 - Operationalizing the National Referral Mechanism through regional or local referral systems accompanied by respective standard operating procedures or implementing guidelines that would define mutual commitments of the regional authorities and civil society organizations.
 - Conducting trainings to build understanding of the National Referral Mechanism and its associated regional or local referral systems among all partners coming into contact with victims of trafficking, including law enforcement personnel, immigration and border control authorities, prosecutors and court workers, health officers and shelter staff.
 - Establishing cooperation mechanisms for referral of victims of trafficking in persons and clearly determine the roles and responsibilities of all stakeholders within the mechanism, including coordination between international organizations and national and local protection services.
 - Ensuring funding for service provision with assistance that is provided unconditionally, and is non-discriminatory, culturally appropriate, gender-responsive and sensitive to disability and age.
 - Establishing cooperation mechanisms for referral of victims of trafficking in persons between the regions as well as across borders.
 - Developing or strengthening measures to ensure coordination and referral between different protection systems, including protection against trafficking, child protection and international protection. Such measures should be promptly implemented upon disembarkation and during the registration and reception procedures.
 - Operationalizing the victim protection and assistance fund, established under Proclamation No. 909/2015.
2. Further strengthening cooperation and referral mechanisms for victims of trafficking in persons through:
 - Constructing a government-run accommodation service or shelter to which the police may systematically refer victims of trafficking.

- Integrating this service with NGO-run shelters through alignment with common standards and procedures.
- Increasing understanding amongst police officers of what support services exist as specific to children, female and male victims of trafficking.
- Strengthening the delivery of psycho-social support, beyond the provision of basic assistance services.
- Ensuring that family tracing and reunification of children are conducted in the best interest of the child and based on proper risk and need assessment.
- Ensuring that return to the family or community of origin for adults is also based on a risk and needs assessment and not applied as an automated response. Where reintegration is not an appropriate response, alternative solutions for social inclusion should be made available.
- Provision of sufficient support by legal counsellors to complement the shelter teams.

Victim/witness care and protection throughout the criminal justice process

Rights-based framework

As victims of a crime, trafficked persons have the right to be protected from further harm, to their privacy, and to their physical and psychological care and support pre-trial, during trial and post-trial (Principle 9, Guidelines 4.8 and 6.5). The provision of appropriate support further requires that victims of trafficking be provided with legal and other assistance, in a language they understand, so that they are informed of their legal options and given the time, space and help to consider these options carefully. Legal proceedings in which trafficked persons are involved must not be prejudicial to their rights, dignity or physical well-being (Guideline 6.4). As emphasized throughout this document, providing victims of trafficking with the support they need to participate safely and effectively in criminal justice processes not only upholds their rights but also facilitates their effective cooperation with the criminal justice process.

Further, a (Guidelines 4.7, 4.10, 5.8 and 6.6)



734



Promising practice

Assistance provided by prosecutors

Public prosecutors, as a matter of routine, inform victim-witnesses about their right to be protected from intimidation and reprisal. By way of example of repercussions for intimidation, a prosecutor recounted a situation in which the accused intimidated the victim-witness and as a result the prosecutor successfully applied to the court to suspend the bail rights of the accused. Public prosecutors in Ethiopia reported on a number of measures taken by their office to provide assistance to victim-witnesses and encourage their participation in legal proceedings. These include:

- (i) Prosecutors routinely meet with victim-witnesses prior to the trial. This gives them an opportunity to rehearse the testimony the witness will give, what the court proceedings will look like, how the hearing will be conducted, and what the witness can anticipate.
- (ii) Victim-witnesses are provided with a per diem, which is funded by the prosecutions department. Although recognized as low and often insufficient to cover victim's full expenses, this is helpful in encouraging the participation of witnesses in light of the fact that many are required to travel from locations far from the location of the courts.
- (iii) The Human Rights Directorate in the Office of the Attorney General, Amhara, bears responsibility for assisting victims to understand their rights with regard to participating in legal processes. The Human Rights Directorate, established in 2015, is the only office of its type in Ethiopia.
- (iv) The availability of an interpreter by the Addis Ababa Prosecutor's office so the witness may speak in his or her mother tongue. This is particularly significant considering the diversity of languages and dialects in Ethiopia, and within the region.

Witness and Whistleblowers Protection Proclamation

In Ethiopia, the 2015 anti-trafficking proclamation extends to trafficking victim protections outlined under the Witness and Whistleblowers of Criminal Offences Protection Proclamation No. 699/2010, which includes protection from prosecution for crimes committed as a result of being subjected to trafficking. The Witness Protection Directorate, established in 2010 and situated in the Office of the Attorney General, bears the responsibility for overseeing the implementation of the Witness Protection Proclamation.⁵⁶

Role of shelters for victims

The shelters play an important role in protecting victims of trafficking from being discouraged by their family members to continue legal proceedings against their traffickers and instead settle the matter outside the court through a community forum. Shelter staff reported having to disallow the interaction of family members with shelter

residents in cases where they have placed pressure on the victim to lie to the court about the culpability of the accused.

Shelter staff also reported having been required to shield victims from their families in cases where brokers have persuaded the families to discourage victims from filing a complaint with the authorities. In the staff's experience, the suspected traffickers are often related to the victims and hence use familial pressure to discourage victims from filing a criminal complaint against them.

The physical premises of the shelters are not indicated by any outward signage. This is done expressly for the protection of its residents from exposure to acts of intimidation or reprisals. The police acknowledge their reliance on NGO shelters to protect victims from the criminal networks associated with the suspected trafficker.

Practices of law enforcement professionals

In Bahir Dar, the prosecutor explained that, as a measure to protect the victim's safety during the court proceedings, the police assign a security guard to the victim-witness for a period of three to four days, during which time the victim will deliver his or her testimony to the court. The prosecutor further explained that the testimony of the witness before the court might not be necessary where the police and the prosecutor have taken a substantively comprehensive statement from the victim prior to the trial. Prior to the victim being returned to his or her place of origin, the sending police will inform the receiving police of the need to protect the victim from retaliation.

Systematizing cooperation for protection of victims

A promising document that has recently been concluded to widen the protection provided to victims, through multi-disciplinary protection schemes, is the Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level. The objective of this document is to strengthen coordination between governmental and non-governmental service providers through "witnesses and victims support networks". The MOU seeks to formalize these networks and to clearly indicate the responsibility of institutions that have a leading stake in this shared responsibility. Supported by Expertise France under BMM, the Federal Anti-Trafficking Task Force prepared this MOU, which was signed by governmental and non-governmental service providers to victims of trafficking, including the: Federal Attorney General, Federal Police Commission, Addis Ababa Police Commission, Agar Ethiopia, Organization for Prevention Rehabilitation and Integration of Female Street Children (OPRIFS), Good Samaritan Association and IOM Ethiopia.

Possible next steps

- Providing victim-witnesses with important information about participation in the justice process and ensuring that victims are systematically granted a recovery and reflection period to allow them to make an informed decision about whether to participate in the criminal justice process. Without condition, Ethiopia should ensure that victims are provided with support and protection, including shelter, health care and legal advice.
- Consider establishing in other regions of the country, a Human Rights Directorate such as that which exists in the Amhara region, to ensure there is a dedicated mechanism within the prosecutions office to assist victims understand their rights with regard to participating in legal processes.
- Consider extending to other Federal Courts, such as in Dire Dawa, the MOU to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level.
- Consider transposing the aforementioned federal-level MOU to regional level courts or directly incorporating it into future regional referral systems.
- Minimizing unnecessary delays during trials by redacting court filings.
- To ensure the privacy of victims, devoting attention during interviews to avoid disclosing potentially identifying information about the victims and make special arrangements, including with members of the media, to address privacy concerns in public court proceedings.
- Lessening reliance on victim-witness testimony by (i) encouraging proactive investigations and developing alternative-evidence gathering techniques to enable cases to be built on documentary, forensic and material evidence (transportation receipts, phone records and social websites); and (ii) encouraging the collection of evidence through surveillance exercises, subpoenas of phone records, interviews of numerous witnesses and victims, public record searches, information received from confidential informants and warrants to search cars, homes and e-mail.
- Developing a systemized policy of keeping victims informed about case developments, hearing dates, verdicts and sentences.
- Given that many victims of trafficking are likely to be migrants, both from across Ethiopia and from the region, ensuring the provision of interpretation services to ensure that migrants who do not speak the local language are able to communicate with the law enforcement officers.
- Encouraging the application of the Witness Protection Proclamation through building awareness among prosecutors of its existence and use in the case of providing protections to trafficking victims.
- Closing the protection gap for those victims who are unable or unwilling to be placed in shelters.

- Systemizing the assessment conducted of the special needs and vulnerability of the victim-witness, giving them a forum to express their privacy and safety concerns during legal proceedings so these may be appropriately addressed through provision of necessary assistance and accommodation.
- Systematically collect, archive and appropriately share information relating to the progress and outcome of investigations, prosecutions and victim assistance programmes in cases dealing with offence of human trafficking.

Access to justice and remedy

Rights-based framework

States have an obligation to effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or non-State actors (Principle 13). Trafficked persons, as victims of human rights violations, have an enforceable right to fair and adequate remedies in criminal, civil or administrative proceedings (Guideline 9.1). In order to enable trafficked persons to access these remedies, they should be provided with the necessary information on the procedures for obtaining such remedies (Guideline 9.2).

Both shelter staff and police officers interviewed raised the issue of victims' reluctance to pursue legal proceedings against their traffickers. At one shelter, only five out of 89 identified victims of trafficking or of migrant abuse are participating in court proceedings. This is consistent with experiences around the world and may be attributed to several factors including a lack of understanding that their exploitation is considered a criminal offence, combined with lack of understanding and trust of the criminal justice system, and fear of retribution from traffickers.

In response, several measures have been put into place to encourage victim engagement with the criminal justice system.

Promising practice

Specialized judicial bench

A specialized judicial bench has been created to hear cases of trafficking in persons. The objective of which is to apply expert judicial knowledge on the subject and expedite court proceedings in such cases.

Expedited court procedure

The expedited trial procedure known as “Real Time Dispatch” is a process, depending on the availability of evidence, to allow victim-witnesses to deliver their testimony to the court at the start of the hearing so they are not obliged to remain away from their place of origin for a lengthy time, taking into account the fact that many victims are required to travel to attend court hearings. The procedure is reportedly used systematically in Amhara especially and in other areas where there is a high prevalence of human trafficking, such as in border areas. It is captured in a manual prepared by the federal government as well as a circular. It was rolled out in the regions following the endorsement of the Anti-Human Trafficking legislation, Proclamation No. 909/ 2015. Prosecutors have been trained on the procedure by the federal Attorney General’s office, and junior prosecutors benefit from briefings by senior prosecutors. Furthermore, there is reportedly a bi-annual inspection of its implementation.

Assistance provided by prosecutors

Once the victim-witness has delivered their testimony for the court, there is a follow-up mechanism associated with the prosecutor’s office to allow the victim-witnesses to attain an update on the progress of the hearings. A prosecutor interviewed confirmed that, as a matter of routine, prosecutors dispense free legal advice on seeking claim damages in the criminal court proceeding (submission of an indemnification claim) or to have compensation claims resolved through civil proceedings, where the court acquits the defendant or the public prosecutor dismisses the criminal case because of lack of sufficient evidence.

In Bahir Dar, a prosecutor advised that the prosecutorial team accords special attention to human trafficking cases over other cases ensuring the hearing of trafficking cases is prioritized by the court. In the prosecutor’s view, there is an understanding of the seriousness of the crime due to the trainings received on this issue. Tackling the commission of this offence is also seen as necessary to stop many associated offences, including homicide, sexual violence, forced labour, etc.

Ongoing assistance and support provided to victims of trafficking as a means of redress

Trafficked persons who are returned to their place of origin must be provided with the necessary assistance and support to ensure their well-being, social integration and prevent re-trafficking. This includes the provision of appropriate physical and psychological health care, housing and educational and employment services.

A promising practice of ongoing assistance is the recently developed binding Victims Reintegration Directive (2018). This is an initiative by the Federal Urban Job Creation and Food Security Agency, which also chairs the Protection Sub-Group of the federal Anti-Trafficking Task Force, and aims to support employment of returned vulnerable and abused migrants and victims of trafficking. It offers four levels of support: (i) creating awareness of support available (within 1 month of return); (ii) education, life skills, social interaction, basic business idea, etc. (within 3 months); (iii) skill training, voca-

tional and professional, organization and legal support for their business idea; creating market linkages (over 3 months); (iv) sustainability of the business; monitoring; technical support (extending to support until 5 years).

Beneficiaries of this Reintegration Directive are referred to the Agency by a diversity of actors, including IOM, ILO, BoLSA, and the department of Foreign Affairs. The process of collaborating with these entities and collecting such data is, according to the Agency, referred to in its annual plans and MOUs with the different entities. In the Agency's view, the Reintegration Directive has clarified for all stakeholders the support available to migrant returnees and victims of trafficking; strengthened links in coordination with stakeholders; and systemized the approach to reintegration of abused migrants or victims of trafficking.

The Secretariat of the Amhara Regional Anti-Human Trafficking Task Force in cooperation with the Bureau of Labour and Social Affairs and the Regional Bureau of Technical Education and Vocational Training facilitates access of victims of trafficking or migrant abuse to a loan service from micro-financing institutions. Loans are made with the purpose of assisting victims to both meet their immediate needs and to establish employment opportunities for themselves.

Possible next steps

Possible next steps for Ethiopia towards internationally recognized good practice might include:

- Collecting data on the engagement of victim-witnesses in the investigation and prosecution of their traffickers, including the protection and assistance they benefitted from.
- Training judges and lawyers involved in trafficking cases to recognize the sensitive nature of trafficking cases, and provide them with tools to ensure effective and respectful trials, especially to protect victims of sex trafficking and to speed up the access of victims to justice.
- Creating waiting rooms specifically for witnesses so that they are not required to wait with the public prior to the commencement of the hearings.
- Establishing a process to ensure that victims returned to their place of origin will indeed be received and protected by the police there.
- Facilitating the implementation the Reintegration Directive by Increasing knowledge of its existence among those providing support to victims of trafficking.

Addressing the special rights and needs of children

Rights-based framework

In light of the particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation, all assistance and protection interventions for children must be characterized by the principle of the best interest of the child and take into account their special vulnerabilities, rights and needs (Principle 10). Specialized policies and programmes to protect and support trafficked children include the provision of appropriate physical, psychosocial, legal, educational, housing and health-care assistance by adequately and appropriately trained professionals (Guidelines 8.7 and 8.10).

Protection for child victims of trafficking further requires the adoption of measures necessary to protect the rights and interests of trafficked children at all stages of criminal proceedings against alleged offenders and during procedures for obtaining compensation (Guideline 8.8).

At the same time, it is important to highlight that under international law – in particular the UN Convention on the Rights of the Child – all children have rights based on being children, irrespective of nationality or legal status. In dealing with children, the best interests of the child is the primary consideration, whether or not they have been identified as victims of trafficking.

Promising practice

Children's Legal Protection Centre

The Children's Legal Protection Centre provides services to all children less than 18 years of age. It has four branch offices within Addis Ababa, which are attached to the federal courts. For example, the Lideta Centre, created in 2012, is attached to the Supreme Court. The Centre aims to enhance children's engagement with the justice system by systemizing a child protection structure. It does so by facilitating the referral system service delivery, speeding up children's court cases and through its legal counseling services. Two coordinators are attached to each of these Centres. As part of its referral system, it has specialists supporting these centres, pro bono, including specialized legal professionals for both criminal and civil cases and counsellors and psychologists attached to Addis Ababa University Department of Social Work. As the Centre is often in contact with the police, prosecutors, and the Bureau of Youth, Sports, Women and Child Affairs, and therefore well known to these entities, they also refer children to the

Children's Legal Protection Centre for the specialized services. The Lideta Centre, for example, provides services to approximately 100 children per month.

The Children's Legal Protection Centre plays an important role in identifying victims of trafficking. It does so by systematically applying a screening procedure in cases where a child victim presents with allegations of other criminal offences perpetrated against them, such as sexual or other physical abuse. Where this results in a positive determination, such as where allegations of labour and sexual exploitation arise, the child's case is referred to the police.

In an effort to create public awareness on the services available through the Children's Legal Protection Centre, it runs a television programme called "Chilot" (court) which addresses many issues relating to the abuse of children and the Centre's ability to assist in accessing justice for these children.

The Children's Legal Protection Centre encourages the implementation of child-friendly litigation processes in cases involving children. The Standard Guidelines for a Child-Friendly Administration of Justice for the judiciary establish uniform child-friendly implementation parameters, courtroom set-ups, referral systems, capacity building strategies as well as a data management system that should be applied by courts across the country. An example of such a process is that the judge will not wear a cloak but will hear the case in their chambers in civilian clothes.

Separate interview room for child victims

In cases dealing with criminal offences such as trafficking and sexual or physical abuse, witnesses under the age of 18 by default do not have to appear in the courtroom before the accused. Instead, in Addis Ababa's Lideta Court, a room is made available in a separate building from which the child gives his or her testimony to the court via a one-way video link so the court sees the witness and an audio link to the room. The room is equipped with children's toys. A social worker attached to the court sits in the room with the child witness and addresses the examination questions to the child. This accommodation may also be applied to other witnesses, such as those who have been victims of sexual exploitation.

Possible next steps

Possible next steps for Ethiopia towards internationally recognized good practice might include:

- Increasing understanding among key stakeholders of how to deal with children in a manner, which is in their best interest.
- Developing protocols on child protection and child sensitivity, in line with international child rights standards, and reinforcing this work with long-term investment in capacity building of the police force, particularly to officers who are the first point of contact for victims of serious crimes.

- Increasing the number and geographical spread of child protection officers that are associated with a series of sub-city police stations, ensuring their specialized training on child rights, child protection and sensitivity to children's needs.
- Ensuring that children, especially unaccompanied and separated children, are promptly identified, registered and referred to the child protection system; also ensuring that such identification procedures take into account the age, gender and maturity of the child, as well as the circumstances of his or her journey.
- Adopting proactive protection measures based on the best interest of the child in line with international law, as well as Committee on the Rights of the Child general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, including by appointing properly trained and resourced guardians and establishing measures for protection and transition to adulthood.
- Ensuring that a child-sensitive age assessment is performed only in cases of doubt regarding the child's age. In case of uncertainty, the person should be considered a child.
- In order to improve the identification of trafficked children or those at risk at airports and sea and land border crossings, enhancing coordination among law enforcement officials and entities such as airline staff, other transport providers, child protection services and those who work with other vulnerable groups.
- Encouraging the systematic application of child-friendly litigation processes and ensuring appropriate court procedures exist across the country so that no exception is made in the case of children.
- Assessing whether the protections that allow children to be examined remotely by social workers rather than by attorneys, comply with minimum fair trial standards.





4.0

Other promising examples from around the region

57. The exception is the heading on access to justice and remedy, which has been incorporated under victim/witness care and protection.

This section provides information on promising examples of rights-based approaches from around the region. While, as with the previous section, the impacts of these activities have not been independently verified, these examples offer insights into steps that can be taken to assist in the realization of the rights of trafficked persons in environments where resources are potentially limited. The examples are classified under the same overall headings as the previous section for ease of reference.⁵⁷

Rights-based approaches as crucial to an effective criminal justice response

Strengthening the specialist response

Kenya's Anti Human Trafficking and Child Protection Unit (AHTCPU) was launched in 2016, with the objective of providing expert guidance to the national police service on investigating cases of human trafficking and child abuse, expanding into new offices in Nairobi in 2019. New offices are scheduled to be opened by mid 2019 in Mombassa and in Kisumu. A focus of the AHTCPU has been to build the capacity of Kenyan police officers to implement a victim-centred rights based approach in their investigations into trafficking offences. It also fosters collaboration with the Office of the Director for Public Prosecutions, to seek advice on the collection of evidence in trafficking cases. In 2019, the Unit launched a cyber investigations sub-unit to deal with online child abuse and human trafficking cases. Among other roles, it will serve as the reception centre for intelligence disseminated daily by the National Centre for Missing and Exploited Children (USA).

In **Uganda**, discussions are underway to create a specialized anti-trafficking unit at the police headquarters in Kampala as well as presences in police stations throughout the country. This follows strong advocacy from CSOs for specialized units to be created in the National Police Force and the Department of Public Prosecutions, as well as a specialized judicial bench, and for these units to be staffed by professionals expertly trained on investigating, prosecuting and hearing trafficking offences. In 2018, a one-person desk was created in the prosecutor's office in Kampala to act as an expert advisory counsel on trafficking matters to all prosecutors.

Reducing the dependence on victims and witnesses I – proactive investigation

Trafficking prosecutions in most parts of the world still rely heavily on the testimony of victims. One reason for this is that most investigations are reactive, with police acting on information received and often needing to intervene urgently. Where possible, one way of reducing this reliance on victims is increased use of proactive investigation techniques where police seek to gain intelligence about the criminal networks prior to acting. One example is the use of undercover officers to infiltrate criminal networks. **Sudan** has used this technique effectively to break into networks trafficking its nationals abroad for the purposes of organ removal.

Reducing the dependence on victims and witnesses II – tender of pardon

Also in **Sudan**, the government is exploring the use of tender of pardon provisions in trafficking cases. This would allow minor players in trafficking networks to receive lower sentences in exchange for providing information on the rest of the network. As well as reducing dependence on victims, this offers the opportunity to target the bigger players in trafficking networks, thereby increasing the chances of impacting on their work. Drawing on the experience of the US Federal Bureau of Investigations and Department of Justice, the country is in the process of clarifying processes and procedures for tender of pardon, sometimes also known as plea-bargaining.

Improving international cooperation

The Regional Operational Centre in Khartoum (ROCK) is an initiative of the Khartoum Process, and the African Union Horn of Africa Initiative, bringing together police liaison officers from participating countries to exchange intelligence to combat criminal networks involved in human trafficking and migrant smuggling. It is a member of INTERPOL's Global Task Force Against Human Trafficking and uses the existing INTERPOL structure, promoting the use of Interpol's I-24/7 Global Police Communications System in sending information between police forces. The model provides the advantage of locating officers from different countries on the same premises, speeding up communication, promoting the building of relationships and facilitating joint training. As of July 2019, the countries providing liaison officers include Sudan, South Sudan, Somalia, Egypt, Ethiopia, Djibouti and Kenya. Uganda, Tunisia, Libya and Eritrea have also been approached to participate.

Prompt and accurate identification of victims of trafficking

In **Somaliland-Somalia**, there has been little understanding among the authorities (and the general public) about the crime of human trafficking and considerable confusion with migrant smuggling. One consequence has been that the immigration officials would immediately deport irregular migrants without undertaking an assessment of their situation. Following Expertise France training, immigration authorities are reported to systematically conduct an assessment of these migrants. Using a tool provided by Expertise France the authorities now have a list of standardized questions to help determine which migrants are eligible to claim asylum status, which require assistance, and which are suspected criminals.

In **Uganda**, the non-profit organization, Willow International, is finalizing the development of a toolkit for first responders to assist in applying a human rights based approach to the identification of trafficked persons. The toolkit aims to help address low levels of police knowledge regarding the legal framework on trafficking and how to identify and interview possible victims in a manner which upholds their rights. The toolkit includes a checklist to assist in the identification and interview process as well as a referral card on assistance and protection services available for victims. The national anti-human trafficking task force intends for this toolkit to be incorporated into the core police officer training curriculum.

Migrant resource and response centres

Migrant resource and response centres were discussed in detail in the previous section and are increasingly prevalent throughout the EHoA region. One of the longer standing centres is the Migration Response Centre in Obock, Djibouti, which was established by IOM in 2011 to deal with the large volume of migrants travelling along the Eastern Route towards the Middle East. In April 2019, IOM estimated that on average 360 Ethiopian nationals transited through Djibouti daily, mostly with the intention to travel towards the Kingdom of Saudi Arabia.⁵⁸ The Centre was renovated in 2018 to provide separate spaces for children (19% of those tracked, including 7% unaccompanied minors) and women (23%). It now has a capacity of 250 persons, with 20 staff members.

The Centre's staff are trained to identify victims of trafficking. When they register the migrant and during the medical screening the staff pay attention to indicators that could suggest any situation of violence, trauma, or exploitation in the country of origin, transit and destination. They interview the migrant about their migration path, whether they had reached the final destination, and about living and working conditions in these countries. The staff have received training on psychosocial support, including on identifying indicators of trauma and violence. In order to limit the effect of the language barrier that could reduce the effectiveness of the support, interpreters of the Amharic, Oromo and Tigray languages are available onsite.

Upon arrival at the Centre, the migrants are registered and screened by a professional for any immediate medical issues. The length of stay is commonly between 15 days and one month and is on a strictly voluntary basis. The migrants are provided uncon-

ditionally with water, food, accommodation and counselling services. In March 2018, the Centre added a clinic to help address issues faced by migrants – five in six arrive of whom by road. An ambulance is available to transport patients to the local hospital in Obock, if needed. In **Sudan**, IOM has established Migrant Response Resource Centres in Khartoum (2015) and El Gedaref (2019). Unlike the Djibouti example, these are not residential facilities but otherwise offer a similar range of services. As in Djibouti, immediate and unconditional assistance is provided to those in need, either directly or through referral to other organizations. Migrants wishing to voluntarily return to their country of origin are assisted and the Centre's staff undertake to affected communities, maintaining a strong relation with formal and informal community associations such as the Ethiopian Community Association and Eritrean community representatives.

Engagement of labour officials

There is increasing recognition globally of the role of both formal and informal labour recruitment agencies in trafficking for the purposes of labour exploitation. In particular, workers may be bound to exploitative worksites due to debt incurred in the migration process through high recruitment fees and usurious interest rates. The Kenyan National Employment Authority, seated in the Ministry of Labour, has developed practices to address this form of human trafficking. They include: the vetting of labour recruitment agencies; the receipt of complaints from workers; delivering a pre-departure training to migrant workers; and sharing information with other ministries, including the Department of Foreign Affairs, to coordinate responses to cases of human trafficking. In Uganda, BMM is supporting the improvement of national regulations on labour migration as a key step in a similar direction.

Seasonal labour migration presents its own set of challenges and **Ethiopia** and **Sudan** have developed a joint plan for improved management of seasonal cross border labour migration from Amhara to El Gedaref State. **Sudan** has also signalled its intention to review the Domestic Servitude Act 1955 to provide equal rights and protections for domestic workers from outside Sudan, possibly drawing on existing law at State level. Ensuring that both foreign and national domestic workers are covered by labour laws – including around minimum wage, working hours, leave entitlements and freedom of movement – is crucial to ensuring workers are able to access their basic rights and reduce their vulnerability to exploitation.

Data informed decision-making

Standardized data collection and analysis

GIZ and Expertise France are working with the Hong Kong based NGO Liberty Shared to adapt the latter's Victim Case Management System (VCMS) database for use by NGOs in **Ethiopia**, **Uganda** and **Kenya**. This system, which is already operating suc-

cessfully in Asia, not only helps service provider NGOs to properly and securely handle information about assisted persons and to effectively manage their cases, but also to systematically collect and analyse data about trafficked persons, trafficking patterns, and traffickers. As implementation proceeds, the system will allow anonymized generalized reporting and analysis beyond national borders.

Cooperation between law enforcement and victim support agencies

Ensuring the role of civil society organizations

Civil society organizations (CSOs) play a crucial role in preventing and combatting human trafficking. This includes working in local communities to increase understanding of the issue, identifying and reporting on potential cases, providing input into policy based on on-the-ground realities, and providing support to victims of trafficking, including throughout the criminal justice process. Despite this, some countries are reluctant to embrace the role of CSOs.

In **Kenya**, however, this role is codified in the Counter-Trafficking in Persons Act, 2010. As a result, relevant CSOs engaged in anti-human trafficking initiatives share information regularly, including by meeting in person. Stop the Traffik, an NGO established in 2018, is the coordinating body for CSOs engaged in anti-trafficking activities and is coordinating development of a workplan highlighting the activities of all CSO actors in countering human trafficking.

In **Djibouti**, the NGO Caritas provides key protection and assistance services for minors living in street situations, including those who are suspected to be victims of trafficking or migrant abuse. The NGO provides assistance to 350-400 minors annually; from the Oromia region of Ethiopia (80%), Somalia (10%), or internally in Djibouti (10%). Caritas cooperates closely with the national police, the Ministry of Justice, and the prosecutor's office, which have requested Caritas to provide shelter services to children engaged in legal proceedings. In turn, police will respond to and investigate criminal accusations against the perpetrators of abuse against the minor assisted by Caritas.

Informal service referral for victims of trafficking

While ideally all countries should have functional national referral mechanisms for victims of trafficking, informal cooperation mechanisms can also be effective. In **Kas-sanga** sub-county of Nairobi, **Kenya**, for example, police officers, counsellors, social workers, and community health volunteers are linked through a WhatsApp group for the purposes of referring victims of trafficking to appropriate services. The group has been operational for three years and has close to 40 members. Also in **Kenya**, BMM has supported the development of draft guidelines for the management of shelters for

victims of trafficking, adapting the shelter management guidelines from **Ethiopia** to the Kenyan context.

In the absence of any formal referral system in **Somaliland-Somalia**, the immigration authorities conduct an initial assessment of the profile of migrants for referral as follows: (1) victims of trafficking or of migrant abuse are referred to the Migrant Response Centre; (2) internally displaced persons and asylum seekers are referred to the Somaliland National Displacement and Refugee Agency; and (3) suspected criminals are referred to the local police. A chart outlining the current process of identifying and referring victims of trafficking and migrants was finalized in 2019 as a first step in designing an improved referral system.

Under BMM, a digital directory of state and non-state service providers has been established in **Somaliland-Somalia** as well as **Djibouti**, **Ethiopia** and **Kenya**. In **Sudan**, Standard Operating Procedures for an improved migrant referral system have been established in El Gedaref State, one of the key transit areas for migrants from Ethiopia and Eritrea. The SOPs give guidance to state and non-state agencies and service providers for following a systematic procedure when identifying and referring migrants.

Victim/witness care and protection throughout the criminal justice process

Access to justice and preparing for trial

Given the importance of victim testimony, a key defence strategy in human trafficking trials is to attempt to discredit the victim. Good pre-trial preparation can reduce the likelihood of this taking place. Under **Kenya's** Standard Operating Procedures for the prosecution of trafficking offences (2016), prosecutors are required to prepare the victim-witness for the legal proceedings by clarifying the process and coaching through the prepared testimony. Counter-trafficking stakeholders highlight training of the prosecutors on SOP use as an important factor in the increased number of successful prosecutions of trafficking cases in the country.

To advocate for the rights of victims of trafficking in **Uganda** who are willing to seek justice through the courts, Willow International has created a legal service department led by a legal programme manager and supported by four lawyers who offer pro bono services. These lawyers monitor the legal proceedings and directly liaise with the Department of Public Prosecutions to advocate for expedited court hearings and non-leniency in sentencing the accused for aggravated offences.

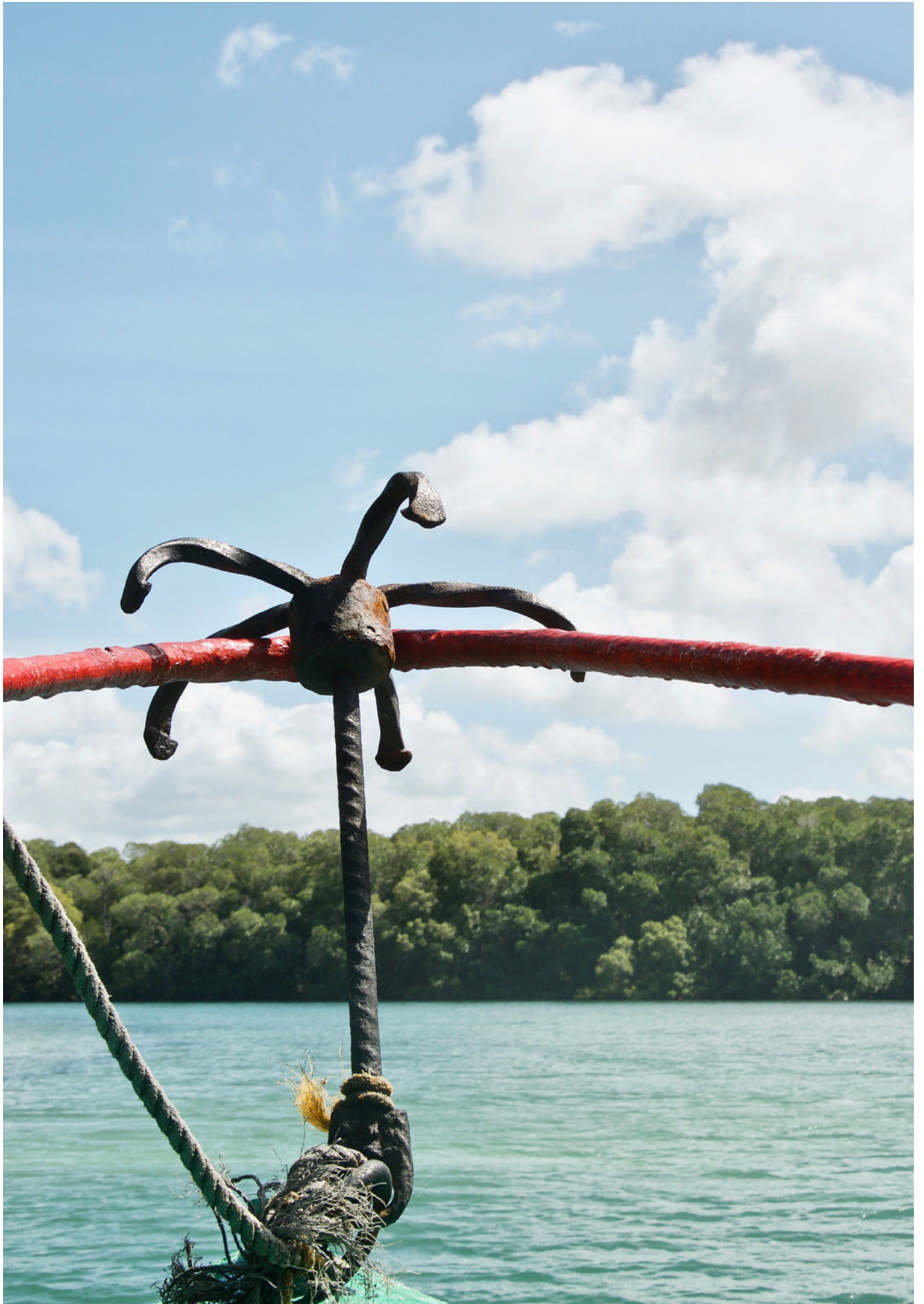
Addressing the special rights and needs of children

In **Kenya**, child victim-witnesses and victims of sexual abuse can relate their testimony to the court from a remote location via a two-way video link. A similar process is available in **Kassala State in Sudan**. With a view to national expansion, the Sudan's Judicial and Legal Sciences Institute has modified its training courtroom to include remote video facilities so as to familiarize judges and prosecutors with the relevant procedures.

Allowing remote testimony has the dual advantages of allowing children to (1) avoid their alleged abusers and (2) give their evidence in a less intimidating, more child-friendly environment.

In **Djibouti**, Caritas provides minors with food, medical assistance, recreational and educational activities. Shelter staff have received training on psychosocial support, on gender-specific and child-friendly approaches. For example, girls receive specific reproductive and sexual health support through the provision of sexual health education, sanitary products, through pre-natal checkups, etc.

Currently only a day facility, it will soon begin to provide accommodation for a maximum of 50 children. As well as cooperation with law enforcement (see above) Caritas works with the National Human Rights Commission. The Commission provides legal counsel to advocate in the child's interests. Caritas is appointed as the "acting guardian" of the minor and provides support at every stage of the legal proceedings.



5.0 Concluding Comments

This section provides concluding comments and draws together key themes on the implementation of rights-based responses throughout the East and Horn of Africa. It also contains four text boxes highlighting experience from other parts of the world that can help to inform possible next steps.

EHoA is a region with a significant percentage of its 311 million people on the move, both within countries and across borders. The link between the susceptibility of migrants to becoming victims of trafficking or migrant abuse has been established in the context of mixed migration flows.

Given that the Palermo Protocol requires States parties to incorporate a rights-based approach in their criminal justice response to trafficking in persons, how have low-resources countries in highly mobile environments risen to the challenge of supporting rights-based responses to the identification of victims, and the investigation and prosecution of trafficking offences? And how have they addressed other forms of trafficking not directly relating to mass migration, such as trafficking for sexual exploitation, domestic servitude, forced labour and organ removal within and across borders?

An examination of the East and Horn of Africa region reveals common threads in the innovative methods developed by these countries to ensure their processes related to the identification of victims and criminal prosecution of trafficking offences are rights-based and victim-centred. Many, though not all, of these initiatives can be implemented with limited resources, particularly by drawing on existing organizations and services, as well as by focusing on actions likely to have the most impact.

1. *Sharing of expertise to provide a specialist response to the identification of victims and apprehension of traffickers:* The act of trafficking in persons generally involves a web of complicit actors, many of whom may also be involved in other crime types. Work to correctly identifying its victims and successfully investigating and prosecuting its perpetrators can be highly complex, and benefits from a highly specialist response by law enforcement authorities.

It is clearly important, particularly in low resource environments, that this know-how be shared among different agents so as to extend the reach of capacity building activities and ensure the continuous up-skilling of all actors involved. Feedback from criminal justice practitioners highlights the value of targeting specialized teams or small groups for initial training programmes, rather than starting with a more generic approach. Once these teams have been able to put their training into practice, this makes it easier to expand throughout the criminal justice system. Such transfer of knowledge is facilitated by the co-location of specialized agents as well as relationship building initiatives between different authorities, including those providing services to victims of trafficking. Close cooperation is important to ensure a uniform approach is applied to uphold victims' rights from identification through to successful reintegration, as based on international standards.

2. *Outreach along known migration routes, including through mobile units and mobile resource and response centres:* Just as trafficking networks are linked along migration pathways, effective responses cover points of recruitment, departure, transit and arrival, as well as outreach to places in which trafficked persons are commonly found. One of the most effective strategies identified to date in EHoA countries is the establishment of assistance centres and mobile units along known migration routes.

Box 4: Developing better information systems

Many countries, in and outside of EHoA do not have a working system in place to record investigation and prosecution data on TIP and SOM cases. Further, even where systems are in place, they rarely address the quality of arrests/convictions, that is, the importance of the criminal to the operation of their TIP network. This favours quick investigations targeting low-level dispensable criminals, unlikely to impact meaningfully upon network operations.

An additional challenge is to capture cases where authorities have opted to charge traffickers with other crimes (e.g. rape, kidnapping, smuggling, tax evasion, money laundering) in order to maximize likelihood of conviction and punishment.

Strengthening information systems to address these issues is a priority for all countries. The systems do not need to be complex but could include an arrest matrix, that provides a grading for the level of criminality conducted by the offender as well as an assessment of the impact of their arrest.

Investigation and prosecution data can further be combined with data on victim identification to assess the proportion of cases being effectively investigated as well as for analysis of patterns and trends.

These centres allow immediate support at locations where victims and other migrants in need of protection are commonly found, as well as the opportunity to provide information to other vulnerable migrants. Importantly, providing for the immediate needs of victims often results in enhanced cooperation with law enforcement authorities at the investigation and prosecution stage. These centres and mobile units along migration routes and at points of transit are most effective when relationships have been built with communities and local migrant organizations. This allows the centres to draw on existing resources and helps promote, local understanding about the crime of human trafficking and identifying its victims.

3. *Systems to capture, analyse and most importantly use key data linking migration flows and trafficking in persons:* To design appropriate institutional responses to combatting human trafficking, and maximize the value of limited resources, it is essential to understand the trends regarding regional migration movements. In this regard, the systematic collection, analysis and sharing of information on the profile of migrants and their intended migration journey is imperative. This information may be used by mandated actors such as anti-human trafficking task forces to ensure the coordination of anti-trafficking activities in affected areas. Information sources might include the type of migrant resource and response centres mentioned in the previous point, feedback from affected communities, and police and court records.

4. *Formal and informal cooperation between law enforcement and victim support agencies:* Although victim support agencies may be government or non-government, most services in EHoA, and indeed around the world, are provided by non-government organizations. It is important that the police refer suspected victims of trafficking or migrant abuse to these non-governmental organizations for their immediate assistance and protection, including in victim protection shelters as appropriate, as well as to ensure support for their recovery. Shelter staff can also assist with the identification of victims and collection of evidence and encourage victims to participate in legal processes against their perpetrators. The development of a National Referral Mechanism is helpful to ensure coordination among different actors in contact with victims of trafficking, potential victims, and migrants in a vulnerable situation. While these are under development, informal cooperation mechanisms such as a WhatsApp group can also assist in the referral of victims of trafficking to appropriate services.

Box 5: International cooperation and joint investigation teams

International cooperation is crucial to effectively dismantling criminal trafficking networks and ensuring identification of international victims and treatment in line with their rights. The UN Convention on Transnational Organized Crime provides a cooperation framework for ratifying countries including informal law enforcement cooperation, mutual legal assistance, and international cooperation in asset recovery and extradition. It also allows one State party to access the resources and facilities of another, for example in analysing mobile phone data.

A particular example of international cooperation is a joint investigation team (JIT). A JIT involves personnel from two or more countries and can consist of law enforcement officers, prosecutors, judges and other relevant personnel (such as victim support staff). The JIT is led by a member from the country in which the JIT is based. And it is the law of that country that governs the JIT's activities.

JITs are well established as an efficient and effective cooperation tool amongst national investigative agencies when tackling cross-border crime. They facilitate the coordination of investigations and prosecutions conducted in parallel across several States. Although mainly used in Europe and South America to date (see, for example, <https://www.osce.org/secretariat/247106?download=true>), the model is well suited to adaptation for use in EHoA.

5. *Victim-witness care and protection throughout the criminal justice process:* Victims often require encouragement and assistance to participate in legal proceedings. There is a need to ensure coordination between the judiciary, law enforcement agencies and service providers in order to provide coordinated support to trafficked persons and abused migrants during the investigation and before, during and after the trial. In this respect, Public prosecutors have an important role to play. This includes preparing victim-witnesses for the legal proceedings by clarifying the process and coaching them through the prepared testimony, establishing a dedicated focal point to assist victims to understand their rights with regard to participating in legal pro-

cesses, issuing a per diem to cover expenses during the period they are required to attend the trial, and ensuring the provision of interpretation in the witnesses' mother tongue (see **Box 6** on interpretation).

Box 6: Use of interpreters

An interpreter can be a vital link between victims and the criminal justice process, particularly at the interview stage and in court. However, there may be risks with interpreters, including possible links with trafficking networks and/or communities that are potentially hostile to the victims. To address this:

- Interpreters should be adequately screened, to ensure they have no links with the traffickers and there are no other factors that may lead to bias.
- The interpreter must be able to communicate important information correctly, and must behave in a compassionate and patient manner towards the interviewee.
- Ideally, interpreters should receive training on the key terms and concepts they will have to translate, including appropriate terminology for trafficking, asylum, sexual violence, child abuse and key medical terms.
- Those using interpreters should remain alert to any signs the interviewee is uncomfortable and seek to change the interpreter if this is the case.

(Source: Judicial and Legal Science Institute, 2018. Sudan Handbook On Investigating And Prosecuting Human Trafficking, Khartoum)

6. *Victim-witnesses protected from harm, threats or intimidation by traffickers and associated persons:* This may include; (1) protection in law from prosecution for crimes committed as a result of being subjected to trafficking; (2) application to the court for suspension of the accused's bail rights; (3) the role of shelters in keeping victims hidden from any persons likely to intimate them into discontinuing legal proceedings; (4) assigning a security guard to the victim-witness for the period required to attend court hearings; (5) informing the police at the victim's place of origin of the need to protect the victim from retaliation; and (6) establishing multi-disciplinary protection schemes to systematize cooperation for protection of victims.
7. *Reduced dependence on victim-witnesses in the investigation and prosecution of trafficking offences:* Due to the reluctance of victims to participate in lengthy legal proceedings and the possible re-traumatization they may suffer, reducing the dependence on their testimony is key to ensuring that the investigation and prosecution of trafficking cases is not wholly dependent on their participation. This may involve the increased use of proactive investigation techniques where police seek to gain intelligence about the criminal networks prior to acting, such as the use of undercover officers to infiltrate criminal networks. Furthermore, increased use of tender of pardon provi-

59. See, for example, Feldthusen, B., Hankivsky, O., & Greaves, L. (2000) "Therapeutic consequences of civil actions for damages and compensation claims by victims of sexual abuse" *Canadian Journal of Women and the Law*, 12, 66–116.

sions, would allow minor players in trafficking networks to receive lower sentences in exchange for providing information on the rest of the network. Effective international cooperation (**Box 5**) can also improve investigation outcomes and reduce the emphasis on victim testimony.

8. *Special rights and needs of children ensured in engagement with the justice system:* Where children are victims of trafficking, or migrant abuse, ensuring a rights-based approach to their engagement with the criminal justice system requires the systematic application of a needs-assessment to uphold the best interests of the child throughout the legal proceedings. Systemizing a child protection structure is therefore necessary and can be implemented through, for example, a dedicated specialized children's legal protection centre. Such a centre facilitates the delivery of assistance and protection services and advocate for children in legal proceedings. Furthermore, the option for child victim-witnesses to relate their testimony to the court from a remote location, via a two-way video link for example, is an important step in preventing re-traumatization by allowing children to avoid their alleged abusers and give their evidence in a less intimidating, more child-friendly environment.

Box 7: Compensation and asset confiscation

As well as helping to deliver justice, compensation for victims who have been exploited to make money for criminals can reduce trauma, help them to take their future in their own hands and reduce the risk of re-trafficking. Victims may receive compensation either from traffickers or the State. State compensation schemes offer key benefits over a reliance on traffickers to provide compensation. In particular, victims can be compensated based on harm suffered rather than ability to get money from their traffickers. Further, payment can be made immediately, of particular importance to victims returning to country of origin. Finally, traffickers often use a range of tactics to delay and avoid paying ordered compensation. This is much more difficult if the traffickers have to answer directly to the State rather than victims. State compensation funds can be refurbished by assets and instruments of crime confiscated from criminals. Confiscated instruments of crime, such as vehicles, which are often newer and better quality than those available to police, can also be provided to law enforcement departments to assist in investigating human trafficking. The latter possibility is under discussion in several EHoA countries.

9. *Victim access to justice and remedy:* All victims have the right to justice and remedy for harms they have suffered at the hands of human traffickers (Guideline 9.1). Procedures which increase the real possibility of attaining access to justice and remedy can help persuade victims to participate in legal processes against their abusers. Further, feedback from victims highlights that compensation can provide major rehabilitative benefits in economic terms and suggests a further role for compensation in reducing the sense of trauma experienced by victims.⁵⁹

expedited court procedure to minimize the appearance of victim-witnesses at the hearings; (3) a follow-up mechanism to deliver updates to victims on the progress of the hearings; (4) free legal advice on seeking damages in criminal court proceedings or compensation through civil proceedings; and (5) ongoing assistance and support to victims as a means of redress, including through the development of initiatives to support sustainable livelihoods for victims.



Annexes

Expertise France, as one of the Implementing Partners of the BMM programme, funded by the EU and by the German Cooperation, has carried out several activities in Ethiopia aimed at strengthening the protection of trafficked persons and vulnerable migrants and at enhancing systemic cooperation among the different stakeholders from the social, law enforcement and judiciary areas, with a view of bringing together protection and justice. In all operations under BMM Components 2 (capacity building) and 3 (protection) Expertise France Team has adopted following guiding principles, transposing them into action and aiming at achieving expected results and also at producing durable effects and impact:

1. **Human-rights based approach:** an obligation of the states, and a rewarding approach for counter-trafficking and counter-smuggling
2. **Multi-level approach:** involvement of all relevant actors at regional/local level; improving decentralized coordination; enhancing capacities of local actors in pilot areas; local level operationalization of national policies, strategies, plans and tools, in a circular bottom-up/top down and vertical/horizontal approach
3. **Holistic, integrated approach and Multi-agency approach:** involvement of all relevant actors (from the social, law enforcement and judiciary areas at national, local and regional level) in an inter-policy perspective (trafficking, migration, refugees, social, rule of law)
4. **Systemic approach:** actions aimed at a long-lasting impact at a systemic level (SOPs, MOUs and their Implementation Guidelines, government-owned Service Providers Digital Directories, NGO-owned case management data base)
5. **Whole of Government approach:** defining objectives and activities with the public institutions in response to their needs and with their participation, commitment and ownership

The comprehensive approach entailed in the Strategy outlined above and its factual and consistent enactment, has guided the implementation of all activities, that can shortly be recalled as follows:

- **Supporting protection, assistance and social inclusion of trafficked persons in 7 shelters** in Ethiopia, 4 in Addis Ababa, 3 in Bahir Dar (in-

cluding 2 newly established shelters for men, as there were no residential care services for male trafficked persons in the country) run by 3 NGOs: AGAR Ethiopia, Good Samaritan Association, OPRIFS. Between end of August 2018 and end of June 2019, 981 trafficked persons/abused migrants have been assisted.

- **Reinforce NGOs/CSOs**, both as single organizations and as networks:
 - > **Definition of shared SOPs for Shelter and Case Management and quality standards**
 - > **Technical assistance and capacity building** on migration and human trafficking and on organizational management (including sustainability)
 - > Contribution to GLZ's actions aimed at the establishment of a regional **Forum of CSOs/NGOs** active in migration and anti-trafficking
 - > Joint activity with GLZ aimed at the establishment of a **common Victim Case Management Data Base** for the NGOs
- **Study visit in Italy on national and local referral systems.** A study visit of one week in Italy conducted in October 2018 for 12 key representatives of relevant Ethiopian institutions and non-governmental organizations.
- **Multi-agency trainings** (five 3-days multi-agency trainings in the Amhara Region with the participation of 146 representatives of Law Enforcement, Judiciary, public social services and NGOs)
- **Designing multi-agency cooperation agreements and operational collaboration tools** among all relevant stakeholders for the protection of trafficked persons and abused migrants and for enhanced effectiveness of prosecution:
- Design with BoLSA and Regional Anti-Trafficking Task Force of the Amhara Region of a multi-agency "**Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State** - (Identification, protection, assistance, social inclusion, support in legal proceedings), with a particular focus on Re-

ferral to and from Shelters”, signed by all parties on the 28th of March 2019 in Bahir Dar

- > Design of the “**Implementing Guidelines**” to the above mentioned Amhara MoU and of the “**Monitoring, Evaluation and Learning System**” to support the implementation of the MoU and its Guidelines
- > **First Meeting of the Signatories of the Amhara region MoU** (endorsement of Implementing Guidelines and of Monitoring, Evaluation and Learning System; cascading of MoU and its tools at zonal and woreda level; overall planning)
- > Design with the Federal Ethiopian Anti-Trafficking Task Force of the “**Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level**”. Signatories of the MoU on the 17th of April 2019 are: Attorney General (Federal Anti-human Trafficking Task Force Secretariat Office; Prosecution Department), Federal Police Commission, Addis Ababa Police Commission, Agar Ethiopia, Good Samaritan Association, OPRIFS, AWSAD
- > Design of the “**Implementing Guidelines**” to the above mentioned MoU
- > Design of the “**Monitoring, Evaluation and Learning System**” to support the implementation of the MoU and its Guidelines
- > **Training for the Signatories** of the Federal MoU (endorsement of Implementing Guidelines and of Monitoring, Evaluation and Learning System; overall planning)
- Mapping and **Paper and Digital Directories of Service Providers for Trafficked Persons, Vulnerable Migrants and Refugees**. For Ethiopia 21 government and 120 non-government agencies mapped. The paper directory has been disseminated all over the country in 4.500 copies. The Digital Directory is owned by the Federal Anti-Trafficking Task Force Secretariat under the Attorney General Office, who will manage, update and extend it.

In the following pages some of the rights-based, protection and prosecution multi-agency cooperation tools developed in the project, which are particularly relevant for this Compendium, are presented.

Marco Bufo
Expertise France BMM Programme Manager
for Ethiopia and Djibouti

Memorandum of Understanding

for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State

(Identification, protection, assistance, social inclusion, support in legal proceedings)

and its Implementing Guidelines

Designed by Expertise France with BoLSA and the Regional Anti-Trafficking Task Force of the Amhara Region and all other participating agencies. The MoU was signed by all parties on the 28th of March 2019 in Bahir Dar.

Signatories of the MoU are: Bureau of Labour and Social Affairs, Regional Anti-human Trafficking Task Force Secretariat – Amhara Attorney General, Amhara Police Commission, Bureau of Technical Vocational Training and Enterprise Development, Bureau of Women, Children and Youth Affairs, Bureau of Health, Immigration Department (Metema Branch), Agar Ethiopia, OPRIFS, Good Samaritan Association, Timret Le Hiwot, Mahibere Hiwot for Social Development.

supported by

EXPERTISE FRANCE

March 2019

Implemented by

1. Background

Human trafficking and Smuggling of migrants are heinous crimes committed by transnational organized or loose criminal groups against a person and a sovereign state, respectively. The crime of human trafficking in old times has been committed mainly in the form of slavery and sexual exploitation whereas smuggling of migrants is flourished recently because of several contributing factors. Currently, the expansion of human trafficking for different forms of exploitation and the raise of smuggling of migrants have become a major issue on the international agenda given the human rights implications, the security issue, economic and social aspects they comprise. In Ethiopia also it is at the top of a public agenda that attracts the attention of the government and other stakeholders following the vulnerability of vast parts of the population to the problem. Countless incidents could be mentioned of Ethiopians found vulnerable to various forms of inhuman treatment, abuse, violence and death in the Middle East, South Africa, and in their journey to European countries across the Mediterranean Sea. Various incidents and international media outlets reports also show that the fate of most smuggled migrants is mainly labour or sexual exploitation in transit and destination places.

Amhara regional state is one of the main source and transit areas of human trafficking and irregular migration. While South Wollo, Northern Wollo, Oromia especial zone and Northern Shewa are the main sources of irregular migration, Northern and Central Gondar are among the main transit corridors for smuggling of migrants or trafficking of persons through Metemma, Sudan, Libya with Europe as desired final destination.

Although the exact number of Ethiopians who have migrated irregularly abroad and victims of human trafficking is unknown, due to the absence of centralized registration system; according to the national reports released by the Federal Anti-human Trafficking Task Force Secretariat, between the year July 2015-Dec 2017, about 35000 youths and children were intercepted while crossing borders along different irregular migration routes. The reports show also that youths and children from Amhara regional state form a significant number of intercepted migrants.

In the same period, the report shows that more than 200,000 irregular migrants returned home from different transit and destination countries mainly from Kingdom of Saudi-Arabia, Yemen, Djibouti, Libya, Egypt, Tanzania, Kenya, Malawi, Zambia, Somaliland and Zimbabwe. For instance, according to the IOM report, in the Year 2018 around 14,000 returned migrants and VoT were originally from Amhara regional state.

It can be presumed that majority of Ethiopian domestic workers working in destination countries, including migrants from Amhara regional state, are vulnerable to different forms of exploitation due to bad working conditions and various forms of violence and exploitation they are encountered with. Internal human trafficking is also prevalent which is predominantly aligned with rural-urban displacement of persons, mainly women and children.

The Government of Ethiopia (GoE) have been taking different measures to prevent the expansion of the problem including the promulgation of Anti-human trafficking and Smuggling Proclamation 909/2015 (which is currently under revision) and a subsequent preparation of the Five Year National Plan of Action against Human Trafficking (2015-2020).

A taskforce has been established at the federal level (Federal Anti-Human Trafficking Task Force - FATTF) and at the regional level (RATTF) which is responsible to counter human trafficking and to implement the main pillars of the proclamation and the National Plan of Action. The FATTF, with the support of IOM, designed and then endorsed in 2015 the "National Referral Mechanism of Ethiopia - Joining Efforts to Protect the Rights of Victims of

Trafficking and Victimized Migrants in Ethiopia” and its SOPs (at present under revision to be aligned with the simultaneous revision of the Proclamation 909).

The taskforce is grouped into four subgroups which are:

- Prevention Subgroup (led by MoLSA)
- Protection Subgroup (led by Federal Urban Job creation and Food Security Agency)
- Prosecution Subgroup (led by Federal Attorney General)
- Research, monitoring and evaluation subgroup (led by Ministry of Education)

Proclamation 909/2015, which has nationwide scope of implementation, grants victims of trafficking and returnees different protection schemes and special rights. These include:

- rescue, voluntary return and rehabilitation of victims
- access to social services, medical care, counseling, and psychological treatment
- the right to privacy
- access to information about legal proceedings
- economic reintegration
- immunity from prosecution in relation to illegal acts committed as a consequence of being a victim of human trafficking

In addition to legal recognition of the protection programmes, the National Plan of Action has been rolled-out in Amhara regional state, and includes the following:

- Organizing capacity building training to service providers and workers of relevant stakeholders that will enable them to identify victims of trafficking in human beings (THB) and vulnerable migrants and providing them with quality services
- Ensuring the delivery of services that will satisfy especial interests of victims of trafficking with particular emphasis on women and children
- Establishing a responsible network of service providers and strong referral system to ensure coordination among them and to provide quality services

Regionally the RATTF is led by the Amhara Attorney General which is responsible to coordinate the above mentioned subgroups by organizing regular meetings, compiling biannual and annual reports and through various capacity building and monitoring and evaluation interventions. Currently, at the federal level the leading organization which is responsible to coordinate the protection programme is the Federal Urban Job Creation and Food Security Agency, while in Amhara regional state it is the Regional Bureau of Technical Education and Vocational Training as indicated in the regional plan of action against human trafficking. The Bureau of Labour and Social Affairs (BoLSA), as a member of the Protection sub-group is playing a key role in the overall referral coordination activities.

During the last three years, efforts have been made by different governmental and non-governmental organizations to rescue/intercept irregular migrants, to detect victims of human trafficking and to assist migrant victims who are in need. However, VoT and abused Migrants/Returnees are not getting adequate protection facilities and services.

During the period September - December 2018, 5 successive multi-agency local trainings of 3 days each have been organized in the region by Expertise France within the Better Migration Management (BMM) Programme (co-funded by the EU and the German Cooperation), in collaboration with BoLSA and in agreement with the Regional Anti-human Trafficking Task Force, to jointly strengthen the capacity of the relevant stakeholders. These trainings were hosted in Gondar, Dessie and Bahir Dar, in which representatives of the relevant agencies in the social, law enforcement and judiciary, health and employment areas, both public and from the civil society, from different migration and trafficking prone Woredas have attended. In the group discussions held during the training sessions, the following gaps and challenges were identified in the regional victims protection programme:

- lack of coordination among relevant agencies
- absence of a procedural framework and tools in place to facilitate the referral pathway
- lack of adequate information to identify and to assist victims
- lack of skills to identify and interview victims
- lack of resources
- lack of sufficient victims protection centres (shelters) in which VoTs or intercepted vulnerable abused migrants could be assisted and/or victim-witnesses would be provided with services

The discussion sessions also helped participants to propose possible solutions to practical challenges they are facing in the field. The main recommendations that are suggested by the participants are the following:

- strengthening task forces at grass roots level
- developing guidelines and operating procedures and strengthening Referral Systems at the regional level
- initiating joint regional action plans towards the protection of victims
- improving coordination among governmental agencies and local NGOs which are providing services to VoT and abused migrants, and formalising the coordination through a Regional Memorandum of Understanding

As part of its ongoing activity, Expertise France, as an implementing partner of the BMM Programme, has been working closely with the Amhara BoLSA, as well as with the Regional Anti-Human Trafficking Task Force, to develop a “Memorandum of Understanding (MoU) for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (identification, protection, assistance, social inclusion, support in legal proceedings)” to be signed by the relevant government and non-governmental agencies, complemented by Guidelines aimed at facilitating its Implementation, in compliance with the National Referral Mechanism.

Hence, with the aim of providing a tool for improved cooperation in the implementation of the National Referral Mechanism, towards identification and protection of victims, and to enhance the quality of services provided, through multi-disciplinary protection, assistance and social inclusion schemes, and support for the participation in legal proceedings, and with the aim to also improve in such a way the effectiveness of counter-trafficking action (investigation, prosecution, trials), this MoU is adopted.

Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State

(Identification, protection, assistance, social inclusion, support in legal proceedings)

1. Short Title

This Memorandum of Understanding may be cited as “Amhara Region MoU for the Referral of Victims of Human Trafficking and Vulnerable Migrants”

2. Definitions:

- A. For the purpose of this MoU the definition of ‘**victims**’ reflects the definition given under article 2(11) of “prevention and suppression of trafficking in person and smuggling of migrants proclamation 909/2015” and will include trafficked persons and vulnerable migrants (migrants intercepted while smuggled or returnees) who have suffered from abuse and violence, and as a result incurred harm “including mental and physical injury, emotional suffering, economic loss or substantial violation of basic human rights due to the commission of the crime”. Therefore in this MoU the terms and acronyms **Victims of Trafficking (VoT)** and **Vulnerable Migrants (VM)** are used. It is important to highlight that the term “victim” is used in its legal meaning, i.e. for defining a person victim of a crime.
- B. For the term **Referral System**, the reference document is the “National Referral Mechanism of Ethiopia” which was developed by the International Organization for Migration - Ethiopia Office, and that was endorsed by the Federal Anti-human Trafficking Taskforce in July 2016.
- C. **Migration Response Center (MRC)** refers to the centers which are established and supported by the International Organization for Migration - Ethiopia Office, and currently managed by Amhara Bureau of Labour and Social Affairs in Metemma area.
- D. For the purpose of this MoU, **Outreach work** is a field operation jointly or separately conducted by the memorandum signatories in selected areas or work places which are usually susceptible to various forms of exploitations (such as sexual, labour, begging and any other forms) including bars, selected streets, restaurants, farms, factories, construction sites and other possible work places to be identified by the signatories. The aim of Outreach work is to promote the rights of vulnerable migrants and trafficked persons, raising awareness about their rights and providing support so that they can exercise them.

3. Scope of application

This MoU shall be applicable to victims as defined under article 2(A) of this MoU and who are:

- a. Intercepted while crossing borders or approaching different exist areas of Amhara regional state
- b. Returnees who are returned from different destination and transit countries and who are residing in the region, who have suffered abuse and violence, and as a result incurred physical, psychological or economic damage
- c. Domestically trafficked in the region and presumed by any of the service providers or law enforcement organs to be victims of trafficking

4. Parties to the Memorandum of Understanding:

The parties of this multi-agency Memorandum of Understanding are:

i. Public Institutions:

- a. Bureau of Labour and social Affairs
 - b. Amhara Attorney General
 - c. Amhara Police Commission
 - d. Bureau of Technical Vocational Training and Enterprise Development
 - e. Bureau of Women, Children and Youth Affairs
 - f. Bureau of Health
 - g. Immigration Department (Metema Branch)
- (Hereinafter Public Agencies)

ii. Service Providers:

- a. Agar Ethiopia
 - b. OPRIFS
 - c. Good Samaritan Association
 - d. Timret Le Hiwot
 - e. Mahibere Hiwot for Social Development
 - f. IOM-Ethiopia
- (Hereinafter Service Providers)

5. Purpose of the MoU

The purpose of this MoU is:

- a. To support the implementation of the “National Referral Mechanism of Ethiopia - Joining Efforts to Protect the Rights of Victims of Trafficking and Victimized Migrants in Ethiopia” and of its SOPs
- b. To improve coordination between public agencies and service providers (NGOs and IGOs) towards protection of trafficked persons and vulnerable migrants in Amhara Regional State and ensure proper referral procedures for victims, from identification to social inclusion, including support during legal proceedings, enhancing therefore also prosecution of perpetrators
- c. To provide Victims of Trafficking and Vulnerable Migrants with quality services including shelter, psycho-social support, health care, legal assistance, economic reintegration, social inclusion and related services
- d. To define the functioning of the Regional Referral System and the support measures needed to ensure its sustainable enactment and the durable implementation of the VoT and Vulnerable Migrants’ protection programs in Amhara regional state
- e. To enhance the identification of possible targeted prevention initiatives through the analysis and planning capacity of the signatories of the MoU

6. Partnership and activities

6.1. Fields of cooperation

Under this MoU, the fields of cooperation among the relevant agencies cover Identification, Protection, Assistance and Social inclusion and Support in Legal Proceedings of Victims of Trafficking and Vulnerable Migrants, as foreseen in the National Referral Mechanism (NRM), as follows:

6.1.1. Identification and Initial referral

- a. Proper identification of victims through a series of measures, indicators and interviews to assess whether the concerned person is a victim of trafficking in human beings or an abused migrant
- b. When appropriate, to conduct joint identification of victims based on internationally accepted and nationally recognized indicators as listed in the National Referral Mechanism, endorsed by the Federal Anti-human Trafficking Task Force
- c. To conduct separate or joint Outreach work in streets or other places to contact and rescue victims of sexual exploitation, begging, forced labour and other forms of exploitation in the previously identified places of the region
- d. Providing safe transportation to victims from different interception areas directly to Shelters or first to Migration Resource Centers and then to Shelters. Safe transportation may also be provided to victims in their travel to Addis Abeba to appeal against the decision of the regional court decision.
- e. Conducting early needs and risk assessment before travel/referral
- f. Provision of services in their arrival to shelters or in transit centres, including accommodation, food, and medical care before interview and/or investigation
- g. Conducting a multi-agency comprehensive risk assessment and accordingly designing and implementing a comprehensive risk management plan
- h. Ensuring the security of presumed victims (such as escort by police, assigning guards according to needs)

6.1.2. Legal Assistance

- a. Ensuring presumed victim is aware of the his/her legal rights
- b. Specific support in preparation to the court proceedings, including legal advice and psychological support
- c. Support for the victim to claim damages in the criminal court proceeding
- d. In cases when the court acquits the defendant or the public prosecutor dismiss the criminal case because of lack of sufficient evidence , the victim witness is advised to have his/her compensation claim resolved through civil proceedings

6.1.3. Mid-term assistance

- a. Provision of services in shelters (or non-residentially, if applicable) including accommodation, food, medical care and psycho-social support
- b. Regularly revising the multi-agency comprehensive risk assessment and consequently updating the risk management plan and ensuring its implementation

- c. Conducting physical, psychological, psychiatric, legal, social and economic needs assessment of the victims and defining Individualized Assistance and Social Inclusion Plans accordingly
- d. Continued psycho-social counseling according to needs while giving especial attention to mentally ill and psychologically traumatized victims
- e. Ensuring Security of victims before, during and after trial in court proceedings
- f. Assessing and handling the possible stigmatization or risks the person might face in his/her community as a result of the participation/testimony in court, taking appropriate actions (such as social community work or work with family or specific security measures or alternatively re-location of the concerned person)

6.1.4. Economic (re)integration and social inclusion

- a. Ensuring sustainable social inclusion of the victims through livelihood training, access to labour market, financial assistance, reinsertion into the educational system, income-generating activities, apprenticeship programs and job placement
- b. Family tracing and family reunification in case the assisted persons are not able to reach their families on their own
- c. Facilitating social inclusion of victims through anti-stigmatization actions within the community and their family, and through prior psychological counseling to the victim
- d. Systematic follow up of the sustainability of the social inclusion plans implemented, through regular field visits and meetings with the concerned persons
- e. Joint evaluation of the reintegration and social inclusion process both at the individual and institutional level

6.1.5. Analysis of the phenomena and design of targeted Prevention initiatives

- a. Ensuring the establishment and update of a Regional Information Management System on trafficking and migration
- b. Ensure proper communication and information about the activities and the outcomes under this MoU, establishing regular collaboration with media
- c. Ensuring regular analysis of the trends and patterns of human trafficking and unsafe migration and smuggling, of abuse and exploitation of migrants, also in order to identify needed targeted prevention initiatives and actions through a regular annual meeting on prevention, involving other relevant stakeholders working in prevention
- d. Outline recommended prevention initiatives and actions
- e. Contribute, outside the scope of this MoU, to the implementation of prevention measures, each agency according to their mandate and to their organizational plans in this field

6.2. Party obligations

6.2.1. Public Institutions

I. Bureau of Labour and Social Affairs

It will:

- a. Coordinate the overall implementation of this MoU as per the terms of this agreement, applicable laws in the region and valid further referral mechanism and operating procedures officially endorsed by the responsible body (the Regional Task Force)
- b. Organize monitoring and evaluation meetings of signatory parties of this MoU
- c. Each year organizes one of the meetings also focusing on prevention, providing a joint analysis of the trends of trafficking and migration and inviting other organizations working on prevention for a joint analysis of the needs in terms of prevention, aimed at outlining possible targeted initiatives
- d. Ensuring the establishment and update of a Regional Information Management System (IMS) on trafficking and migration
- e. Establish, in the framework of the IMS, a regional data Base of Victims in collaboration with signatories of this MoU and other relevant governmental stakeholders, and ensuring confidentiality and anonymity of data
- f. Coordinate the establishment and management of a comprehensive Monitoring and Evaluation system of the implementation of this MoU
- g. Facilitate the cooperation foreseen with other regional states and the federal government institutions in relation to the referral, assistance and social inclusion activities
- h. Acts as a focal point for foreign agencies, through the appropriate institutional federal channels, for referral of presumed victims coming from the Amhara region
- i. In collaboration with social service providers and, if needed, with the Police Commission, it will coordinate the outreach work that would be organized in the region at different level
- j. Through its labour inspection team, it will conduct labour inspections in selected industries, farms and other work places to ensure the protection of the rights of workers and to detect victims of labour exploitation
- k. Facilitate for victims to get seed money from various sources for them to get loan services from micro-financial institutions
- l. Work closely with the regional Employers Federation to assist victims to find jobs in the private sector
- m. Exchange information with other Institutions, Service providers and with the Law Enforcement on the need-to-know basis for the best interest of VoT and ensuring protection of data and confidentiality

II. Attorney general

It will:

Regularly support the organization and ensure participation in the monitoring and evaluation meetings of the signatory parties of this MoU of its participating Directorate and Department, mentioned below.

Specifically it will:

- A. Under its Human Rights Directorate (Secretariat of the RATTF) it will:
 - In its capacity as the leading coordinator of the RATTF, it will support BoLSA for the full implementation of this MoU through coordination, monitoring and evaluation activities
 - Coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs
 - Ensure the protection of the rights of victims, to that end it will conduct formal and informal assessments with the knowledge of all parties
- B. Under its Prosecution Department,
 - It will ensure the referral of victims to shelters for those who are in need of service
 - Participate in the risk assessment and in the risk management plan design and implementation for relevant cases
 - Ensure that at the court safe trial measures are applied for the victims, including, when needed, to avoid eye contact with the suspect
 - Ensure the compensation of the victim shall be realized upon submission of an indemnification claim in the criminal procedure. The proposal for realization of the indemnification claim shall be submitted to the court that trial the criminal case
 - Under the Civil Cases Directorate, it will provide victims with free legal service for their civil cases and/or will work closely with legal counselors of shelters in order to ensure civil cases of victims are handled properly
 - Exchange information with other Institutions and with Service providers on the need-to-know basis for the best interest of VoT and ensuring protection of data and confidentiality

III. Amhara Police Commission

It will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. Participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- c. Coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs
- d. Carry out all necessary measures to protect VoT against traffickers
- e. Take appropriate measure for presumed victims not to be detained in police stations
- f. Refer victims to shelters and to other services
- g. Ensure safe transportation of victims from interception areas to Shelters and facilitate the safe transportation of victims from shelters and/or from MRCs to courts
- h. Put victims friendly investigation system in place
 - conducting the interview in a separate and safe room
 - creating a safe and conducive environment (neutral) for the victim to feel free
 - applying standard interviewing techniques while conducting the interview
 - effecting risk management plans for the victim when he/she travel from home/shelter to investigation bureau and vice-versa

- i. According to risk assessment, assign police officers for Service providers during the social inclusion and family reunification process to ensure the security of victims, when needed
- j. Monitor the protection of rights of victims during investigation and litigation
- k. Exchange information with Service providers on the need-to-know basis for the best interest of victims and ensuring protection of data and confidentiality

IV. Bureau of Health

It will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. Take appropriate measure for victims to get free adequate health care as per article 27 of proclamation 909/2015
- c. Assist service providers (shelters) to improve the medical service they are delivering through medical equipment, capacity building training to staffs (nurses of the shelters), and financial assistance
- d. Conduct regular monitoring to shelters to ensure whether proper medical treatment is being provided to victims residing in the shelter
- e. Provide timely medical evidences to law enforcement agencies and to courts when needed to prove guilty or non-guilty of the defendant for criminal cases and to proof the compensation claims of the victim for civil cases.
- f. Ensure the delivery of family planning counseling for women victims of trafficking and abused migrants.
- g. Take appropriate measures to prevent the transmission of cross-border transmitted diseases during their arrival into Ethiopia and before social inclusion
- h. Exchange information with other Institutions, Service providers and with the Law Enforcement on the need-to-know basis for the best interest of VoT and VM and ensuring protection of data and confidentiality

V. Bureau of Technical Vocational Training and Enterprise Development

It will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. Participate in the management plan implementation for relevant cases and at the appropriate time
- c. Participate with the service providers in the definition of the victim individual social inclusion plan, in particular in relation vocational guidance and to the measures aimed at facilitating access to the labour market
- d. Ensure for the victims to get vocational training based on their needs and available resources
- e. Assist victims to establish business enterprises, to develop feasible business plans and to create market value chain
- f. Facilitate the victims to find business places (such as sheds) which will enable them to involve in business activities in a facilitated way
- g. Facilitate victims to access loan service from micro-financial institutions based on applicable procedures and rules

- h. Conduct regular inspection to business places where victims are working or experiencing on-the-job training, identify challenges the victims are facing when they run business, and support them to cope with the challenges based on needs
- i. Exchange information with other Institutions, Service providers and with the Law Enforcement on the need-to-know basis for the best interest of VoT and ensuring protection of data and confidentiality

VI. Bureau of Youth, Sport, Women and Children Affairs

It will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. In collaboration with Amhara Attorney General, provide legal counseling and legal aid service to women and children victims
- c. Actively participate in outreach work in cases of women and children victims
- d. Participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- e. Support other signatories in their effort to assist and reintegrate in the case of female and child victims through budget and other available resources
- f. Exchange information with other Institutions, Service providers and with the Law Enforcement on the need-to-know basis for the best interest of VoT and ensuring protection of data and confidentiality

VII. Immigration

It will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. Facilitate exchange of information between the Government of Sudan authorities and Amhara BoLSA about the return of presumed victims through Metemma area
- c. In collaboration with responsible Federal authorities and international organizations, it will lead the process of returning presumed victims to Metemma area (surrounding entry points) and participate in joint planning for the safe transportation of victims from border areas to shelters or, temporary, to police stations
- d. Share relevant information and documents for the signatories that would help for identification, investigation, and delivery of services

6.2.2. Service providers (IOM Ethiopia, AGAR Ethiopia, OPRIFS, Good Samaritan Association, Timret Le Hiwot, Mahibere Hiwot for Social Development)

- I. AGAR Ethiopia, OPRIFS, Good Samaritan Association, Timret Le Hiwot, Mahibere Hiwot for Social Development)**

They will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. Participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- c. Coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs
- d. Ensure the provision of services to presumed VoT is carried out adopting a rights-based and an empowerment approach as well as an individualized approach in designing tailor-made participative micro-responses
- e. Design with the victim the Individual Assistance and Social Inclusion Plan
- f. Provide presumed VoT with:
 - safe accommodation, food, clothes, health assistance
 - psychological support, recreational activities, educational activities, life skills training, vocational guidance, vocational training; facilitating access to the labour market, including small grants for starting income generating activities
 - family tracing and reunification; support for social inclusion in place or in the locality of origin or in a third locality
 - legal advice and support for preparation and participation in trials, including specific psychological support
- g. Ensure transportation of VoT to courts when no specific safety measures are needed
- h. Exchange information with other Service providers and with the Law Enforcement on the need-to-know basis for the best interest of VoT and ensuring protection of data and confidentiality

II. IOM Ethiopia

It will:

- a. Regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. Participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- c. Participate, when appropriate, in the design with the other service providers and the victim of the Individual Assistance and Social Inclusion Plan
- d. Coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs
- e. Ensure the provision of services to presumed VoT is carried out adopting a rights-based and an empowerment approach as well as an individualized approach in designing tailor-made participative micro-responses
- a. Refer victims to shelters and to other services, interacting with the Law Enforcement agencies as appropriate
- b. Ensure appropriate screening in interception places, such as MRCs, and referral as needed
- c. Ensure voluntary assisted return in the case of foreign trafficked persons who wish to return to their country or origin
- d. Ensure voluntary assisted return and/or reintegration/reunification are implemented taking into account the victims' support needs for participation in court proceedings

- e. On the basis of the Organization's annual plans and possibilities, and on the basis of the needs identified in the Amhara Region Referral System, provide financial and technical assistance to the other service providers or to the law enforcement agencies to ensure sustainability of the protection system
- i. Exchange information with other Service providers and with the Law Enforcement on the need-to-know basis for the best interest of VoT and ensuring protection of data and confidentiality

6.3. Enhancing partnership

- a. Memorandum signatories will perform the moral obligations listed above based on a multi-agency and human-rights centred approach. They acknowledge the need to improve coordination among themselves and commit to actively engage in the implementation process.
- b. Memorandum signatories accept the obligation to exchange information, within the limits of their legal authority, to the extent that this improves coordination among them to provide best protection to VoT and Vulnerable Migrants.
- c. Memorandum signatories will ensure the proper implementation of this MoU both at the regional, Zonal and Woreda level. And the referral of victims for services should not be limited to a certain geographical area; signatories which are located in a certain Woreda/Zonal administration may refer a victim horizontally to a service provider located in other Woreda/Zonal, and vertically, from Woreda to Zonal or to regional service providers.
- d. Memorandum signatories will use Annex 1 (Implementing Guidelines of this MoU) and the National Referral Mechanism as the main tools in their multi agency response towards the protection of VoT and VM.

7. Rights of Victims

Memorandum signatories shall respect and protect the rights of Victims of Trafficking and Vulnerable Migrants which are recognized under proclamation 909/2015 and international documents signed and ratified by Ethiopia. These rights include, at a minimum:

- a. The presumed victim will be treated with dignity and respect and allowed to make full use of their rights.
- b. The presumed victim will not be forced to cooperate with the Law Enforcement Agency if she or he does not want to, unless otherwise required by national legislation.
- c. Assistance to the presumed victim, inter alia, staying at a shelter, physical, medical, psychological and social support services, will be provided on a consensual and informed basis and will not be made conditional on her or his participation in any criminal investigation and/or legal proceedings.
- d. The presumed victim will receive counseling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand.
- e. Information identifying the presumed victim will not be shared with other agencies without the consent of the presumed victim, in accordance with the principle of confidentiality and anonymity.

8. Monitoring and evaluation of the MoU

8.1. Meeting

- a. Memorandum signatories agree to hold Coordination Meetings every four months to monitor and evaluate the implementation of this MoU and the protection actions delivered to victims. One of the yearly meetings will also focus on Prevention and for that part other relevant stakeholders will be invited for participation.
- b. The meetings will be organized by the BoLSA (in collaboration with Attorney General RATTF Secretariat).
- c. If one of the signatories believes there is a need to convene an extraordinary meeting, they might submit a motivated request to BoLSA and in copy to RATTF Secretariat.

8.2. Monitoring and Evaluation, Information Management System and Reporting

- a. BoLSA will coordinate the establishment and management of a comprehensive Monitoring and Evaluation system of the implementation of this MoU, to which all signatories commit to contribute.
- b. BoLSA will coordinate the establishment and update of a Regional Information Management System (IMS) on trafficking and migration, to which all signatories commit to contribute
- c. BoLSA will coordinate the establishment, in the framework of the IMS, of a regional Data Base of victims, ensuring confidentiality and anonymity, in collaboration with signatories of this MoU and other relevant governmental stakeholders.
- d. Memorandum signatories shall report quarterly, bi-annually and annually to the BoLSA. For that purpose, especial reporting format will be prepared by the BoLSA.

8.3. Annual Plan of complementary activities

- a. BoLSA will coordinate the design with all signatories of an Annual Plan of complementary activities for the implementation of this MoU, comprising among others the areas mentioned below.
- b. In order to ensure full implementation of this MoU and its Implementing Guidelines, a special focus is to be assigned to capacity building activities. The capacity building plan should therefore address in particular the focal persons of this MoU, and others according to needs, and include multi-agency trainings, and might also include agency-specific trainings. An assessment on the possibility to include migration and human trafficking in the ordinary training curricula of the signatory agencies shall also be conducted.
- c. Organization of field visits to shelters or other operational fields to strengthen the monitoring system and the services provided to victims and to encourage experience sharing among memorandum signatories.
- d. Based on the overall outline of needed prevention initiatives and measures conducted in the annual meeting for Prevention, possibly plan and implement specific prevention actions to be undertaken by one or more signatories of this MoU.

9. Contact person

- a. For effective implementation of this MoU, Memorandum signatories shall officially assign a focal person and a deputy. The focal person will facilitate exchange of information, referral, reporting

and actual delivery of services to victims in the implementation of the MoU and will ensure coordination and communication within their respective agency.

- b. Each signatory will transmit the name and contact details of the focal person and of the deputy to BoLSA and will timely inform of any occurring change in that regard. The list of focal persons will be included in the MoU as Annex 2

10. Budget and resources

- a. Memorandum signatories shall cover expenses of services provided to victims according to their mandate.
- b. Notwithstanding that, parties may share resources among themselves or a service provider or a public agency may resource-out financial or other resources to the other member of the MoU.
- c. Memorandum signatories may develop joint projects to raise fund from donors or other internal sources.
- d. BoLSA, in particular, will commit to ensure the sustainability of the implementation of this MoU.
- e. IOM-Ethiopia, will commit to assess, on the basis of the Organization's annual plans and budget, and on the basis of the needs identified in the Amhara Region Referral System, the possibility to provide financial and technical assistance for the sustainability of the implementation of this MoU.

11. Miscellaneous provisions

11.1. Effective date

This Memorandum shall be applied as of the day of its signing.

11.2. Amendment and Termination

This MoU could be amended or terminated upon a formal discussion and endorsement of the decision made by the joint meeting of all memorandum signatories. Special consideration in that regard will occur when the processes of the revision of the Proclamation 909 and of the NRM will have been concluded, and when a transposition of the NRM for the Regional Amhara State will be made available.

11.3. Entry of other agencies as signatories of this MOU

Other agencies can ask, or can be invited to become parties of this MoU. Requests will be evaluated and decisions will be taken in the regular or extraordinary meetings of the signatories of this MoU.

List of new signatories of this MoU will constitute a specific additional Annex to the MoU.

11.4. Obligatory clause

This MoU is morally binding and Memorandum signatories shall take all appropriate measures to implement the obligations assigned under this MoU and detailed in annex 1 (Implementing Guidelines to this MoU).

Memorandum Signatories

Expertise France, 28 March 2019

ANNEX 1:

IMPLEMENTING GUIDELINES

to the Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State

(Identification, protection, assistance, social inclusion, support in legal proceedings)

with a particular focus on Referral to and from Shelters

These Implementing Guidelines are aimed at providing indications at the methodological and procedural level on how to carry out the measures and the multi-agency actions comprised in the “Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State - Identification, protection, assistance, social inclusion, support in legal proceedings”.

The **first part** of the Implementing Guidelines refers to the “National Referral Mechanism of Ethiopia - Joining Efforts to Protect the Rights of Victims of Trafficking and Victimized Migrants in Ethiopia” (NRM) and its SOPs, designed by the Federal Anti-human Trafficking Task Force (FATTF) with the support of IOM, and endorsed by the FATTF in 2016). It offers therefore summary tables recalling the NRM and its SOPs, which anyway should be consulted for complete reference. Furthermore, development will need to be considered in the future because the NRM and its SOPs are at present under revision to be aligned with the simultaneous revision of the Proclamation 909, and a subsequent transposition of the NRM to the regional context will possibly take place.

The **second part** of the Implementing Guidelines offers a focus on the services provided by NGOs in Shelters and on the multi-agency Referral Procedures to and from the Shelters.

Implemented by



In the first part the Guidelines described in each table provide minimum standards that should be considered by the signatories of this MoU while implementing activities in accordance with the agreed fields of cooperation under the MoU.

The major areas of cooperation for which guidelines are developed are the following:

- Guidelines for Preliminary Identification – Initial Contact and Communication and Immediate Response
- Guidelines for Referral of Presumed Victims for further Immediate Response
- Guidelines to conduct Interviews
- Guidelines to conduct Outreach work
- Guidelines to conduct Risk Assessment and to design Risk Management Plan
- Guidelines to conduct Needs Assessment and design of Individual Assistance and Social Inclusion Plan
- Guideline for Assistance, Rehabilitation, Reintegration and Social Inclusion Services
- Guidelines for Monitoring and Evaluation of reintegration and social inclusion
- Guidelines to provide legal counseling before and during trial
- Guidelines to conduct Victim-friendly Crime Investigation and Evidence gathering
- Guidelines for Compensation Claims of the victim

These guidelines in fact provide overarching indications, covering more than one single measure foreseen in the NRM SOPs. Therefore anyway the NRM and the SOPs, especially in their next regional transposition, should be used for detailed operating procedures.

The signatories of the MoU commit adopt the following guidelines in implementing the MoU, in adherence to the general principles to be adopted in the referral measures for trafficked persons and vulnerable migrants as described in art. 7 of the MoU (Rights of Victims) and in art. 6.3 (Enhancing Partnership).

It must be considered that trafficked persons and migrant victims of abuse are affected by severe trauma and suffer from the violation of basic human rights, and those rights need to be restored. The affected persons need to be supported and empowered so that they can make choices for their lives and achieve social inclusion.



As mentioned in the NRM, “More times than less, victims of trafficking are fearful of revealing their situation for sake of security, which is the case when the victims are in close range to the perpetrators of the crime. And at times victims are not even aware that they are actually victims of trafficking, especially when the traffickers are family members and relatives. Many victims find themselves being exploited for their services daily but unaware that this is illegal, which can also be due to secrecy and manipulative methods of traffickers. Understanding such situations would better help identify such victims of trafficking who otherwise would not make initiation to cooperate with service providers for help. It’s also important to highlight that all steps taken should be victim friendly as the victim is the central point to all this. The identification process should be done in a way which will not cause any hazard to the victims of trafficking”.

Also, it must be highlighted that **full protection and the adoption of a human rights-based and victim-centred approach are not opposed to, but on the contrary contribute to more effective investigation and prosecution**, because protected, supported and reassured victims of crime are more likely to cooperate with the authorities.

Rights-based and victim-centred approach have to be applied by all actors and at all stages of the referral process. This means adopting an empowerment approach with a constant attention to the person’s needs, to the risks and consequently at designing tailored individualized, multi-faceted and progressive responses, aimed at giving the person the possibility to make viable choices for their life and also to raise their voice with regard to the services and processes he or she is going through.

First part – Implementing Guidelines of the MoU with reference to the National Referral Mechanism

As an introduction to the tables to follow, it is worth recalling the guiding principles in the referral of trafficked persons and abused vulnerable migrants as defined in the NRM, as well as the main phases and actors of the referral process.

Guiding Principles, from the NRM:

“One of the primary principles which is important in every stage of victim identification and protection procedure is that each activity must be in the best interest of the victim/presumed victim and the victim should at all-times be offered respect of human rights and child rights based on the country’s constitution. This principle along with the principles stated below should guide activities of victim identification procedures:

1. Every activity and service should be provided with the informed full consent of the presumed victim of trafficking

2. Referral of cases should also be on a voluntary basis only with the exception of cases where the safety of the presumed victim or another individual is at risk
3. Services should be provided to the victims without discrimination based on race, gender, ethnicity, religion, psychosocial situation or other factors.
4. Victims of trafficking should not be held in detention facilities when there is alternative shelter service that can be provided.
5. Service providers should acknowledge the distinctiveness of the victims' experience and as much as possible provide tailored care and treatment for the individuals"

Other cross-cutting guidelines are related to the protection of data and information about victims. Below is an excerpt from the NRM:

1. "[...]
2. Confidential trafficking information should only be shared on a "need-to-know" basis with the victim's prior knowledge and informed written consent
3. The VoTs should be guaranteed that the information they share will be handled with the strictest confidentiality
4. [...]
5. Documents containing confidential personal or trafficking information should never be left in places accessible to other individuals and should be kept in a secure place in the organization when not in use"

The **National Referral Mechanism is divided into 3 SOPs** and respective Measures and Actions:

1. INITIAL CONTACT, SCREENING AND IDENTIFICATION PROCEDURES	2. REHABILITATION AND REINTEGRATION	3. CRIMINAL AND CIVIL PROCEEDING PROCEDURES
<ol style="list-style-type: none"> 1. Initial contact 2. Immediate response 3. Information gathering and pre-interview preparations 4. Screening and identification 	<ol style="list-style-type: none"> 1. Extensive risk and needs assessment 2. Provision of rehabilitation service 3. Reintegration assistance provision 4. Monitoring and evaluation of reintegration 	<ol style="list-style-type: none"> 1. Investigation and evidence gathering 2. Victim-witness support before the trial 3. Victim-witness support during the trial 4. Victim-witness support after the trial 5. Support for compensation claims

The first SOP is crucial for the concerned persons to be identified as presumed victims, to be treated accordingly and therefore to have access to the services they are entitled to and to the protection they need, as well as having the opportunity to have access to justice. It is therefore fundamental that all possible first responders and law enforcement and social service providers are fully aware of the ways, actions, procedures and tools to be used in the emergence and identification phases of trafficked persons and abused vulnerable migrants, and that they know how to cooperate with one another.

The **main Measures and Actions of the SOP I** – Initial Contact, Screening and Identification Procedures, as defined in the NRM are following:

<u>Initial Contact</u>	<u>Immediate Response</u>	<u>Screening and Identification</u>
<ol style="list-style-type: none"> 1. Registration of the Presumed Victim 2. Identification and Response to Emergency Needs 3. Making Generic Needs Identification and preparing Assistance Plan Form 4. Identifying the availability of the services within the organization and making referral accordingly, using the referral form I 5. Referring UASC (Unaccompanied and Separated Children) to the FTR (Family Tracing and Reintegration) System 	<ol style="list-style-type: none"> 1. Identify if there are VoT indicators 2. If yes, make an early risk and needs assessment and provide VoT specialized services (refer for the services not available in the organization) 3. If no, make a needs assessment and provide non-specialized services or make referral for services not available in the organization 4. Grant 1 week recovery period 	<ol style="list-style-type: none"> 5. Provide the individual with the basic information on their rights, the assistance procedure and obtain their informed consent for a formal interview (screening) 6. Complete the referral form II to the competent authority/organization 7. Make a pre-interview preparation and information gathering 8. Screening the presumed VoT and identify if the presumed VoT is actually a VoT

Note: The guidelines provided in the following tables should not be understood as to be necessarily followed step-by-step in a in chronological sequence. Memorandum signatories are expected to refer to these guidelines while working on any one of the measures covered by the guidelines, and to combine the measures and their sequence according to needs and to the situation. For example, guidelines on how to conduct interviews apply in general to all interviews to be carried out during the overall referral process (from identification to social inclusion), even though with adaptations according to the specific phase and situation. The overall map of flow of actions provided in the NRM should be considered as well as the detailed SOPs of the NRM.

1. Guidelines for Preliminary Identification – Initial Contact and Communication and Immediate Response

Applicability: as per article 6.1.1. of the MoU

Description:

- The preliminary identification is the step where a first responding organization makes detection of the trafficked, exploited and other abused victim indicators, to determine if an individual can be presumed to be a victim.
- Anyone with information may detect presumed victims and refer them to any of the signatories for service. The signatories should further apply different visible and invisible indicators to determine whether he/she is victim of trafficking or vulnerable migrant. After the collection and analysis of all information, if there any doubt about the situation of the presumed victim, the decision has to be made in favour of the victim so that they can be provided with services.

What are the Main measures	Who /With whom	How	When	Applicable tools
Initial identification, contact and communication, and first response	First responder (any of the MoU signatories or other agencies as non-specialized NGOs or other public institutions)	<ul style="list-style-type: none"> ❖ During first encounters with the presumed VoTs or vulnerable migrants, recognizing general signs indicating that an individual might be a victim of human trafficking or an abused, vulnerable migrant ❖ Presumed VoTs must be rescued as soon as they have been identified, especially if they are children and/or in immediate danger. If it is necessary to rescue a presumed VoT, the police should be notified immediately ❖ Child-specific measures have to be undertaken when the person is presumed to be a child, ensuring a verified parent or legal guardian is engaged ❖ During initial communication with presumed victim, no formal interview will be conducted and all the necessary information is derived through informal communication. Any communication with presumed victim of trafficking should start only: <ul style="list-style-type: none"> ✓ After the immediate needs and requirements of the presumed victim are addressed (such as clothing, medical care, shelter...) ✓ After it has been ensured the place where communication takes place is safe and private 	Within 24 hours and 48 hours after the presumed victim is detected by the first responder and needs referral	Registration format annexed to the NRM

Implemented by



		<ul style="list-style-type: none"> ✓ After the victim has been provided with the information on the process and course of the conversation and has given her/his consent for the conversation ✓ After formal registration is made ✓ After verified parent or legal guardian is present in case of presumed child ✓ After an interpreter is present (when it is required) ❖ All assistance should be provided on a voluntary basis and based on the victim's informed written consent or, in case of illiteracy, verbal consent 		
--	--	---	--	--

2. Guidelines for Referral of Presumed Victims for further Immediate Response

Applicability: *for any kind of referral based on the terms of the MoU*

Description:

- This is the guideline that stipulates certain standards when any of the signatories do not have the capacity to provide certain services to the victim and decide to refer the victim to another organization providing the needed services.
- It should be noted that each individual has the right to determine whether s/he wishes to receive assistance. However, an initial rejection of assistance shall not lead to the irreversible exclusion of access to assistance, should the person change his/her mind later. The agencies should make sure the presumed victim is properly informed about his or her right to assistance, should they decide to proceed with the interview for investigation.

The guidelines are applicable also when the services and support are provided when the concerned person is not assisted in a shelter but lives elsewhere



Co-funded by the European Union



Better Migration Management
Horn of Africa



What are the main measures?	Who /With whom	How	When	Applicable tools
Referral of Presumed VoT and vulnerable migrant and further immediate response	First responder (any of the MoU signatories or other agencies as non-specialized NGOs or other public institutions) referring to one or more of the specialized service providers, signatories of the MoU	<ul style="list-style-type: none"> ❖ Make an early risk and needs assessment before referral and share the same with second responder organization which is delivering the specialized services ❖ Confidentiality of information shall be ensured ❖ Notification of a request for assistance will be made by the referring organization (for example, letter from the Police to NGO Service Provider) ❖ Referring the UAMs (Unaccompanied or Separated Minors) to the FTR (Family Tracing and Reintegration) Systems ❖ Providing safe transportation to the victim ❖ The information provided by the referring organization to the receiving organization should include: <ul style="list-style-type: none"> ✓ Name of the presumed victim; ✓ Date of birth and place of residence (in the country of origin if returning to country of origin); ✓ The Screening Interview Form (only in case the Screening interview, for specific reasons, has already taken place); ✓ Any suspected or actual medical condition or vulnerability of the person concerned; ✓ Security and risk assessment; ✓ Estimated date and time of referral, if applicable. 	Within 48 hours after a non-specialized service is delivered by the first responder, referral to a specialized service provider and access to recovery period for the concerned person	Using referral form I annexed to the NRM

Implemented by





3. Guidelines to conduct Interviews

Applicability: *for all kinds of interviews made as per the MoU*

Description:

- This procedure, described in its stages, provides the basic guidelines the signatories should follow while interviewing a presumed victim.
- Interviewing presumed victims entails several steps: preparation, conducting the interview and follow-up measures to achieve the result for the intended purpose.
- These interviewing guidelines are applicable both for the law enforcement agencies during investigation and rehearsal (by prosecutors, police investigators) and service providers during delivery of services (by social workers, counselors, health professionals, etc).
- **Interviews have to be carefully planned, carried out and assessed.** Following steps should be followed:
 - Planning and preparation
 - Engaging with the presumed victim and explaining the process and content of the interview
 - Obtaining the account of the presumed victim
 - Closing the interview appropriately
 - Evaluating the content of the interview

When necessary, such steps have to be implemented through the cooperation between the concerned professionals/agencies. This means that the measures have to be conducted in constant coordination, and when required or advisable, in close collaboration, which might entail also actions jointly implemented (e.g. joint interviews).



What are the main measures?	Who /With whom	How	When	Applicable tools
Preparing for an interview	Specialized NGOs with Police officer, in some cases Prosecutor, and/or any of the relevant MoU signatories	<ul style="list-style-type: none"> ❖ Gather all information regarding the presumed VoT from service providers (and first responders and other relevant agencies) ❖ Make adequate preparations in case of presumed child victim, with verified parent or legal guardian ❖ Ensure the safety of the interview location to both the VoT or vulnerable migrant and the interviewer ❖ Consult the presumed VoT or vulnerable migrant on the convenient time and date of the interview ❖ Consult the presumed VoT or vulnerable migrant about the interview and the purpose to obtain informed consent ❖ Explain the rights and obligations of the presumed VoT or vulnerable migrant ❖ Assign an interpreter when it is necessary. Do not make use of "volunteers" for interpreting- if not authenticated, it should be reliable interpreter. Where possible take gender into account when deciding on an interpreter 	If the presumed VoT's conditions allow it, within one week after referral was made by the first responder	
Conducting the interview	Specialized NGOs with Police officer, in some cases Prosecutor, and/or any of the relevant MoU signatories	<ul style="list-style-type: none"> ❖ Interview for screening a presumed victim should be done by a trained organization staff ❖ Where possible, it might be more appropriate to foresee two interviewers ❖ Take care that the interview is private ❖ The interview must not proceed if the presumed victim: <ul style="list-style-type: none"> ○ Is anxious, angry or upset ○ Doesn't understand the interviewer ○ Refuses to speak or request for the interview to be postponed ○ Needs medical attention ❖ Avoid interruptions by telephone calls ❖ Use simple questions which should contain only one point 		Screening Interview Form annexed to the NRM



Co-funded by the European Union



Better Migration Management
Horn of Africa



		<ul style="list-style-type: none"> ❖ Use non-judgemental and active-listening approach (and if not really necessary, do not interrupt the person being interviewed; to not propose “your” solution before having carefully listened to the person) ❖ Language should be non-discriminatory of race, religion, color, social background, sex, political view, etc ❖ Do not be aggressive during interview ❖ After the closure of the interview <ul style="list-style-type: none"> ○ Do not make any promises you are not sure you can keep ○ Share information only on a need-to-know basis ○ Do not expose a (possible) VoT to media or the public 		
Interviewing child VoT or vulnerable migrant	Specialized NGOs and or BoWCYA social worker or psychologist with police officer and/or any of the relevant MoU signatories	<ul style="list-style-type: none"> ❖ In case of presumed child victim, while conducting the interview a verified parent or legal guardian shall be present ❖ While interviewing minors some special considerations need to be made: <ul style="list-style-type: none"> ○ Use the support of social workers/psychologist that will help communication in a child-friendly way ○ The interviewer should use child-friendly language ○ Explain things in a way a child can easily understand ○ Interview should end on a positive note assuring the child that she/he have done well and the interviewer will be available if they want to talk again 		

Implemented by



4. Guidelines to conduct Outreach Work

Applicability: as per article 6.1.1. (C) of the MoU

Description:

- For the purpose of this Implementing Guideline and the MoU, Outreach Work is a field operation jointly or separately conducted by the memorandum signatories in selected areas or work places which are usually susceptible to various forms of exploitation (such as sexual, labour, begging and any other forms), including bars, selected streets, restaurants, farms, factories, construction sites and other possible work places to be identified by the signatories.
- Outreach strategies may vary and differ based on specific communities and circumstances. It is recommended to select strategies that are participatory such as community sensitization, food provision and sports activities.
- It should be always noted that an outreach work should be operated by trained professionals, and preferably familiar with the characteristics of the community the intervention is being carried out.

What are the main measures?	Who /With whom	How	When	Applicable tools
Planning an outreach operation	BoLSA will coordinate the overall planning with Police and any of the service providers	<ul style="list-style-type: none"> ❖ Determine the purpose and methods of outreach for the initiative ❖ If the outreach activity has to be conducted in a multi-agency setting, it should be planned jointly; anyway other relevant agencies should be informed of the activity or its possible outcomes (for instance if an NGO is carrying out alone outreach work, for their own safety they should inform the Police and foresee an emergency communication channel; or if Labour Inspector and or Police are conducting a control in a work place where they assume there might be severely exploited persons, they should preliminary inform the Service Providers, so that they can be ready to intervene or have places in shelters available) ❖ Collect and analyse preliminary available data and information ❖ Conduct exploratory observation missions (undercover, if applicable) 		

Implemented by



Co-funded by the European Union



german
cooperation

DEUTSCHE ZUSAMMENARBEIT

Better Migration Management
Horn of Africa



		<ul style="list-style-type: none"> ❖ Determine safety measures ❖ If possible prepare a support space/service to outreach work, e.g. Low Threshold Services (like for instance Drop in Centers) or anyway foresee where the persons contacted during outreach could then be referred to (e.g. preparing and information/referral leaflet) ❖ Plan the different measures and services that might be needed during and after outreach work 		
Implementing outreach work	BoLSA will coordinate the overall implementation with Police and any of the service providers	<ul style="list-style-type: none"> ❖ Meet people where they are ❖ Be respectful for the people who you meet and adopt non-judgemental approach ❖ Initial engagement with potential victims should remain within the services that can be provided ❖ Do not make commitments that cannot be delivered ❖ Build trust and relationships ❖ After initial contact has been made with a presumed victim, a one-on-one approach may be useful in ensuring privacy and also protecting the victim from speaking against the potential traffickers who are harbouring him/her ❖ For the protection of the victim, gender-matched social workers are preferred ❖ If a child is rescued, the minor must have consent from a parent, or legal guardian to receive assistance ❖ Provide information in the primary language of those who will use the service ❖ Use interpreters or cultural mediators when needed 		
Follow up measures after outreach work	The agencies that conducted the outreach work	<ul style="list-style-type: none"> ❖ If any one of the service provider with trained and authorized professionals conduct outreach alone, it should inform the police of any alleged human trafficking cases ❖ If a police officer and/or a social worker determine that the presumed victim is in need of immediate care and protection, the officer may move the victim a safe place /shelter 		

Implemented by



5. Guideline to conduct Risk Assessment and to design Risk Management Plan

Applicability: for any kind of risk assessment and risk management plan conducted according to the MoU

Description:

- It is all about assessing the potential danger or influence suspects or their network could pose on the presumed Victim. The overall responsibility for the safety of victim-witnesses and, where applicable, their families or other loved ones, mainly rests with the law enforcement agency at all times. The police must, therefore, identify and implement measures to ensure the safety and welfare of victims.
- It remains the responsibility of the law enforcement agency and service providers to ensure that all security and safety measures taken in respect of victim-witnesses are viable and commensurate with the assessed level of risk posed to the victims.
- It should be noted that investigators, together with social workers, have a clear humanitarian and often legal duty of care to the victims. A critical part of fulfilling this duty is to conduct a risk assessment in relation to identified victims and other existing or potential victims, and to design and implement a risk management plan accordingly.
- The risk assessment (and plan, accordingly) should also be periodically reviewed to ensure the safety of both (presumed) trafficked person and assistance providers along the whole process (before, during and after investigation and court proceedings).

What are the main measures?	Who /With whom	How	When	Appl. tools
Conducting risk assessment and prepare subsequent risk management plan	The prosecutor and police officers who are handling the case jointly with social workers or other relevant team members of the service providers	<ul style="list-style-type: none"> ❖ Analysis of previous threats and current safety concerns ❖ Identifying risky locations for the presumed victim ❖ Assessing the safety of family members ❖ Assessing the risk of being re-trafficked ❖ Assessing if the suspect is granted bail by the court or bond by police ❖ Evaluating possibility for another adjournment by the court ❖ Safe transportation from shelters or from the place the person lives (or previously from the place the person lives to a shelter) to courts or to investigation units or to prosecution department and vice-versa ❖ Assessing and handling the possible stigmatization or risks the person might face in his/her community if returning or as a result of the participation/testimony in court, taking appropriate actions (such as social 	At different stages, from early immediate response onwards	



	assisting the concerned person	community work or work with family or specific security measures or alternatively re-location of the concerned person) ❖ Designing a risk management plan according to the assessments conducted and to be progressively monitored and updated		
In case of serious and/or unpredictable risks for the person as a result of his/her participation/testimony in court, design and implementation of other protective actions as indicated under article 4 of proc.699/2010	Police and public prosecutors in coordination with service providers	<ul style="list-style-type: none"> ❖ The victim-witness should be accompanied and supported throughout the court proceedings ❖ Based on the outcomes of the trial, foresee accordingly a post-trial risk management and protection plan (including an early warning system, for instance in case of anticipated release of the detained convicted perpetrator(s) or in case of escape ❖ Taking proper measures that the victim-witness should not be treated like a suspect 	During and After Trial	

6. Guidelines to conduct Needs Assessment and design of Individual Assistance and Social Inclusion Plan

Applicability: for any kind of need assessment and assistance and social inclusion plan being conducted according to the MoU

Description:

- It is the procedure in which different needs of victims should be assessed including the medical and overall status of the individual, the necessary medium-term rehabilitation assistance and the long-term reintegration and social inclusion support.
- Based on Needs Assessment an Individual Assistance and Social Inclusion Plan is designed and agreed upon with the concerned person. It encompasses the following phases/plans foreseen in the NRM: Assistance Plan (during Immediate Response), Medium Term Rehabilitation Assistance (during Rehabilitation), Individual Reintegration Plan (during Reintegration)

What are the main measures?	Who /With whom	How	When	Applicable tools
-----------------------------	----------------	-----	------	------------------



<p>Conducting need assessment and defining rehabilitation, assistance, reintegration and social inclusion plans (Individual Assistance and Social Inclusion Plan - IASIP)</p>	<p>Social workers and other staff from service providers, BoLSA and/or BoWCYA and/or BoTVTET Coordination with other agencies such as health services, other NGOs, Micro Finance Institutions, etc.</p>	<ul style="list-style-type: none"> ❖ Victims needs assessment should be conducted at different stages (during Initial Contact, during Recovery Period etc.) and according to the requirements imposed by the specific stages of the overall referral process, and should be based on the condition of the concerned person, considering that their interest should always be at the center of any procedure ❖ Ensuring that needs assessment is conducted in a comprehensive way and that accordingly comprehensive responses can be made available, from basic needs responses to psycho-social support, vocational guidance, social inclusion support such as livelihood, life skills and vocational and on the job training, enterprise start-up grants, family reunification, and access to labour market ❖ Ensuring the assisted person takes informed decision along the whole process, and the possibility to provide feedback as well as to fill complaint about the services received or the procedures experienced is granted at the different stages of the process ❖ Management of expectations from the victim or the family shall be considered during planning ❖ Taking into account particular wants and desires and comparing it with reintegration options or services that may or may not be available ❖ Considering especial needs of the victim in relation to age, gender, level of education, work experience and economic capacity ❖ Assessing availability of services like shelters, medical services and educational programmers in the victims' place of residence ❖ Evaluating the relevance and sustainability of the reintegration activity in the particular place of the victims residence ❖ Designing a comprehensive and progressive Individual Assistance and Social Inclusion Plan (see various support phases of NRM) 	<p>After immediate needs of the victim addressed and after recovery period</p>	<p>Individual support Plan formats provided by NRM</p>
--	---	--	--	--

7. Guidelines for Assistance, Rehabilitation, Reintegration and Social Inclusion Services

Applicability: as per article 6.1.3. and 6.1.4. of the MoU

Description:

- This procedure includes guidelines that should be considered during delivery of services to identified victims either within shelters or elsewhere.
- The social inclusion activities shall be adopted based on an empowerment-oriented approach so that at the end of the reintegration process victims will not develop dependency mentality and can continue leading independent life.
- It should be noted that Family Tracing and Return to the place of origin activities are demanding processes that cannot be implemented as an automated response, because risks might be entailed in family reunification (if for instance the family was involved in the trafficking process, or if those involved are close to or threatening the family) as well in return to the community (for several possible reasons, such as risk of being re-trafficked, re-victimized, or “simply” stigmatized). Therefore, careful and comprehensive assessments should be conducted before starting a reunification/return process.

What are the main measures?	Who /With whom	How	When	Appli. tools
Provision of services in shelters or elsewhere according to Individual Assistance and Social Inclusion Plan - IASIP	Service providers Coordination with the other signatories of the MoU according to needs and to Plan. Coordination with other agencies such as health services, other NGOs, Micro Finance Institutions, etc.	<ul style="list-style-type: none"> ❖ With informed consent of the victim to stay in a shelter if the victim is going to stay in shelters ❖ The possibility to receive services on a non-residential basis (i.e. without staying in a shelter) also has to be granted, based on needs, risks, and feasibility analysis ❖ Services should be of different kinds and to be provided in a flexible way according to individual needs and plan: safe accommodation, food and clothes, health assistance, psychological support, family tracing and family reintegration, legal advice and specific support for preparation and participation in trials, recreational activities, educational activities, vocational guidance and training and facilitation to access the labour market, with measures like on the job training, access to grants 	After it is determined that the presumed victim is actually a VoT or vulnerable migrant (i.e. after recovery period). In the NRM the	



		<p>for starting income generating activities, support for social inclusion in place or in the locality of origin or in a third locality, voluntary assisted return for foreigners</p> <ul style="list-style-type: none"> ❖ Services have to be provided irrespective of victim-witness willingness to cooperate with the law enforcement agencies and to testify before the court ❖ Provide continuing and comprehensive care in accordance with the physical, psychological and social needs of the victims ❖ Encourage them to participate in decision-making, as much as possible ❖ Adopting a non-judgemental and empowerment-oriented approach ❖ Ensuring the assisted person takes informed decision along the whole process, and the possibility to provide feedback as well as to fill complaint about the services received or the procedures experienced is granted at the different stages of the process ❖ Avoid discrimination while delivering services ❖ Protect especial interests of women and children as well as physically disabled persons ❖ Documentation of the assistance process shall be ensured 	<p>First and Longer Term Assistance fall under two distinct phases called Rehabilitation and Reintegration (of in average 1 month and 5 months respectively)</p>	
--	--	--	--	--

8. Guidelines for Monitoring and Evaluation of reintegration and social inclusion

Applicability: as per article 6.1.4. (d) and (e) of the MoU

Description:

- This involves monitoring and evaluation actions after victims are provided with rehabilitation and reintegration support to ensure the effectiveness of the reintegration and social inclusion services
- Monitoring and evaluation shall be made both at an individual level and at the system level. The reaction by beneficiaries to the reintegration assistance provided can be a useful indication of the project's strengths and weaknesses, and whether all the medical, psychological, financial, social and legal needs are actually met or whether any additional needs should be taken into consideration in future projects. (NRM)
- Continuous self-evaluation at organizational level will allow for monitoring of the strengths and weaknesses of the current reintegration situation and add to the organization's institutional knowledge of how best to plan and what to include in future reintegration efforts. (NRM)

What are the main measures?	Who /With whom	How	When	Applicable tools
Conducting individual level and institutional level monitoring and evaluation on the effectiveness of assistance and social inclusion measures	BoLSA in collaboration with service providers and with identifiable and reliable stakeholders in the locality reintegration takes place	<ul style="list-style-type: none"> ❖ Monitoring at the individual level should be made face-to-face (i.e. the social worker visits the victim) so as to facilitate better interaction with the victim ❖ When counseling is needed after the reintegration, it should only be provided by appropriately trained personnel ❖ Monitoring reports should be completed for each assisted victim on a regular basis during the first phases the reintegration-monitoring process ❖ Monitoring and evaluation should not undermine supported persons' autonomy and self-esteem ❖ Memorandum signatories should evaluate their respective reintegration services provided to victims internally through self-evaluation and asking assisted persons' feedback, as well as in a multi-agency setting among the MoU signatories, and by external evaluator when feasible 	After reintegration services provided to the victim	

9. Guidelines to provide legal counseling before and during trial

Applicability: as per 6.1.2. of the MoU

Description:

- This procedure includes free legal counseling that enables presumed VoT to decide on his/her participation in criminal or civil litigations.
- As mentioned in the NRM, under the respective SOP "Access to full and clear information is crucial to enable victims to participate actively in any proceedings, to reduce their psychological stress, and to enforce their rights. [...] The protection of a victim as witness to a crime (i.e. trafficking and related crimes) requires tailor-made solutions to be implemented by the law enforcement agencies, prosecutors, judges and support agencies that must work in very close cooperation".

What are the main measures?	Who /With whom	How	When	Applicable tools
Ensuring presumed VoT is aware of his/her legal rights	Investigation Police officer /Public Prosecutors/ legal officers of Bureau of Women, Children and Youth Affairs/ legal officer of Service Providers	<ul style="list-style-type: none"> ❖ Make presumed VoT aware of their following rights: <ul style="list-style-type: none"> ○ Right to adequate translation/interpretation; ○ Right to claim damages for the inflicted material/nonmaterial damage; ○ Right to apply for a closed trail; ○ Right to be fully informed about the court proceedings. ❖ Make the victim aware that there could be procedural challenges to exercise those rights ❖ Avoiding excessive promises which could not be achieved given various anticipated limited capacity in the justice system ❖ In the case of children, all decisions regarding participation, assistance to and co-operation with criminal and judicial proceedings shall be taken by the child's legal guardian in consultation with the child, and, where his or her family do not have custody of the child but retain parental rights, his or her family also, provided that their involvement does not prove to be detrimental to the child. 	Before civil and criminal proceedings are started	



Specific support in preparation to and during the court proceedings, including legal advice and psychological support to victim-witness	Public prosecutors of the Amhara Attorney General and the relevant staff of the Service Providers (counsellors, lawyers/legal advisors)	<ul style="list-style-type: none"> ❖ Explain to victim-witness the roles of the different people and law enforcement agencies and courts who are involved in the respective process ❖ Before the trial, the public prosecutor or the responsible person for the case (e.g. service provider case manager) should explain how the court proceedings will be conducted; ❖ When necessary, the public prosecutor shall rehearse the victim-witness all previously given statements during investigation. ❖ The victim should be prepared for the act of giving the statement, and should be informed about the legal consequences for giving falsified statements in clear discrepancy with his/her previous statements written on the police criminal record 	An appropriate time for the concerned person before the trial	
--	---	--	---	--

10. Guidelines to conduct Victim-friendly Crime Investigation and Evidence gathering

Applicability: During investigation of alleged commission of crime of human trafficking, smuggling of human beings and abuse in migration

Description:

- For the purpose of this guideline, investigation is the act of examining a case of human trafficking and abuse in migration and collecting evidence for crime investigation purposes and to present this in a court proceeding.
- The guidelines shall be used in complementarity with applicable criminal procedural law, evidence gathering customary practices, and other operating procedures (such as Business Processing Reengineering Document) of the country.

Implemented by



- In the case of a child, the final decision to participate in criminal and civil proceedings is taken by the legal guardian after having consulted the case manager, the child her/himself and her/his family, where they do not have custody, but retain parental rights.

What are the main measures?	Who /With whom	How	When	Applic. tools
Receipt of complaint	<p>Police/Prosecutor. When the Prosecutor receives the complaint, it may refer the case to the Police.</p> <p>Service Providers may assist the victims to apply for crime investigation and share all relevant information to the Police/Prosecutor, with the consent of the victim</p>	<ul style="list-style-type: none"> ❖ Where a police officer receives a complaint, the officer shall: <ul style="list-style-type: none"> ➤ record the complaint in detail and provide a copy of the written report to the victim ➤ assist the victim to obtain medical treatment when necessary ➤ assist the victim to a place of safety if the victim expresses concern about safety, and ➤ inform the victim of his or her rights and any basic material and further comprehensive support which may be available to assist the victim ❖ A police officer shall take a statement from a child in the presence of a guardian or legal representative or appropriate public institution ❖ Whenever possible, based on available indicators, information, and documents and in consultation with the public prosecutor, will analyze whether the case is human trafficking or smuggling of migrants or other abuses committed on migration process ❖ S/he shall refrain from discretionary judgment in responding for the allegation ❖ When the allegation come from a third party (including from service providers), s/he should not force the victim to cooperate for investigation. Rather, s/he will apply different victim friendly techniques to get the informed consent of the victim 	Upon receipt of a complaint	



Applying fundamental investigation principles	Investigation Police Officers and prosecutors	<ul style="list-style-type: none"> ❖ All investigative actions should adhere to a victim-centred, human rights-based approach ❖ Identified trafficking victims should be treated as victims of serious crime and must not be subjected to revictimization or criminalization as provided under article 30 of proc. 909/2015 ❖ Access to all forms of available assistance is to be provided to all identified victims, irrespective of whether or not they agree to cooperate with crime investigators; access to help must never be made dependent on agreement to cooperate ❖ Investigators, together with social workers, have a clear duty to ensure that victims are made fully aware of their rights and obligations and of all available support measures that exist to help them overcome their ordeal and that the victims are enabled to establish initial contact with assistance providers ❖ It is essential that the investigator is completely open and honest at all times with victims and does not attempt to unduly influence their decision to cooperate one way or the other ❖ When seeking the cooperation of victims, it can be acceptable for the investigator to make the following points: <ul style="list-style-type: none"> • Traffickers should be brought to justice for their actions • Victims have a very important role to play as witnesses in protecting others like them from being trafficked in the future • The case will not depend solely on their evidence and that there will be other supporting evidence • Victims can receive support and protection as per the measures of this MoU • Victims will receive protection under witnesses protection proc.699/2010 and other Ethiopian laws 	During investigation process	
--	---	--	---	--



Evidence and Information gathering	<p>Police, prosecutors and as the case may be, service providers</p>	<ul style="list-style-type: none"> ❖ It is critical to conduct ‘evidential interviewing of victim-witnesses’. To achieve that the investigator should: <ul style="list-style-type: none"> ○ Create the optimum conditions in which to minimize the inevitable stress that the interview process will inevitably entail and within which victim witnesses can provide their evidence in a fully supported way ○ Provide victim-witnesses with a fair and equal opportunity to gain access to justice by allowing them to give their side of the story ○ Establish the full facts of the criminal case in order to prove the elements of the crime ○ Keep in mind that trafficking is rarely committed in isolation and most cases will involve the multiple commission of a range of crimes such as rape, physical assault, unlawful imprisonment and illegal border crossing among others ❖ Avoid exclusive dependence on witness testimony. Analyze if other kinds of evidences are needed to prove the commission of the alleged crime in addition or in alternative to victims and witnesses testimony, on a case-by-case basis such as: <ul style="list-style-type: none"> ○ Medical examination ○ Examination of forensic samples ○ Collecting travel or identity document ○ Investigating bank accounts ○ Photographic evidences ○ Identity or travel documents ○ Visa applications forms ○ Sponsorship letters ○ Boarding passes ○ Employment contracts ○ Wage slips or written record of earnings ○ Hotel or guesthouse receipts and registers ○ Hospital or clinic records 		
---	--	--	--	--



Co-funded by the European Union



german
cooperation

DEUTSCHE ZUSAMMENARBEIT

Better Migration Management
Horn of Africa



		<ul style="list-style-type: none">○ Money transfer slips○ Diaries○ Written phone numbers○ Letters, text messages or other communications on social media;○ Cell phone records, including mobile money <ul style="list-style-type: none">❖ In all investigation process ensure the right to privacy and confidentiality of information the victim❖ To minimize dependency on the appearance of the victim witness during trial and to mitigate security risks, testimony recording and video-conference could be used so that the victim-witness does not have to appear personally or at least will not be confronted with the suspect perpetrator (e.g. video testimony, closed circuit television, use of screens, providing testimony in judicial chambers, written statement to be read during trial, closed hearing prior to the trial)		
--	--	---	--	--

Implemented by



11. Guidelines for Compensation Claims of the victim

Applicability: as per article 6.1.2 (c) & (d) of the MoU

Description:

- This guideline governs the support given to the victim in obtaining compensation for material and moral damages from the perpetrator(s) and/or from the 'Fund' established under article 32 (1) and as per article 31(3) of proc. 909/2015 for the physical and mental harm suffered and wages lost during the trafficking and exploitation experience and abuse in migration.
- It is also recommended for the public prosecutor or any advocate representing the victim to settle the claim for compensation through Alternative Dispute Resolution Mechanism rather than opening file in the court of law.

What are the main measures?	Who /With whom	How	When	Applicable tools
Submission of an indemnification claim	The victim submits the claim through his/her lawyer/public prosecutor/legal advisor of service providers	<ul style="list-style-type: none"> ❖ Collecting relevant evidence from Police or any other admissible and relevant source to present in court proceedings ❖ Temporary freezing, seizing or withholding funds, bank accounts and financial transactions or criminal proceeds ❖ Providing relevant information about the court proceedings ❖ Considering possible negotiation or mediation with the accused or their representatives to avoid prolonged litigation process without affecting the criminal proceeding ❖ When the victim is minor/mentally disabled, the request may be submitted by the parents, custodians and legal representatives ❖ The public prosecutor should submit indemnification claim in the criminal procedure ❖ In cases when the court acquits the defendant or the public prosecutor dismiss the criminal case because of lack of sufficient evidence , the victim should get free legal support from prosecution department/or legal counselors of the service providers to have his/her compensation claim resolved through civil proceedings 	When the criminal charge against the accused is taken to the court	

Implemented by



Second part – Implementing Guidelines of the MoU for service provision and for the referral to and from Shelters

The availability of **diversified and qualified services aimed at providing specialized and individualized tailor-made support to trafficked persons and vulnerable migrants** is crucial for their emergence from the abusive and exploitative situations and in the overall referral process, from identification to social inclusion.

Diversification means on the one hand providing services for **female and male** as well as **adult and child** victims of trafficking and vulnerable migrants.

On the other hand, diversification means **a whole range of services** to be provided in a flexible way according to individual needs and plan, at the different stages of its implementation:

- safe accommodation,
- food and clothes,
- health assistance,
- psychological support,
- counselling,
- psychiatric support/treatment,
- family tracing (and reunification if needed/advisable at an early stage of the assistance programme),
- legal advice and specific support for preparation and participation in court proceedings,
- recreational activities,
- educational activities and support for reinsertion into the educational system,
- vocational guidance,
- vocational training,
- facilitating access to the labour market, such as job placement, apprenticeship programmes, wage subsidies, grants for starting income generating activities,
- family tracing and reunification,
- voluntary assisted return for foreigners (even though possibilities to remain in the country could be assessed, even beyond the trial, if the person is for instance at risk of re-trafficking/re-victimization in the case of return to the country of origin),
- support for social inclusion in place or in the locality of origin or in a third locality,

Implemented by



- support for housing and accommodation,
- follow up of the social inclusion process.

Such services have to be made available in dedicated **Shelters**, but should also be offered on a **non-residential basis**, when for the concerned person there are alternative viable accommodation options, but anyway support at different levels is needed. Services are not only and not all directly provided by the Service Provider NGO, but also by the public institutions/services, other non-governmental organisations, private entities.

Ideally the **Shelters**, or more broadly, residential care facilities, should not only be divided by target population (gender and age) but also to serve the different phases of the referral process. Currently, given the shortage of resources and the high demand, this is not possible. Nevertheless the residential care facilities could be divided as follows:

- **Temporary Shelters**, to provide immediate response through basic services and early needs and risk assessment through psycho-social support. Such an emergency residential facility is particularly useful when it has not been determined yet if the concerned person can be presumed to be a victim of trafficking, and risk and needs assessment have not been conducted, and placing the person in a First Assistance Shelter would be too early and also constitute a potential risk for the safety of the shelter.
The Temporary Shelter would cover the “Initial Contact” and/or the “Immediate Response” phases of the NRM but if needed, depending on the case, could also serve the transition phase referred to as “Recovery Period” in the NRM.
- **First Assistance Shelters**, where the person could receive continued basic needs responses as well as psycho-social support and legal advice at different levels, and extensive risk and needs assessment can be conducted as well as the design of risk management plan and of the Individual Assistance and Social Inclusion Plan.
Depending on the case the First Assistance Shelter could serve the “Recovery Period” for Screening and Identification (when for security and other reasons this does not need to be conducted in the Temporary Shelter), and in any case cover the “Rehabilitation” phase of the NRM.
- **Mid-Term Assistance Shelters**, where services and access to activities and opportunities aimed at reintegration and social inclusion would be provided, completing the Individual Assistance and Social Inclusion Plan with the “Individual Reintegration Plan” covering therefore the “Reintegration” phase of the NRM.



The NGO service providers aim at reaching that functional level of multi-faceted residential care opportunities. In the meantime they commit to search for solutions allowing to the extent possible the above differentiation within the currently all-comprehensive shelters, as well as exploring the possibility to set up one or more pilot Temporary Shelter to be shared as a resource by NGO Service Providers working in the same geographical area.

In an optimal situation, also **Autonomy Houses** could be made available, where the assisted person could find advantageous rent rate or no rent to pay, in the challenging phase when they are starting working and therefore on the way of autonomy, but don't have yet the financial resources for fully independent living.

The diversification of services also implies the engagement of **various professionals**:

- social workers, psychologists, counsellors
- nurses and psychiatric nurses
- vocational guidance officers, trainers and teachers, income generating activity officers
- lawyers and legal advisors

Around these professionals directly working with trafficked persons and vulnerable migrants, support staff such as care givers, cooks, cleaners, guards are involved as well as the other staff of the NGOs.

It is worth mentioning that the team could be supported by Monitoring and Evaluation experts, IT and Data/Information Management System professionals, as well as by a professional that could be called Psycho-methodological Team Coach. This professional is a psychologist with a specific background, in charge of accompanying through regular meetings a team providing social care services in their work, from the psychological and methodological point of view. The work of this professionals is aimed at: improving the quality of the work relationships with clients, colleagues, external officers; improve the quality of services and methodology and tools used; prevent and reduce the risk of burn-out in the team or handle already emerged situations.

Effective provision of those services implies training for the staff and the development of quality standards and operating procedures for the services, as well as networking and cooperation with all relevant agencies in the social, health, law enforcement and judiciary, education, training and employment areas.

So, the availability of those services is not enough per se, because also the channels, procedures and ways those services can be accessed from different stakeholders is crucial, as well as the way the service providers interact with the referring stakeholders



and with the other agencies providing services or support at different levels, such as health care, education, vocational training, micro-credit etc.

Particularly relevant in the framework of this MoU are the following levels of **multi-agency cooperation**:

- the collaboration of the Service Provider NGOs with the Judiciary and Law Enforcement for the cooperation in referral procedures to and from shelters, in the identification, protection, assistance of trafficked persons and for support during investigations and court proceedings;
- the collaboration of the Service Provider NGOs with other relevant agencies, such as public social services, other NGOs providing services to trafficked persons or other target groups, health services, vocational training and labour market actors etc., in order to ensure a whole range of services from first assistance to social inclusion.

Currently the Service Provider NGOs are working on:

- Joint development and definition of quality standards of services and minimum standards of care for trafficked persons and vulnerable migrants
- Joint development of guidelines and SOPs for case management and shelter management

In relation to Shelter Management SOPs, the focus will not only be the internal procedures, but also the communication and collaboration procedures with different agencies at the various stages of the referral process, from emergence and identification to reintegration and social inclusion. In such a context a comprehensive framework and a detailed set of procedures and tools will be designed.

In the Table below an outline is offered of the main phases, measures and actions that have to be undertaken:

- on the one hand (left column) in a **multi-agency setting through the interaction of the Service Provider NGO with different agencies** (signatories of the MoU and others) and
- on the other hand, **specifically by the Service Provider NGO running shelters**



Multi-agency work	Service Provider NGO-specific work
<p><i>Note: following multi-agency and Service Provider NGO-specific actions are organized in a logical but not necessarily chronological sequence, as some might be simultaneous or inverted in their order, depending on needs, on the situation, on the capacity of involved agencies</i></p>	
<ul style="list-style-type: none"> ➤ the Service Provider NGO is contacted via telephone by first responder (e.g. Police, BoLSA, BoWCYA, health service, non-specialized NGO etc.) 	
<ul style="list-style-type: none"> ➤ referral is carried out through a formal letter (mandatory for children – i.e. any person under the age of 18) and specific organizational agreements between referring agency (first responder) and receiving Service Provider, based on the situation and on the specific needs of the case/concerned person <ul style="list-style-type: none"> <input type="checkbox"/> Referral request Letter <input type="checkbox"/> Registration Form <input type="checkbox"/> First assistance plan (if applicable) <input type="checkbox"/> Early needs assessment (if applicable) <input type="checkbox"/> Early risk assessment (if applicable) 	<ul style="list-style-type: none"> ○ Internal team and logistical preparations to receive the person to be admitted in the shelter
	<ul style="list-style-type: none"> ○ admission, intake and informed consent
	<ul style="list-style-type: none"> ○ screening, early needs assessment, early risk assessment
	<ul style="list-style-type: none"> ○ provision of services
<ul style="list-style-type: none"> ➤ information sharing with other relevant agencies, on a “need to know” basis and with the informed consent of the concerned person 	
<ul style="list-style-type: none"> ➤ agreements on if, how, where, and by whom screening interview to be conducted 	



➤ multi-agency risk assessment	
➤ multi-agency design of risk management plan, if necessary	
➤ risk management plan implementation	○ risk management plan implementation
	○ extensive needs assessment
➤ completion of needs assessment with other agencies (e.g. mental health hospital), if necessary	
	○ start and progressive design of Individual Assistance and Social Inclusion Plan (Rehabilitation > Reintegration)
➤ provision of services by other agencies contacted by the Service Provider based on needs (health, educational, recreational, training, employment etc.) <ul style="list-style-type: none"> <input type="checkbox"/> Referral request Letter by NGO (if required) <input type="checkbox"/> Registration Form <input type="checkbox"/> Documents attached (e.g. referral from public institutions) 	○ implementing the Individual Assistance and Social Inclusion Plan by provision of services and undertaking activities as well as interacting with external service providers
	○ data collection and keeping
	○ family tracing
➤ family tracing with the support of relevant agencies in the locality the family lives (BoLSA, BoWCYA, Police etc.) and assessment of possibility of reunification	
	○ Preparing beneficiary who meet the requirements for discharge



	<ul style="list-style-type: none"> ○ Consent and/or decision of beneficiaries: if they are willing to reintegrate into the community or back into their family
<ul style="list-style-type: none"> ➤ if applicable family reunification or return in the local community, with the involvement of the relevant agencies to support the process 	<ul style="list-style-type: none"> ○ follow up of reintegration and social inclusion
<ul style="list-style-type: none"> ➤ support and needed protection measures for the participation in criminal and civil proceedings before, during and after trial and assistance for compensation claims (Police, Prosecutor, Service Providers) 	<ul style="list-style-type: none"> ○ preparation to undertake criminal and civil proceedings with psycho-social and legal support before, during and after trial and support for compensation claims

Implemented by



Co-funded by the European Union



Better Migration Management
Horn of Africa



Memorandum of Understanding for the referral of victims of human trafficking and migration abuse in Amhara regional state

Monitoring and Evaluation

Prepared by Dr Aidan McQuade

Expertise France
May 2019

Implemented by



TABLE OF CONTENTS

Monitoring and Evaluation	1
<u>LIST OF ABBREVIATIONS</u>	3
<u>1. INTRODUCTION</u>	4
1.1 Monitoring and Evaluation: general	5
1.2 Monitoring and Evaluation: individual cases	5
1.3 Systems evaluation	6
1.4 Joint Evaluation?	7
1.5 Transparency	8
<u>2. MONITORING FRAMEWORKS</u>	9
2.1 Monitoring framework for activities and outputs under Amhara MoU – Coordination	9
2.2 Monitoring framework for activities and outputs under Amhara MoU – Shelter management	10
2.3 Monitoring framework for activities and outputs under Amhara MoU – case management	11
<u>3. OUTCOMES - LEARNING AND EVALUATION FRAMEWORK</u>	15
<u>IMPRINT</u>	ERROR! BOOKMARK NOT DEFINED.



Co-funded by the European Union



Better Migration Management
Horn of Africa



List of Abbreviations

Amhara MoU	Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (the Amhara MoU)
Courts MoU	Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human trafficking and Abuse in Migration in Court Proceedings at the Federal Level
NRM	Ethiopian National Referral Mechanism
SOP	Standard operating procedure
SCM SOPs	Shelter and Case Management Standard Operating Procedures
VCMS	Victim Case Management System

1. Introduction

The function of monitoring and evaluation is to ensure that an endeavour achieves its purpose. This should happen if all of the subordinate activities and outputs are obtained. So the purpose of monitoring and evaluation is to both ensure that they are happening as planned and that they remain relevant to the overall purpose.

In relation to this “Amhara MoU” its purpose may be summarised as:

- Establishing a multi-stakeholder, victim-centred system for the identification, protection, rehabilitation and social inclusion of former victims of trafficking and abuse in migration in the Amhara region.

Implementing Guidelines to the Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State have already been drawn up with a particular focus on Referral to and from Shelters. Standard operating procedures (SOPs) have also been drawn up to give further guidance to the NGO signatories to this MoU on shelter and case management (SCM SOPs) under the MoU, and the documentation arising from the implementation of those SOPs will provide the basis for monitoring, and ultimately evaluating the implementation of the MoU.

The MoU aims to achieve this by obtaining six outcomes:

- a. To support the implementation of the Ethiopian National Referral Mechanism and its standard operating procedures (SOPs);
- b. To improve coordination between public agencies and service providers in the assistance of victims of trafficking and migration abuse;
- c. To provide victims of trafficking and migration abuse with quality services, including shelter, psycho-social support, health, legal assistance and economic reintegration;
- d. To better integrate protection and prosecution efforts by enhanced cooperation between law enforcement and social actors and NGOs
- e. To define the functioning of a regional referral mechanism and the support measures necessary to enable its sustainable enactment;
- f. To enhance the identification of possible targeted prevention initiatives through the analysis and planning of the MoU signatories.

The National Referral Mechanism for Ethiopia sets out monitoring and evaluation at two levels: that of the individual and that of the system. This memo aims to set out the information and data that should be gathered to facilitate the monitoring and evaluation of the implementation of this Amhara MoU.

1.1 Monitoring and Evaluation: general

There is already significant monitoring of the activities of the signatories to this MoU, not least in the reports to donors from the NGOs operating shelters, who report regularly on their operations and the profiles of those that they deal with. There are further commitments on regular reporting by all signatories in the Amhara MoU. **The purpose of this document is to outline how that reporting should dovetail with the data gathering necessary to fulfil the monitoring and evaluation needs of the MoU** to ensure that it obtains its outcomes and purpose.

Much is written on the substantive differences between monitoring and evaluation. For example, generally monitoring is a management function, carried out in-house. Evaluation, on the other hand, should be undertaken by an independent third party to provide greater perspective and objectivity and facilitate more strategic choice-making regarding the leadership of a project or programme.

Another difference between the two could be seen as the difference between quantitative and qualitative: For example monitoring should tell you how much counselling of victims of trafficking is going on, evaluation should tell you if that counselling is good. Alternatively monitoring may tell you how many cases were concluded by the courts, but evaluation should give a clearer perspective on just how victim-centred the approach of the court process actually was.

However, in spite of these differences, as will be seen below when specific monitoring and evaluation activities and reporting is outlined, there are overlaps between the two as the activities are mutually supportive.

1.2 Monitoring and Evaluation: individual cases

In addition to the existing reporting that the signatories to the MoU undertake, there is a need for some additional information to be routinely produced. This is outlined below. But it is worth noting that there are three important strands of information that must be more systematically gathered to facilitate the proper monitoring and evaluation of individual cases under the Amhara MoU:

1. An account of each individual victim's experience of trafficking (or other abuse in migration) from recruitment through exploitation to their initial contact with the "MoU system";
2. An account of each individual's experience of the MoU system from entry to exit;
3. A follow up account, perhaps a year later, on how well they have reintegrated/recovered following their experiences.

Currently information is gathered on these three areas but not consistently by all service providers. The implementation of a common Victim Case Management System (VCMS)¹ across all service providers should establish more consistent and systematic data gathering.

The consistent gathering of these three categories of information for each individual case would allow for assessment of the appropriateness of the interventions for each individual, the strengths and weaknesses of the MoU system for each individual, the impact in achieving purpose, and adjustments that must be made to improve attainment of purpose. These assessments should be made as part of the routine management process of those tasked principally with victim care under the MoU. Some information will have to be provided by LEAs and Judiciary, as well as other stakeholders (e.g. health services, vocational training and employment centres etc.), and collected and recorded on the individual case file by the Service Provider supporting the concerned person. However these should also be anonymised and made available to other relevant stakeholders for study and analysis.

Taken together these “three-fold” individual accounts will enable an assessment for each individual of how well the implementation of the MoU has served them and how well the extant systems are serving individuals.

1.3 Systems evaluation

Given the outcomes described in the Amhara MoU the following specialist evaluations should be carried out to assess whether the MoU is achieving its intended outcomes

1. Assessment of the attitudes of all signatories to the MoU of the principles set out in the MoU, particularly towards a victim-centred and human rights approach, and child rights;
2. Assessment and assessment of the potency of victim voice and victim interests in the implementation of the MoU and the provision of care and reintegration, including healthcare, shelter, protection and follow-up;
3. Evaluation of the quality of counselling and trafficking identification undertaken by service providers, particularly for children;
4. Evaluation of the expected increase in investigations and enhanced effectiveness of criminal proceedings and trials against traffickers and other individuals/groups carrying out trafficking and smuggling related activities;
5. Assessments of the causes and commonalities of trafficking and migration abuse in Ethiopia to facilitate the identification of possible targeted prevention initiatives.

¹ The VCMS also consists of a Data Base (working both online and offline) for Victim Case Management that is supported by BMM GIZ and Expertise France and provided by the NGO Liberty Shared to NGOs in Ethiopia, Kenya and Uganda.

Each of these could be undertaken at intervals, alternatively every 1 year/18 months or once every three years (for prevention initiatives), and then repeated or adjusted depending on newly identified needs.

The evaluations set out for the Amhara MoU should be carried out under terms of reference drawn up by a learning focal point and approved by the signatories. The evaluations should be carried out by specialists independent of the signatories of the MoU.

The results of the evaluations should be discussed at signatory forums which should assess their conclusions and recommendations and decide on adjustments in the implementation of the MoU and the management of the relevant activities to ensure fitness to purpose.

1.4 Joint Evaluation?

The achievement of purpose in an enterprise depends on two important assumptions: first that the conceptualisation of the problem is correct, and second that it remains so as the activities proceed. If either of these assumptions is in any way in error, then programme monitoring and evaluation should alert leaders to this, and to provide them with the information necessary to adjust activities and approaches to obtain the purpose.

One thing that is clear about slavery and human trafficking is that over history it has transmuted and evolved in response to the challenges against it. In other words the response to human trafficking that this MoU represents could very well prompt a transformation in the practice of trafficking in Ethiopia (in the Amhara Regional State in particular, and beyond, given the trans-regional dimension of trafficking within the country, intended both as internal trafficking and transnational trafficking).

Hence there is a need for regular assessment and evaluation of the totality of the accounts of individual trafficking gathered under both MoUs², to identify commonalities in terms of the causes of trafficking and, in particular, the means utilised to traffic a person into forced labour or sexual exploitation. While insight can be gained to a certain extent from the monitoring conducted by the signatories to the MoUs from

² This MoU and the Courts MoU i.e. the “Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level”, supported as well by BMM/Expertise France, and signed at the Federal on the 17th of April 2019 by the Attorney General (Federal Anti-human Trafficking Task Force Secretariat Office; Prosecution Department), Federal Police Commission, Addis Ababa Police Commission, Agar Ethiopia, Good Samaritan Association, Organization for Prevention Rehabilitation and Integration of Female Street Children – OPRIFS, Association for Women’s Sanctuary and Development- AWSAD

month to month and by any learning focal point appointed for the MoU, it is good practice to have an overall evaluation conducted by an independent specialist.

The Amhara MoU envisages such an evaluation (point 4 above). The Courts MoU does not. However, even so, it is recommended that the information that is gathered to support proper monitoring and evaluation of the “Courts MoU system” should also be included in the recommended assessment of the causes and commonalities of trafficking and migration abuse in Ethiopia, as is required in the Amhara MoU. This would extend the possibility of identifying targeted prevention initiatives.

The first such evaluation should be conducted about a year after the signing of the two MoUs and then be repeated about every three years. This should draw on all the accumulated individual accounts gathered under both MoUs during the intervening period.

This evaluation should be discussed at the forums of the signatories of both MoUs, and may lead to requirements for the signatories to shift policy relating to their implementation.

This evaluation may also indicate needs for policy shifts amongst stakeholders beyond the signatories to the MoUs. For example an evaluation such as this may indicate that a promise of access to education is a key means by which children are deceived into trafficking for domestic labour. This may suggest urgent attention is required on educational provisions, such as through direct cash transfers to students’ families to enable children to stay in school.

Alternatively, it may be found that in certain overseas territories the lack of labour attaches in the Ethiopian embassy to the country leads to increase exploitation and enslavement of Ethiopian migrants. Hence this may suggest an adjustment in international priorities to appoint attaches to Ethiopian embassies in the most relevant countries.

1.5 Transparency

Given the various governmental and non-governmental signatories to the MoU and their diverse lines of authority, transparency is essential in the monitoring and evaluation of the MoU. This is to better allow the stakeholders to learn from each other. It is also to introduce a measure of accountability into the process, both between signatories to the MoU and to the public: the trafficking and abuse during migration of Ethiopian citizens is a matter of public policy.

Hence both evaluations and monitoring reports should be published on dedicated and publicly available MoU signatories’ sites on the internet. The requirement to publish monitoring reports should drive up reporting standards and compel any delinquent signatories to report in an appropriate and timely manner.

2. Monitoring Frameworks

This framework sets out the recommended elements that service providers should put in place to monitor that their commitments relating to shelter and case management are being undertaken. Records of the output of each activity can be kept on paper or, preferably, in a computerised system. However, **records must be kept in order to facilitate evaluations**, as set out in section 3.

2.1 Monitoring framework for activities and outputs under Amhara MoU – Coordination

Activity	Output	Indicator	How to collect?	When?	Who collects?
Develop timetable for implementation of coordination responsibilities under MoU	Section of annual plan	Coordination meetings scheduled; contact persons designated; monitoring and evaluation events and activities scheduled	Meeting with relevant people within organisation and contact with relevant people in other MoU signatory organisations	Just before year end (agreed with other MoU signatories)	Agency head or designated official
Ensure responsibilities outlined in MoU, Implementing Guidelines, SOPs, funded project and programme contracts, and Monitoring and Evaluation framework are properly assigned	Section of annual plan	List of personnel with assigned responsibilities	Individual meetings; Staff and planning meetings	Just before year end (agreed with other MoU Signatories)	Agency head or designated official



Co-funded by the European Union



Better Migration Management
Horn of Africa



2.2 Monitoring framework for activities and outputs under Amhara MoU – Shelter management

Activity	Output	Indicator	How to collect?	When?	Who collects?
Annual “sectoral” shelter provision review	Sharing of lessons learned and best practice amongst shelter service providers	Minutes of meeting	Joint meeting by senior teams of all service providers to discuss best practice and each other’s lessons learned	Annually	As per SCM SOPs
Review staffing of Service Provider to ensure adequate provision for meeting basic needs of survivors and their case management	Agreed set of staff roles and responsibilities	Job descriptions; Organogram	Meeting by senior management team to discuss basic needs provisions in the context of best practice; Subsequent meetings with relevant staff	Annually , and after any significant change in staff	As per SCM SOPs
Review training needs of staff	Agreed training schedule	Memo on staff to be trained and skills to be obtained	Meeting by senior management team to discuss training needs in the context of best practice; Subsequent meetings with relevant staff	Annually and after any significant change in staff	As per SCM SOPs
Review security procedures and policies for shelters	Agreed security procedures and policies	Memo on security policies and procedures including a schedule of any training needs	Discussions with resident survivors on security concerns; Risk assessments for shelter; Meeting by senior management team to review policies in light of feedback, and best practice on shelter security	Annually , and after every significant security concern	As per SCM SOPs
Review provisions for children	Agreed special procedures for children	Memo on provisions for children	Discussions with resident survivors on needs of their children;	Annually	As per SCM SOPs



Co-funded by the European Union



Better Migration Management
Horn of Africa



			Discussion with child residents on their hopes; Meeting by senior management team to review policies in light of feedback and best practice regarding children's rights		
Review of physical infrastructure	Improved standards in survivors' physical living conditions	Action plan on upkeep and maintenance of physical shelter, and other options for shelter improvement	Discussions with resident survivors on their accommodation and potential improvements; Meeting by senior management team to review physical infrastructure in the light of residents feedback and best practice	Every 6 months	As per SCM SOPs

2.3 Monitoring framework for activities and outputs under Amhara MoU – Case management

Activity	Output	Indicator	How to collect?	When?	Who collects?
Referral of potential victims of trafficking or migration abuse to designated shelters (Intro and engagement)	Receipt of individuals	Profile of people received: - age - gender - ethnicity - sexuality - disability - previous work history	Registration form Informed consent form	On arrival	As per SOPs and documented in VCMS
Provision of immediate needs (Assessment pt 1)	Safe shelter, food, clothing and sanitation for individuals and health screening	Number of meals provided; Number of beds assigned; Number of visits to health professional	Record form	Immediately after registration	As per SOPs and documented in VCMS
Assessment of rehabilitation needs (Case action plan pt 1)	1 to 1	Individualised rehabilitation plan with, where relevant, agencies that can provide support towards	Rehab memo	Within 1 week of arrival	As per SOPs and documented in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



		person's future social inclusion			
Individualised psycho-social support to presumed victims of trafficking and migration abuse (Case action plan 2)	1 to 1 support sessions	Number of sessions; Number of individual people supported;	Counselling sessions	Weekly	As per SOPs and documented in VCMS
Legal assistance to presumed victims of trafficking or migration abuse (Case action plan 3)	1 to 1 sessions	Number of sessions Number of individuals supported Type of advice provided	Legal assistance sessions	As agreed	As per SOPs and documented in VCMS
Identification of victim of trafficking or migration abuse (Trafficking identification)	Assessment of case history against forced labour and trafficking indicators by meeting of senior executives of Service Provider and Counsellor	Detailed case history of individual indicating whether it shows presence of 2 or more ILO indicators of forced labour in account and conformity to Palermo protocol definition of trafficking (and 909 Proclamation definition of abuse in migration)	Minutes of meeting and counsellor's summation of case	As early in individual's counselling treatment as possible	As per SOPs and documented in VCMS
Risk assessments and management plan	Meeting between individual, including parent or guardian if a child, legal representative, service provider and police	Memo setting out risk management action plan, including shelter and safety measures, risk of re-trafficking and how to minimise this risk	Minutes of meeting	Within 1 month of arrival – more urgently if initial screening and counselling (and interaction between police and service provider) suggests risks are high	As per SOPs and documented in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



Consideration of whether an investigation into person's trafficking should be initiated	Meeting between individual, including parent or guardian if a child, legal representative, service provider and police	Investigation reference/ negative decision	Opening of criminal investigation file/ Note in case file	Within 1 month of arrival	As per SOPs and documented in VCMS
Assessment of victim's participation as witness in prosecution of trafficking perpetrator	Meeting between individual, including parent or guardian if a child, legal representative, service provider, police and prosecutor	Initiation of criminal prosecution	Court documents	On conclusion of police investigation	As per SOPs and documented in VCMS
Development of individualised assistance and social inclusion plan	1 to 1 with Senior Service provider; Conversation with support organisation where appropriate	Memo setting out reintegration needs including appropriateness of family tracing and reunification, livelihoods training, educational needs, job opportunities, educational and community reinsertion and financial assistance (and agreements with relevant agencies providing support)	Minutes of meeting	No later than 1 month after arrival in shelter	As per SOPs and documented in VCMS
End of stay shelter residents' debrief	1 to 1 session	Memo on victim's experience of the time with Service provider including any possible complaints from the victim, either mentioned at the final assessment or previously	Minutes of meeting	Immediately before departure	As per SOPs and documented in VCMS
Service Provider review of	Meeting between, SP leaders and	Memo of lessons learned	Minutes of meeting	Every 3 months following	As per SOPs and



Co-funded by the European Union



Better Migration Management
Horn of Africa



shelter residents debrief	counsellor, and legal advisor			departures of a group of shelter residents	documented in VCMS
Follow up with victim	Meeting between victim and designated person from Service provider, and where possible the providers of any post-shelter support	Memo on status and well-being of the victim and any reflections or support needs that may be identified	Minutes of meeting	Between 6 months and 1 year of departure from shelter	As per SOPs and documented in VCMS
Review of follow-up with victims	Senior leadership of service provider, including counsellor, health professionals, legal adviser, and police and prosecutor when relevant	Memo on lessons learned for all the follow up reports on victims	Minutes of the meeting	Annually	As per SOPs and documented in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



3. Outcomes - Learning and evaluation framework

This framework sets out the recommended elements that should be assessed as part of periodic, independent third party evaluations to assess the impact and effectiveness of Amhara MoU. Such evaluations will draw in significant part on the monitoring records gathered under section 2.

Outcomes	Indicators	How to gather?	When?	Who?
Improved coordination between MoU signatories	Regular learning and evaluation meetings between signatories, including one annually on prevention; Designated contact points for each signatory to the MoU; Establishment and implementation of Regional Information and Management System	Minutes of meetings	Every 4 months	Designated learning focal points
Standardised case management	Reporting according to the monitoring procedures set out in Section 2; Standard Operating Procedures for case management agreed; Standardised reporting template agreed	Lodging of reports in agreed case database	As set out in Section 2	Designated learning focal point
Improved collaboration between MoU signatories in line with the Ethiopian NRM	The attitudes of all MoU signatories to a victim-centred and human rights approach; Overall enactment of the MoU and use of the Implementing guidelines; Establishment and management of the M&E system for the MoU	Specialist, independent evaluation	Every 1 year to 18 months	Learning focal point contracts independent evaluator
A victim centred approach amongst MoU signatories in line with the Ethiopian National Referral Mechanism	The experiences with the MoU and Referral system and the potency of victim voice and interests in the implementation of the MoU	Specialist independent evaluation	Every 1 year to 18 months	Learning focal point contracts independent evaluator
(Possibly in conjunction with Federal Courts MoU signatories) Enhance the identification of possible targeted prevention initiatives	Commonalities and causalities evident from the agglomerated case histories of all the individual identified victims of trafficking or migration abuse.	Specialist independent evaluation	After 1 year to 18 months MoU operation, and then every 3 years	Learning focal points of all anti-trafficking MoUs in coordination with each other

Memorandum of Understanding

Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level

FINAL (Activity 3.3.1. B)

Attorney General - Federal Anti-human Trafficking Task Force Secretariat and Prosecution Department; Federal Police Commission; Addis Ababa Police Commission; Agar Ethiopia; Organization for Prevention Rehabilitation and Integration of Female Street Children – OPRIFS; Good Samaritan Association; AWSAD

EXPERTISE FRANCE

Signed on 17 April 2019

Introduction

This Activity aims at facilitating, and therefore increasing, the participation of trafficked persons in Court proceedings, in the assumption that a rights-based and a victim-centred approach, which implies raising protection and support, also enhances the effectiveness and success of investigations and prosecution.

Pursuing such an aim, as in all anti-trafficking and protection intervention areas, implies a comprehensive and multi-stakeholder/multi-agency approach.

Expertise France, as an implementing partner of the BMM Programme, has been working closely with the Federal Anti-human Trafficking Task Force (FATTF) Secretariat to contribute to enhanced participation of victim-witnesses in court proceedings.

This effort entails, as initially planned, to procure for the FATTF a mini-bus to ensure the safe transportation of trafficked persons, in particular when moving from their community (often remote areas) to a shelter to attend court proceedings, or from the first contact place to shelters or institutional premises for identification, protection contribution to investigations and prosecution.

Though it was decided that procuring the vehicle and designing a plan for its best use was not enough. There was a need to design a set of measures in multiple areas of multi-agency cooperation in order to ensure a global and effective approach to enhanced participation of trafficked persons and abused migrants in criminal proceedings.

It was agreed that the best tool for achieving such a result would be a Memorandum of Understanding (MoU).

The **MoU to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings** was designed through a participatory process, first with a two-day workshop among the future signatory agencies and afterwards with a broad multi-agency workshop, involving the entire FATTF, NGOs and BMM Partners.

The purpose of the MoU is:

- a. To improve coordination between Law Enforcement Agencies and Service Providers towards VoT and Abused Migrants, to support their safe and effective participation in court proceedings related to human trafficking and abuse in migration;
- b. To protect the human dignity and the rights of VoT and/or Abused Migrants throughout the investigation and prosecution of human trafficking and smuggling crimes, including, without limitation, ensuring the participation of VoT and/or abused migrants in the legal process and consistently informing VoT and/or abused migrants of the case status and their role within the case;
- c. To ensure VoT and Abused Migrants coordinated provision of shelter, health care, psycho-social support, legal counseling and related services in the course of criminal proceedings; and
- d. To ensure coordinated multi-agency risk assessment and management as well as safety measures before, during and after trials.

The MoU signing ceremony is taking place on the 17th of April in Addis Ababa.

Signatories of the MoU are:

- Attorney General:
 - Federal Anti-human Trafficking Task Force Secretariat Office
 - Prosecution Department
- Federal Police Commission
- Addis Ababa Police Commission
- Agar Ethiopia
- Good Samaritan Association
- Organization for Prevention Rehabilitation and Integration of Female Street Children – OPRIFS
- Association for Women's Sanctuary and Development - AWSAD

“Implementing Guidelines” to the above mentioned MoU are being designed, to be presented in the signing event on 17th of April.

Also a **“Monitoring, Evaluation and Learning System”** is being designed to support the implementation of the MoU and its Guidelines.

Background

Human trafficking and Smuggling of migrants are crimes committed by transnational organized or loose criminal groups against a person and a sovereign state, respectively. The crime of human trafficking in old times has been committed mainly in the form of slavery and sexual exploitation whereas smuggling of migrants has flourished recently because of several contributing factors. Currently, the expansion of human trafficking for different forms of exploitation and the raise in smuggling of migrants have become a major issue on the international agenda given the human rights implications, the security issues, the economic and social aspects they comprise.

In Ethiopia also it is at the top of a public agenda that attracts the attention of the government and other stakeholders because of the vulnerability of large parts of the population to the problem. Countless incidents could be mentioned of Ethiopians found vulnerable to various forms of inhuman treatment, abuse, violence and death in the Middle East, South Africa, and in their journey to European countries across the Mediterranean Sea. Various incidents and international media reports also show that the fate of most smuggled migrants is mainly labour or sexual exploitation in transit and destination countries.

Although the exact numbers of Ethiopians who have migrated irregularly abroad and of victims of trafficking (VoT) is unknown, due to the absence of centralized registration system, according to the national reports released by the Federal Anti-human Trafficking Task Force Secretariat, between July 2015 and December 2017, about 35000 youths were intercepted while crossing borders along different irregular migration routes. In the same period, the reports show that more than 200,000 irregular migrants returned home from different transit and destination countries mainly from Kingdom of Saudi-Arabia, Yemen, Djibouti, Libya, Egypt, Tanzania, Kenya, Malawi, Zambia, Somaliland and Zimbabwe. It can be presumed also that the majority of Ethiopian domestic workers living abroad are vulnerable to different forms of exploitation in destination countries due to weak protection the government of Ethiopia (GoE) have been giving to overseas employment workers. Internal human trafficking is also a considerable phenomenon which is predominantly aligned with rural-urban displacement of persons, mainly women and children.

The Government of Ethiopia (GoE) have been taking different measures to prevent the expansion of the problem including the promulgation of the Anti-human trafficking and Smuggling Proclamation 909/2015 (which is currently under revision) and the subsequent preparation of the Five Year National Plan of Action against Human Trafficking (2015-2020).

A taskforce has been established at the federal level (FATTF) and in each of the Regional States (RATTF). These are responsible to counter human trafficking and to implement the main pillars of the proclamation and the National Plan of Action. The taskforce is grouped into four subgroups which are:

- Prevention Subgroup (led by Ministry of Labour and Social Affairs - MoLSA)
- Protection Subgroup (led by Federal Food Security and Urban Job creation Agency)
- Prosecution Subgroup (led by Attorney General)
- Research, monitoring and evaluation subgroup (led by Ministry of Education)

The proclamation under its provisions grants victims of trafficking and returnees different protection schemes and special rights. These include:

- rescue, voluntary return and rehabilitation
- access to social services, medical care, counseling, and psychological treatment
- the right to privacy
- access to information about legal proceedings
- economic reintegration
- immunity from prosecution in relation to illegal acts committed as a consequence of being a victim of human trafficking

In addition to legal recognition of the protection programmes, to improve the protection system, the National Plan of Action also provided comprehensive action plans including the following:

- Organizing capacity building training to service providers and workers of relevant stakeholders that will enable them to identify victims of human trafficking and vulnerable migrants and providing them with quality services

- Ensuring the delivery of services that will satisfy special interests of women and children
- Establishing a responsible network of service providers and strong referral system to ensure coordination among them and to provide quality services

Currently, the leading organization for the protection pillar is the Federal Urban Job Creation and Food Security Agency.

And recently, a binding Victims Reintegration Directive has been drafted by this agency and ratified by the Ministry of Construction which is believed to be improving the national victims' rehabilitation, economic reintegration and overall social inclusion programmes.

Between 2016 and 2018, efforts have been made by different governmental and non-governmental organizations to intercept/protect irregular migrants, to detect/rescue victims of human trafficking and to assist victims who are in need.

However, as part of victim protection activities, victims who are appearing (or who are supposed to appear) in court proceedings for testimony are not getting adequate protection. Even though the testimony of victim witnesses is often key for the prosecution of traffickers and smugglers given the capacity gaps in the crime investigation system, there is no well-established protection and support mechanism in this respect. As a result, many victim-witnesses are not attending or are not willing to attend court proceedings. A consultative workshop was organized by the FATTF Secretariat in collaboration with GIZ within the Better Migration Management (BMM) Programme (co-funded by the EU and the German Cooperation) on 22 Jan 2018 on the issue 'Challenges witnesses are facing in court proceedings in human trafficking and smuggling of human beings cases' in which participants from law enforcement agencies and local NGOs attended. The findings of the workshop were the following:

- **Absence of victim-witnesses protection shelters:** it has been discussed that witnesses are being held at the police stations that could subject them for psychological re-victimization. On top of that, the applicable per diem rate paid to witnesses coming from the regions is not enough to cover the expenses of the witnesses which in practice forces them not to attend court proceedings.

- **Lengthy court proceedings:** in many cases witnesses who went to courts for testimony returned home without giving their testimony because the trial did not take place due to various reasons; such incidents affect the trust victims have towards the justice system.
- **Influence from the suspects and suspects' families:** since in many cases judges grant bail for suspected traffickers and smugglers with minimal bond, this allows suspects to intimidate, abuse and/or through financial negotiation influence victim witnesses not to testify against them.
- **Prolonged stay in Shelters:** even though shelters run by NGOs have been trying to provide services to victim-witnesses (for crimes other than TiP), it was reported that they have been confined in shelters for years. This situation compromises freedom of movement of the witnesses and inflicts higher costs on shelters.

To alleviate these challenges which are practically negatively impacting the court proceedings, the following recommendations have been made by the participants of the workshop:

- Establishing witness protection centres (shelters) in which Victim-Witnesses can get various services and/or strengthening the capacity of local NGOs which are providing shelter services;
- Strengthening coordination among service providers through 'witnesses and victims support networks'. In order to achieve that, it has been agreed to formulate a Memorandum of Understanding (MoU) among service providers to formalize the network and to clearly indicate the responsibility of institutions which have leading stake in this shared responsibility. The formulation of service provider's forum has also been recommended, in which the implementation of the MoU and new developments in the process could be discussed.

Although the FATTF Secretariat has been able to identify the challenges that are hindering the active participation of Victim-witnesses in court proceedings, further progress has not been made to implement these proposed actions.

Expertise France, as an implementing partner of the BMM Programme, has been working closely with the Secretariat to contribute in this respect so that the participation of witnesses in court proceedings can be enhanced. The interventions in BMM by Expertise France relevant for this MoU mainly focus on the following areas:

- Support through funding and technical assistance in the delivery of various services to victims of trafficking in Shelters which are run by specialized NGOs: Agar Ethiopia, OPRIFS and Good Samaritan Association (shelters in Addis Ababa and in the Amhara Region); in addition to the support to 3 shelters for female trafficked persons (by Good Samaritan Association and by AGAR), given the absence of residential care facilities for male VoT, two shelters for male trafficked persons have been set up by AGAR in Addis Ababa and in Bahir Dar through the support of EF within BMM; support is also provided in the two cities to 2 shelters for female child victims of trafficking run by OPRIFS (total of 7 shelters supported).
- Assisting the FATTF Secretariat to develop MoU that would be signed among law enforcement agencies and the social service providers for improving the participation of trafficked persons in court proceedings.
- Procurement of a mini-bus to the Secretariat (Attorney General) that would be used to provide safe transportation to victim-witnesses from shelters to courts or vice-versa and/or from various interception areas to shelters and later to courts.

As part of its support to the FATTF, Expertise France in collaboration with the Secretariat has prepared this MoU that would be signed among governmental and non-governmental Service Providers.

Hence, with the aim of improved cooperation to enhance safe and effective participation of Victims of Human Trafficking and Victims of Abuse in Migration in Court Proceedings, and to widen the protection provided to victims, through multi-disciplinary protection schemes, this MoU is adopted.

Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings

1. Short Title

This Memorandum of Understanding (MoU) may be cited as “MoU for the participation of VoT and Abused Migrants in Court Proceedings”

2. Definitions:

- A. For the purpose of this MoU the definition of ‘**victim**’ is intended in the legal sense of a person who has been victim of a crime. Furthermore, for the purpose of this MoU the term victim specifically refers to victims either of human trafficking or of abuse in migration. Victims of human trafficking (VoT) reflects the definition given under article 2(11) of “prevention and suppression of trafficking in persons and smuggling of migrants proclamation 909/2015”. Victims of abuse in migration¹, reflects the definition given under the above mentioned article 2(11), and therefore includes migrants intercepted while smuggled or returnees who have suffered abuse and violence, and as a result incurred physical, psychological or economic damage.
- B. For the term **Referral System**, the reference document is the “National Referral Mechanism (NRM) of Ethiopia” which was endorsed by the Federal Anti-human Trafficking Taskforce in July 2016.
- C. **Migration Response Center (MRC)** refers to the centers which are established and supported by the International Organization for Migration - Ethiopia Office, and currently managed by Regional Bureaus of Labour and Social Affairs (BoLSA) in Metemma, Semera, and Moyale areas.

¹ Victims of abuse in migration or “Abused migrants”. It has been decided to use the term “Abused Migrant”, because “vulnerable migrant” would be too broad to define the condition of being victim of crime for the purpose of this MoU; on the other hand, it was decided not to use smuggling exclusively because also “legal” migrants might become victims of different forms of abuse.

D. **‘Secretariat Office’** means the Federal Anti-human Trafficking Task Force Secretariat Office which is established within the Attorney General.

3. Scope of application

This MoU shall be applicable to victims of human trafficking and/or abused migrants who are testifying or who are likely to testify before the federal courts and/or federal law enforcement agencies located in Addis Ababa. It might be extended to the other federal court in Dire Dawa.

4. Parties to the Memorandum of Understanding

The parties of this multi-agency Memorandum of Understanding are:

4.1. The Federal Law Enforcement agencies:

- a. Attorney General
 - b. Federal Police Commission
 - c. Addis Ababa Police Commission (under its delegated jurisdiction by the Federal Police)
- (Hereinafter Law Enforcement Agencies, when collectively referred to)

and:

4.2. Service Providers:

- a. Agar Ethiopia
 - b. OPRIFS
 - c. Good Samaritan
 - d. AWSAD
- (Hereinafter Service Providers, when collectively referred to)

5. Purpose of the MoU

The purpose of this MoU is:

- a. To improve coordination between Law Enforcement Agencies and Service Providers towards VoT and Abused Migrants, to support their safe and effective participation in court proceedings related to human trafficking and abuse in migration;

- b. To protect the human dignity and the rights of VoT and/or Abused Migrants throughout the investigation and prosecution of human trafficking and smuggling crimes, including, without limitation, ensuring the participation of VoT and/or abused migrants in the legal process and consistently informing VoT and/or abused migrants of the case status and their role within the case;
- c. To ensure VoT and Abused Migrants coordinated provision of shelter, health care, psycho-social support, legal counseling and related services in the course of criminal proceedings; and
- d. To ensure coordinated multi-agency risk assessment and management as well as safety measures before, during and after trials.

6. Fields of cooperation

Under this MoU, the fields of cooperation between the Law Enforcement Agencies and the Service Providers will cover investigation, pre-trial, during trial and post-trial support provided to victims, as follows:

6.1. Investigation and Pre-trial services and support

- a. Safe transportation of victims from different interception areas directly to Shelters or first to Migration Resource Centers and then to Shelters
- b. Provision of services in shelters including accommodation, food, medical care and psycho-social support
- c. Legal counseling concerning their civil and criminal cases
- d. Specific support in preparation to the court proceedings, including legal advice and psychological support
- e. Taking appropriate measures for competent authorities not to prosecute victims for their involvement in criminal activities or illegal acts which they have been compelled to commit as a direct consequence of being a victim of human trafficking as per Article 30 of proc. 909/2015.
- f. Conducting specific needs and risk assessment in relation to upcoming court proceedings and definition of a consequent response and risk management plan
- g. The services and support mentioned under the above points must be provided also when the concerned person is not assisted in a shelter but lives elsewhere
- h. In the case of minors (any person under the age of 18) such provisions have to be implemented with the full knowledge of parents or the legal guardian

of the child as per relevant laws of the country or with order of a court. It should be noted that where a signatory to the MoU has reasonable grounds to believe that a person may be a victim of human trafficking and is not certain of the person's age but has reasonable grounds to believe that the person may be a child, then the signatory **must** assume that the person is a child for the purposes of exercising its commitments under the MoU until the person's age is otherwise determined.

- i. Ensuring special attention to the needs of mentally ill and psychologically traumatized and physically disabled victims
- j. Ensuring the security of victims while they are in shelter

6.2. On-trial and post-trial services and support

- a. Safe transportation from shelters or from the place the person lives (or previously, from the place the person lives to a shelter) to courts or to investigation units or to prosecution department and vice-versa. And ensuring delivery of per diem to victims during the travel days for those who are staying in shelters as per the applicable scale of the service provider
- b. When victims are required by law enforcement agencies (or court) for testimony after the social inclusion process (after service providers stop delivery of services in shelters), and if there is any risk assessed by the law enforcement agencies, they will be provided with services in shelters during their stay in Addis Ababa for testimony. After the testimony, if assessed necessary, police will escort them during their travel to the place of residence
- c. Implementing the needs responses and risk management measures previously defined in the plan based on the specific assessment conducted in the pre-trial phase (point 6.1 - f.)
- d. Ensuring the security of Victims (such as escort by police, assigning guards during transportation and in their stay in shelters)
- e. Continued psycho-social counseling according to needs
- f. Providing free legal support to victims
- g. Ensuring complementarity of such specific support activities and services for the participation in court proceedings, with the other measures in place for the concerned person aimed at supporting his/her social inclusion and at facilitating the access to the labour market (such as livelihood, life skills and

vocational and on the job training, enterprise start-up grants, family reunification etc.)

- h. Assessing and handling the possible stigmatization or risks the person might face in his/her community as a result of the participation/testimony in court, taking appropriate actions (such as social community work or work with family or specific security measures or alternatively re-location of the concerned person through the design and implementation of an ad hoc plan)
- i. In case of serious and/or unpredictable risks for the person as a result of his/her participation/testimony in court, design and implementation of other protective actions as indicated under article 4 of proc.699/2010
- j. In any case, based on the outcomes of the trial, foresee accordingly a post-trial risk management and protection plan (including an early warning system, for instance in case of anticipated release of the detained convicted perpetrator(s) or in case of escape
- k. Ensure support for possible judicial train and legal consequences for the victim-witness
- l. Ensure continued support for compensation claims and related civil/criminal proceedings

7. Party obligations

7.1. Law enforcement agencies

7.1.1. Attorney General

A. Under its Secretariat Office it will:

- coordinate the overall implementation of this MoU
- coordinate the design of the Plan aimed at supporting the implementation of the MoU
- organize biannual monitoring and evaluation meetings of the signatory parties of this MoU
- coordinate with Memorandum signatories and other relevant stakeholders to ensure provision of appropriate pre-trial, on-trial and post-trial support to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs

- ensure the protection of the rights of victims, to that end it will conduct formal and informal assessments with the knowledge of all parties
 - own and administer the mini-bus that is going to be delivered by Expertise France in the BMM Programme for the safe transportation of presumed Victims
- B. Under its Prosecution Department,
- it will ensure the referral of victims to shelters for those who are in need of service
 - apply for the court a safe trial for the victims to avoid an eye contact with the suspect and other protective measures including restraining order
 - ensure the compensation of the victim shall be realized upon submission of an indemnification claim in the criminal procedure; the proposal for realization of the indemnification claim shall be submitted to the court that trials the criminal case
 - participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- C. Under the Civil Cases Directorate, it will provide victims with free legal service for their civil cases
- D. All above mentioned entities under the AG will exchange information with Service providers and with the other Law Enforcement Agencies on the need-to-know basis for the best interest of victims

7.1.2. Federal Police Commission

It will:

- a. regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- c. coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs
- d. carry out all necessary measures to protect victims against traffickers and smugglers

- e. take appropriate measures for presumed victims not to be detained in police stations unless under exceptional circumstances (such as when the victim is intercepted (rescued) during night time and there is no available nearby shelter, and in such instances, they will stay only the night time in police stations. For that purpose, police may construct temporary transit place in their compound
- f. refer victims to shelters and to other services when needed
- g. ensure safe transportation of victims from interception areas to shelters and facilitate the safe transportation of victims from shelters and/or from MRCs to courts
- h. put victims friendly investigation system in place
 - conducting the interview in a separate and safe room
 - creating a safe and conducive environment (neutral) for the victim to feel free
 - applying standard interviewing techniques while conducting the interview
 - effectuating risk management plans for the victim when he/she travels from home/shelter to investigation bureau and vice-versa
- i. assign police officers, with gender-sensitive criteria, based on the result of the risk assessment or provide support letter (in any other case upon request by the service providers) during the social inclusion and family reunification process to ensure the security of victims
- j. monitor the protection of rights of victims during investigation and litigation
- k. exchange information with Service providers on the need-to-know basis for the best interest of victims

7.1.3. Addis Ababa Police Commission

It will:

- a. regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- c. coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs
- d. send special report on Internally Trafficked Persons to the Secretariat

- e. carry out all necessary measures to protect victims against traffickers and smugglers
- f. take appropriate measures for presumed victims not to be detained in police stations unless under exceptional circumstances (such as when the victim is intercepted (rescued) during night time and there is no available nearby shelter, and in such instances, they will stay only the night time in police stations. For that purpose, police may construct temporary transit place in their compound.
- g. put victims friendly investigation system in place
 - conducting the interview in a separate and safe room
 - creating a safe and conducive environment (neutral) for the victim to feel free
 - applying standard interviewing techniques while conducting the interview
 - effectuating risk management plans for the victim when he/she travels from home/shelter to investigation bureau and vice-versa
- h. refer victims to shelters or to other services when needed
- i. monitor the protection of rights of victims during investigation and litigation
- j. assign police officers, with gender-sensitive criteria, based on the result of the risk assessment or provide support letter (in any other case upon request by the service providers) during the social inclusion and family reunification process to ensure the security of victims
- k. exchange information with Service providers on the need-to-know basis for the best interest of victims

7.2. Service providers

AGAR Ethiopia, OPRIFS, Good Samaritan and AWSAD

They will:

- a. regularly participate in the monitoring and evaluation meetings of the signatory parties of this MoU
- b. participate in the risk assessment and in the risk management plan design and implementation for relevant cases
- c. coordinate with the other parties to ensure the appropriate pre-trial, on-trial and post-trial support measures to facilitate participation of trafficked persons in court proceedings are put in place according to the individual cases needs

- d. ensure the provision of services to presumed victims is carried out adopting a rights-based and an empowerment approach as well as an individualized approach in designing tailor-made participative micro-responses, to be comprised in an overall Individual Assistance and Social Inclusion Plan
- e. provide presumed victim with:
 - safe accommodation, food, clothes, health assistance
 - psychological support, recreational activities, educational activities, life skills training, vocational guidance, vocational training; facilitating access to the labour market, including small grants for starting income generating activities
 - family tracing and reunification; support for social inclusion in place or in the locality of origin or in a third locality
 - legal advice and support for preparation and participation in trials, including specific psychological support
- f. ensure transportation of victims to courts when no specific safety measures are needed
- g. exchange information with other Service providers and with the Law Enforcement on the need-to-know basis for the best interest of victims

8. Enhancing partnership

- a. Memorandum signatories will perform the obligations listed above based on multi-agency approach. They acknowledge the need to improve coordination among themselves and commit to actively engage in the implementation process.
- b. Memorandum signatories accept the obligation to exchange information, within the limits of their legal authority, to the extent that this improves coordination among them to provide best protection to victims.
- c. Memorandum signatories may use annex 1 (Implementing Guidelines of this MoU) as a main tool in their multi-agency response towards the protection of victims.

9. Rights of Victims

Memorandum signatories shall respect and protect the rights of victims which are recognized under proclamation 909/2015 and international documents signed and ratified by Ethiopia. These rights include, at a minimum:

- a. The presumed victim will be treated with dignity and respect and allowed to make full use of their rights.
- b. The presumed victim will not be forced to cooperate with the Law Enforcement Agency unless otherwise required by national legislation.
- c. Assistance to the presumed victim, inter alia, staying at a shelter, physical, medical, psychological and social recovery, will be provided on a consensual and informed basis and will not be made conditional on her or his participation in any criminal investigation and/or legal proceedings.
- d. The presumed victim will receive counseling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand.
- e. Information identifying the presumed victim will not be shared with other agencies or NGOs without the consent of the presumed victim, in accordance with the principle of confidentiality and anonymity unless the information is relevant to prove their criminal case.

10. Monitoring and evaluation of the MoU

10.1. Responsible Focal Person

- a. The Secretariat Office will assign a focal person who will be responsible for the overall coordination of learning from all monitoring from MoU signatories, for managing regular external evaluation of the implementation of the MoU, and for assistance to the Attorney General in the preparation of a public annual report on the implementation of the MoU.
- b. The focal person will provide special reporting formats to MoU signatories specific to their roles and responsibilities under the MoU.

10.2. Reporting

- a. Memorandum signatories shall report quarterly, bi-annually and annually to the Secretariat Office in accordance with the guidelines provided by the Focal Person for Monitoring, Evaluation and Learning (see above 9.1).

- b. Service Providers' reports will include debriefings from Victims on their experiences with court procedures and how these experiences have met, or failed to meet the commitments set out in the MoU.
- c. Both Service Providers and Law Enforcement agencies' reports will include assessments on how well they have achieved the commitments set out in this MoU, difficulties encountered in implementing commitments, successes, and challenges in combatting trafficking and abuse in migration.
- c. The Secretariat Office will publish an annual report, in Amharic and English, setting out progress in the implementation of the MoU, and learning from its implementation on the causes of trafficking in Ethiopia and abuses in migration, ongoing risks to victims and successes and failures in prosecutions. This report will draw on witness statements and court proceedings, and on the reports of signatories to the MoU.

10.3. Biannual meeting

- a. Memorandum signatories agree to hold biannual meetings to monitor and evaluate the implementation of this MoU and the protection actions delivered to victim-witnesses.
- b. During the annual evaluation meetings other relevant members of the FATTF could be invited to attend the meeting and may contribute to the Monitoring and Evaluation system of this MoU.
- c. The meeting will be organized by the Secretariat Office (Attorney General).
- d. If one of the signatories believes there is a need to convene an extraordinary meeting, they might submit a motivated request to the Secretariat Office.

10.4. Annual Plan of complementary activities

- a. The Secretariat will coordinate the design with all signatories of an Annual Plan of complementary activities for the implementation of this MoU, comprising among others the areas mentioned below.
- b. In order to ensure full implementation of this MoU and its Implementing Guidelines, a special focus is to be assigned to capacity building activities. The capacity building plan should therefore address in particular the focal persons of this MoU, and others according to needs,

and include multi-agency trainings, and might also include agency-specific trainings. An assessment on the possibility to include migration and human trafficking in the ordinary training curricula of the signatory agencies shall also be conducted.

- c. Organization of field visits to shelters or other operational fields to strengthen the monitoring system and the services provided to victims and to encourage experience sharing among memorandum signatories.

11. Contact person

- a. For effective implementation of this MoU, Memorandum signatories shall officially assign a focal person and a deputy. The focal person will facilitate exchange of information, referral, reporting and actual delivery of services to victims in the implementation of the MoU and will ensure coordination and communication within their respective agency.
- b. Each signatory will transmit the name and contact details of the focal person and of the deputy to the Secretariat Office and will timely inform of any occurring change in that regard. The list of focal persons will be included in the MoU as Annex 1.

12. Budget and resources

- a. Memorandum signatories shall cover expenses of services provided to victims and protection measures according to their mandate.
- b. Notwithstanding that, parties may share resources among themselves or a service provider or a law enforcement agency may resource-out financial or other resources to the other member of the MoU.
- c. Memorandum signatories may develop a joint project to raise funds from donors or other internal sources.
- d. Attorney General will commit to ensure the sustainability of the implementation of this MoU.

13. Miscellaneous provisions

13.1. Effective date

This Memorandum shall be applied as of the day of its signing.

13.2. Amendment and Termination

- a. This MoU could be amended or terminated upon a formal discussion and endorsement of the decision made by the joint meeting of all memorandum signatories.
- b. The Revised Proclamation to Anti-human Trafficking 909/2015, which is under revision when this MoU is signed, and its equivalent provisions will automatically replace what is cited in this MoU once it is ratified by the House of People's Representatives.

13.3. Entry of other agencies as signatories of this MOU

- a. Other agencies can ask, or can be invited to become parties of this MoU. Requests will be evaluated and decisions will be taken in the regular or extraordinary meetings of the signatories of this MoU.
- b. The request for entry into this MoU will be presented to the Secretariat Office.
- c. List of new signatories of this MoU will constitute a specific additional Annex to the MoU.

13.4. Obligatory clause

This MoU is binding and Memorandum signatories shall take all appropriate measures to implement the obligations assigned under this MoU and detailed in annex 2 (Implementing Guidelines of this MoU).

13.5. Possible transposition to regional level

This MoU might serve as a model in order to be extended with due adaptations to the regional courts

Memorandum Signatories

1) Federal Attorney General: in relation to the tasks of the Federal Anti-human Trafficking Task Force Secretariat Office and in relation to the tasks of the Prosecution Department

Name and position:

Signature:

2) Federal Police Commission

Name and position:
.....

Signature:

3) Addis Ababa Police Commission

Name and position:

Signature:

4) Agar Ethiopia

Name and position:

Signature:

5) Organization for Prevention Rehabilitation and Integration of Female Street Children - OPRIFS

Name and position:

Signature:

6) Good Samaritan Association

Name and position:

Signature:

7) Association for Women's Sanctuary and Development - AWSAD

Name and position:

Signature:

ANNEX 1:

IMPLEMENTING GUIDELINES

to the Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level

Expertise France, 17 April 2019

These Implementing Guidelines are aimed at providing indications at the methodological and procedural level on how to carry out the measures and the multi-agency actions comprised in the “**Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level**”.

The Guidelines are, to a certain extent, extracted from the National Referral Mechanism and its SOPs. The Guidelines described in each table provide minimum standards that should be considered by the signatories of this MoU while implementing activities in accordance with the agreed fields of cooperation under the MoU.

The guidelines cover the main services and protection measures listed under Article 6 (Fields of Cooperation) of the MoU mainly investigation, pre-trial, on-trial and post-trial measures which are the following:

1. Guidelines for Referral of Presumed Victims for Services or Investigation
2. Guidelines to conduct Interviews
3. Guidelines to conduct Victim-friendly Crime Investigation and Evidence Gathering
4. Guidelines to Ensure Security of Victim-witnesses
5. Guidelines to provide Legal Counseling before and during Trial

Implemented by

6. Guidelines for Compensation Claims of the Victim

It must be considered that trafficked persons and abused migrants are affected by severe trauma and suffer from the violation of basic human rights, and those rights need to be restored. The affected persons need to be supported and empowered so that they can make choices for their lives and achieve social inclusion.

Also, it must be highlighted that full protection and the adoption of a human rights-based and victim-centered approaches contribute to more effective investigation and prosecution, because protected, supported and reassured victims of crime are more likely to cooperate with the authorities and to actively and effectively participate in court proceedings.

Rights-based and victim-centered approaches have to be applied by all actors and at all stages of the referral process and throughout the investigation and prosecution of human trafficking and smuggling and abuse in migration crimes.

Such an approach should be also aimed at ensuring the participation of VoT and/or abused migrants in the legal process and consistently informing VoT and/or abused migrants of the case status and their role within the case.

This means adopting an empowerment approach with a constant attention to the person's needs, to the risks and consequently at designing tailored individualized, multi-faceted and progressive responses.

Such responses need the constant coordination and often the joint action of the agencies engaged in service provision and in law enforcement.

Therefore, the signatories of the MoU commit to adopt the following guidelines in implementing the MoU, in adherence to the general principles to be adopted in the protection measures for victim-witnesses of human trafficking and abuse in migration, as described in art. 8 of the MoU (Rights of Victims) and in art. 7.3 (Enhancing Partnership).

The use of these Guidelines are aimed at improving victim protection and victim-witnesses participation in court proceedings and by that at significantly contributing, in the prosecution process, to effectively suppress the crimes of human trafficking, abuse in migration, and smuggling of migrants.



Co-funded by the European Union



Better Migration Management
Horn of Africa



Note:

- a. *The Guidelines provided in the following tables should not be understood as to be necessarily followed step-by-step in a in chronological sequence. Memorandum signatories are expected to refer to these guidelines while working on any one of the measures covered by the guidelines, and to combine the measures and their sequence according to needs and to the situation. For example, guidelines on how to conduct interviews apply in general to all interviews to be carried out during the overall referral process (from identification to social inclusion, including the participation in criminal proceedings), even though with adaptations according to the specific phase and situation. The overall map of flow of actions provided in the NRM should be considered as well as the detailed SOPs of the NRM.*
- b. *These Guidelines have been designed in order to be applied to the cases of victims who have already been identified as presumed victims of human trafficking and abused migrants and who presumably could act as victim-witnesses in criminal proceedings.*

Implemented by



1. Guidelines for Referral of Presumed Victims for Services or Investigation

Applicability: for any kind of referral based on the terms of the MoU

Description:

- *This is the guideline that stipulates certain standards when the law enforcement agencies or service providers does not have the capacity to provide certain services to the victim and decides to refer the victim to another organization providing the needed services.*
- *It should be noted that each individual has the right to determine whether s/he wishes to receive assistance. However, an initial rejection of assistance shall not lead to the irreversible exclusion of access to assistance, should the person change his/her mind later. The agencies should make sure the presumed victim is properly informed about his or her right to assistance, should they decide to proceed with the interview for investigation.*
- *The guidelines are applicable also when the services and support are provided when the concerned person is not assisted in a shelter but lives elsewhere*

What are the Main measures	Who/With whom	How	When	Applicable tools
Referral of Presumed VoT and abused migrant for further immediate response	Any one of the MoU signatories may refer the victim to one or more of	<ul style="list-style-type: none"> ✓ All assistance should be provided on a voluntary basis and based on the victim's informed consent ✓ Confidentiality of information shall be ensured ✓ Notification of a request for assistance will be made by the referring organization (for example, letter from the Police to NGO Service Provider) 	Within 24 hours after a the requesting agency decides for	Using referral form I annexed to the NRM

Implemented by



Co-funded by the European Union



Better Migration Management
Horn of Africa



	signatories of the MoU	<ul style="list-style-type: none"> ✓ Referring the UAMs (Unaccompanied or Separated Minors) to the FTR (Family Tracing and Reintegration) Systems ✓ Providing safe transportation to the victim ✓ The information provided by the referring organization to the receiving organization should include: <ul style="list-style-type: none"> – Name of the presumed victim; – Date of birth and place of residence (in the country of origin if returning to country of origin); – The Screening Interview Form (only in case the Screening interview, for specific reasons, has already taken place); – Any suspected or actual medical condition or vulnerability of the person concerned; – Security and risk assessment; – Estimated date and time of referral, if applicable. 	referral of the victim for specialized service	
--	------------------------	---	--	--

Implemented by





2. Guidelines to conduct Interviews

Applicability: *for all kinds of interviews made as per the MoU*

Description:

- *This procedure is described in its stages, in order to provide basic guidelines the signatories should follow while interviewing the presumed victim. Conducting interview with presumed victims entails preparation, conducting the interview and follow-up measures to apply the result for the intended purpose.*
- *These interviewing guidelines are applicable both for the law enforcement agencies during investigation and rehearsal (by prosecutors, police investigators) and service providers during delivery of services (by social workers, counselors, health professionals, etc).*
- ***Interviews have to be carefully planned, carried out and assessed. Following steps should be followed:***
 - *Planning and preparation*
 - *Engaging with the presumed victim and explaining the process and content of the interview*
 - *Obtaining the account of the presumed victim*
 - *Closing the interview appropriately*
 - *Evaluating the content of the interview*

When necessary, such steps have to be implemented through the cooperation between the concerned professionals/agencies. This means that the measures have to be conducted in constant coordination, and when required or advisable, in close collaboration, which might entail also actions jointly implemented (e.g. joint interviews).



What are the main measures	Who/With whom	How	When	Appl. tools
Preparing for an interview	The Service Providers may share relevant information to Police officers and to Prosecutors, or may consult and assist the latter during the preparation, and vice-versa	<ul style="list-style-type: none"> ❖ Gather all information regarding the presumed victim from service providers (and first responders and other relevant agencies) ❖ Make adequate preparations in case of presumed child victim, with verified parent or legal guardian ❖ Ensure the safety of the interview location to both the victim and the interviewer <ul style="list-style-type: none"> ○ When the police or the prosecutor would like interview the victim, it should not be conducted in the presence of other clients of the police or any other suspect ○ Police/prosecutors must prepare convenient room to conduct the interview to the extent of available resource ❖ Consult the presumed victim on the convenient time and date of the interview ❖ Consult the presumed victim about the interview and the purpose to obtain informed consent ❖ Explain the rights and obligations of the presumed victim ❖ Assign an interpreter when it is necessary. However, do not make use of "volunteers" for interpreting. If the interpreter is not authenticated, it should be a reliable one. Where possible take gender into account when deciding on an interpreter. 	As soon as the condition and willingness of the victim allow it, after arrival at shelter or application for prosecution made for police by the victim	



Conducting the interview	The Service Providers may assign a counselor or legal adviser to the Police officers and to Prosecutors during the interview for investigation. Interviews for the purpose of delivery of services may be conducted by workers of the Service Providers.	<ul style="list-style-type: none"> ❖ Take care that the interview is private ❖ Prior to the interview, the police officers consult the case manager to ask information about the psychological and physical conditions of the trafficked person and availability ❖ The interview must not proceed if the presumed victim: <ul style="list-style-type: none"> ○ Is anxious, angry or upset ○ Doesn't understand the interviewer ○ Refuses to speak or request for the interview to be postponed ○ Needs medical attention ❖ Avoid interruptions, including by telephone calls ❖ Use simple questions which should contain only one point ❖ Use a non-judgemental and active-listening approach (and if not really necessary, do not interrupt the person being interviewed; to not propose "your" solution before having carefully listened to the person) ❖ Language and attitude should be non-discriminatory as to ethnicity, religion, colour, social background, sex, political view, etc. ❖ Do not be aggressive during interview ❖ After the closure of the interview <ul style="list-style-type: none"> ○ Do not make any promises you are not sure you can keep ○ Share information only on a need-to-know basis ○ Do not expose a (possible) Victim to the media or the public 	If the presumed victim's conditions allow it, within one week after the victim gets immediate services	Screening Interview Form annexed to the NRM
Interviewing child VoT or	Social worker or psychologist of Service	<ul style="list-style-type: none"> ❖ In case of presumed child victim, while conducting the interview a verified parent or legal guardian shall be present ❖ While interviewing minors some special considerations need to be made: 	If the presumed victim's conditions	



vulnerable migrant	Providers with a Police officer or a Prosecutor	<ul style="list-style-type: none"> ○ Use the support of social workers/psychologist that will help communication in a child-friendly way ○ The interviewer should use child-friendly language ○ Explain things in a way a child can easily understand ○ Interview should end on a positive note assuring the child that she/he has done well and the interviewer will be available if they want to talk again 	allow it, within one week after the victim gets first assistance services	
--------------------	---	---	---	--

3. Guidelines to conduct Victim-friendly Crime Investigation and Evidence gathering

Applicability: During investigation of alleged commission of crime of human trafficking, smuggling of human beings and abuse in migration (article 7.1. (II) (g) and (III) (h) of the MoU)

Description:

- For the purpose of this guideline, investigation is the act of examining a case of human trafficking and abuse in migration and collecting evidence for crime investigation purposes and to present this in a court proceeding.
- The guidelines shall be used in complementarity with applicable criminal procedural law, evidence gathering customary practices, and other operating procedures (such as Business Processing Reengineering Document) of the country.
- In the case of a child, the final decision to participate in criminal and civil proceedings is taken by the legal guardian after having consulted the case manager, the child her/himself and her/his family, where they do not have custody, but retain parental rights.



What are the main measures?	Who /With whom	How	When	Applic. tools
Receipt of complaint	<p>Police/Prosecutor. When the Prosecutor receives the complaint, it may refer the case to the Police.</p> <p>Service Providers may assist the victims to apply for crime investigation and share all relevant information to the Police/Prosecutor, with the consent of the victim</p>	<ul style="list-style-type: none"> ❖ Where a police officer receives a complaint, the officer shall: <ul style="list-style-type: none"> ➤ record the complaint in detail and provide a copy of the written report to the victim ➤ assist the victim to obtain medical treatment when necessary ➤ assist the victim to a place of safety if the victim expresses concern about safety, and ➤ inform the victim of his or her rights and any basic material and further comprehensive support which may be available to assist the victim ❖ A police officer shall take a statement from a child in the presence of a guardian or legal representative or appropriate public institution ❖ Whenever possible, based on available indicators, information, and documents and in consultation with the public prosecutor, will analyze whether the case is human trafficking or smuggling of migrants or other abuses committed on migration process ❖ S/he shall refrain from discretionary judgment in responding for the allegation ❖ When the allegation come from a third party (including from service providers), s/he should not force the victim to cooperate for investigation. Rather, s/he will apply different victim friendly techniques to get the informed consent of the victim 	Upon receipt of a complaint	



Applying fundamental investigation principles	Investigation Police Officers and prosecutors	<ul style="list-style-type: none"> ❖ All investigative actions should adhere to a victim-centred, human rights-based approach ❖ Identified trafficking victims should be treated as victims of serious crime and must not be subjected to revictimization or criminalization as provided under article 30 of proc. 909/2015 ❖ Access to all forms of available assistance is to be provided to all identified victims, irrespective of whether or not they agree to cooperate with crime investigators; access to help must never be made dependent on agreement to cooperate ❖ Investigators, together with social workers, have a clear duty to ensure that victims are made fully aware of their rights and obligations and of all available support measures that exist to help them overcome their ordeal and that the victims are enabled to establish initial contact with assistance providers ❖ It is essential that the investigator is completely open and honest at all times with victims and does not attempt to unduly influence their decision to cooperate one way or the other ❖ When seeking the cooperation of victims, it can be acceptable for the investigator to make the following points: <ul style="list-style-type: none"> • Traffickers should be brought to justice for their actions • Victims have a very important role to play as witnesses in protecting others like them from being trafficked in the future • The case will not depend solely on their evidence and that there will be other supporting evidence 	During investigation process
--	---	---	-------------------------------------



		<ul style="list-style-type: none"> Victims can receive support and protection as per the measures of this MoU Victims will receive protection under witnesses protection proc.699/2010 and other Ethiopian laws 		
Evidence and Information gathering	Police, prosecutors and as the case may be, service providers	<ul style="list-style-type: none"> ❖ It is critical to conduct 'evidential interviewing of victim-witnesses'. To achieve that the investigator should: <ul style="list-style-type: none"> ○ Create the optimum conditions in which to minimize the inevitable stress that the interview process will inevitably entail and within which victim witnesses can provide their evidence in a fully supported way ○ Provide victim-witnesses with a fair and equal opportunity to gain access to justice by allowing them to give their side of the story ○ Establish the full facts of the criminal case in order to prove the elements of the crime ○ Keep in mind that trafficking is rarely committed in isolation and most cases will involve the multiple commission of a range of crimes such as rape, physical assault, unlawful imprisonment and illegal border crossing among others ❖ Avoid exclusive dependence on witness testimony. Analyze if other kinds of evidences are needed to prove the commission of the alleged crime in addition or in alternative to victims and witnesses testimony, on a case-by-case basis such as: <ul style="list-style-type: none"> ○ Medical examination 		



Co-funded by the European Union



Better Migration Management
Horn of Africa



		<ul style="list-style-type: none"> ○ Examination of forensic samples ○ Collecting travel or identity document ○ Investigating bank accounts ○ Photographic evidences ○ Identity or travel documents ○ Visa applications forms ○ Sponsorship letters ○ Boarding passes ○ Employment contracts ○ Wage slips or written record of earnings ○ Hotel or guesthouse receipts and registers ○ Hospital or clinic records ○ Money transfer slips ○ Diaries ○ Written phone numbers ○ Letters, text messages or other communications on social media; ○ Cell phone records, including mobile money <ul style="list-style-type: none"> ❖ In all investigation process ensure the right to privacy and confidentiality of information the victim ❖ To minimize dependency on the appearance of the victim witness during trial and to mitigate security risks, testimony recording and video-conference could be used so that the victim-witness does not have to appear personally or at least will not be confronted with the suspect perpetrator (e.g. video testimony, closed circuit television, use of screens, 		
--	--	---	--	--

Implemented by





		providing testimony in judicial chambers, written statement to be read during trial, closed hearing prior to the trial) – See <i>Guideline 5</i>		
--	--	--	--	--

4. Guidelines to Ensure the Security of the Victim-witnesses

Applicability: during investigation, on-trial and post-trial stage (**article 6.1. (f), (j), 6.2. (a), (b), (c), (d), (h), (i), of the MoU**)

Description:

It is all about assessing the potential danger or influence suspects or their network could pose on the presumed Victim. The overall responsibility for the safety of victim-witnesses and, where applicable, their families or other loved ones, mainly rests with the law enforcement agency at all times. The police must, therefore, identify and implement measures to ensure the safety and welfare of victims.

It remains the responsibility of the law enforcement agency and service providers to ensure that all security and safety measures taken in respect of victim-witnesses are viable and commensurate with the assessed level of risk posed to the victims.

*It should be noted that investigators, together with social workers, have a clear humanitarian and often legal duty of care to the victims. A critical part of fulfilling this duty is to conduct a **risk assessment** in relation to identified victims and other existing or potential victims, and to design and implement a **risk management plan** accordingly.*

*The risk assessment (and plan, accordingly) should also be **periodically reviewed** to ensure the safety of both (presumed) trafficked person and assistance providers along the whole process (before, during and after investigation and court proceedings).*



Co-funded by the European Union



Better Migration Management
Horn of Africa



What are the main measures	Who /With whom	How	When	Applicable tools
Conducting risk assessment	Prosecutors and Police officers who are handling the case in coordination with social workers or other relevant team members of the Service Providers who are assisting the concerned person	<ul style="list-style-type: none"> ❖ Identifying and assessing existing areas of risk and that should focus on the following <ul style="list-style-type: none"> ○ Who is at risk? ○ What is the risk? ○ What are the consequences if the identified risk occurs? ○ What is the level of the identified risk? ❖ Analysis of previous threats and current safety concerns ❖ Identifying risky locations for the presumed victim ❖ Assessing the safety of family members ❖ It is of critical importance that a comprehensive documentary record is made of the risk assessment process in order to ensure full accountability and information sharing among the agencies involved in handling the case 	The risk assessment should be carried out as soon as possible after an identified victim has come to notice	
Identification of appropriate response and enforcing	Prosecutors and Police officers who are handling the case in coordination with social workers or	<ul style="list-style-type: none"> ❖ Having identified and assessed the nature and level of existing risk in any given case, the second step in the process is, based upon the known circumstances of the case and the assessment of the existing risks, to decide what course of action 	Immediately after the risks are identified	

Implemented by





<p>measures: risk management plan</p>	<p>other relevant team members of the Service Providers who are assisting the concerned person</p>	<p>will be necessary to address them: design of a risk management plan</p> <ul style="list-style-type: none"> ❖ Ensure that all available information has been obtained from all possible sources ❖ If additional information is obtained, review and update the original risk assessment and pose the following questions: <ul style="list-style-type: none"> ○ Does the proposed course of action increase the existing identified levels of risk? ○ Does the proposed course of action create new areas of risk? ❖ Handling the possible stigmatization or risks the person might face in his/her community if returning or as a result of the participation/testimony in court, taking appropriate actions (such as social community work or work with family or specific security measures or alternatively re-location of the concerned person) ❖ In case of serious and/or unpredictable risks for the person as a result of his/her participation/testimony in court, design and implementation of other protective actions as indicated under article 4 of proc.699/2010 		
--	--	--	--	--



5. Guidelines to provide Legal Counseling and Support before and during Trial

Applicability: before and during trial (article 6.1. (c), 6.2. (k), of the MoU)

Description:

This procedure includes free legal counseling and support that enables presumed VoT to decide on his/her participation in criminal or civil litigations.

As mentioned in the NRM, under the respective SOP “Access to full and clear information is crucial to enable victims to participate actively in any proceedings, to reduce their psychological stress, and to enforce their rights.”

What are the main measures?	Who /With whom	How	When	Applic. tools
Ensuring presumed victim is aware of his/her legal rights	Investigation Police officer /Public Prosecutors/ legal officers of Service Providers	<ul style="list-style-type: none"> ❖ Make presumed Victim aware of the following rights: <ul style="list-style-type: none"> ○ Right to adequate translation/interpretation; ○ Right not to be prosecuted for unlawful activities they might have committed because of being subjected to trafficking and abuse; ○ Right to claim damages for the inflicted material/nonmaterial damage; ○ Right to apply for a closed trail; ○ Right to be fully informed about the court proceedings. ❖ Make the victim aware that there could be procedural challenges to exercise those rights 	Before civil and criminal proceedings are started	



		<ul style="list-style-type: none"> ❖ Avoiding excessive promises which could not be achieved given various anticipated limited capacity in the justice system ❖ In the case of children, all decisions regarding participation, assistance to and co-operation with criminal and judicial proceedings shall be taken by the child's legal guardian in consultation with the child, and, where his or her family do not have custody of the child but retain parental rights, his or her family also, provided that their involvement does not prove to be detrimental to the child 		
Specific support in preparation to and during the court proceedings, including legal advice and psychological support to victim-witness	Public Prosecutors and the relevant staff of the Service Providers (counsellors, psychologists, lawyers/legal advisors)	<ul style="list-style-type: none"> ❖ Explain to victim-witness the roles of the different people and law enforcement agencies and courts who are involved in the respective process ❖ Before the trial, the public prosecutor should explain how the court proceedings will be conducted, including: <ul style="list-style-type: none"> ○ Anticipate the questions the judge will likely ask the victim; ○ Review those likely questions with the victim. ○ Prepare the list of questions the Prosecutor intends to ask the victim; ○ Review with the victim the questions the Prosecutor will ask him/her; 	An appropriate time for the concerned person before the trial	



		<ul style="list-style-type: none"> ○ Anticipate the questions the defence lawyer will likely ask the victim; ○ Review those likely questions with the victim. <ul style="list-style-type: none"> ❖ If victim-witnesses are required to attend a court trial to testify, they may be given the opportunity of visiting the court prior to the trial so that they can familiarize themselves with the surroundings ❖ The victim should be prepared for the act of giving the statement, and should be informed about the legal consequences for giving false statements in clear discrepancy with his/her previous statements written on the police criminal record 		
Support the victim to testify before safe and neutral trial, and possible security measures after trial	Service Providers/Police may share admissible and relevant information for the Prosecutor to apply for safe trial. Joint assessment of possible actions for safe trial by Service Providers, Prosecutor and Police will be made.	<ul style="list-style-type: none"> ❖ Providing proof of impact of trauma on victim-witnesses by accredited psychologist to the court ❖ If victim-witnesses are required to attend a court hearing, prior arrangements should be made where possible with the building supervisors or court administrators to allow them to have access through a separate entry to a private room during periods when they are waiting to begin testimony, and in any case to ensure that any visual contact with the alleged perpetrators and their significant others is avoided in corridors and waiting areas 	Before testimony and during trial	Meeting or informal communication via email or over phone



	<p>Final determination whether to apply for safe trial by will be made by the Prosecutor.</p>	<ul style="list-style-type: none"> ❖ To minimize re-traumatization and to mitigate security risks, testimony recording and video-conference could be used so that the victim-witness does not have to appear personally or at least will not be confronted with the suspect perpetrator (e.g. video testimony, closed circuit television, use of screens, providing testimony in judicial chambers, written statement to be read during trial, closed hearing prior to the trial) <i>See Guideline 3</i> ❖ The prosecutor may apply for closed trial (for any privacy concerns) or protected trial (to avoid eye contact with the accused) ❖ The victim should be defended from questions that might be superfluous, offensive or could result in a re-victimization of the trafficked person or abused migrant ❖ Based on case assessment, the provision of support persons to stand beside witness during testimony might be foreseen ❖ Exclusion of the public from the court room should be disposed whenever deemed necessary ❖ Additional security measures may have to be implemented after the trial, if the safety of the victim is at risk by case manager and other professionals from the Service Provider and, in case of safety measures, police officers 		
--	---	---	--	--

		❖ An early warning and action procedure has to be adopted in case of escape or unforeseen early release of the convicted perpetrator/s or any other event that might undermine the survivor's safety		
--	--	--	--	--

6. Guidelines for Compensation Claims of the Victim

Applicability: as per **article 6.2. (I), of the MoU**

Description:

This guideline governs the support given to the victim in obtaining compensation for material and moral damages from the perpetrator(s) and/or from the 'Fund' established under article 32 (1) and as per article 31(3) of proc. 909/2015 for the physical and mental harm suffered and wages lost during the trafficking and exploitation experience and abuse in migration. It is also recommended for the public prosecutor or any advocate representing the victim to settle the claim for compensation through Alternative Dispute Resolution Mechanism rather than opening file in the court of law.

What are the Main measures	Who /With whom	How	When	Applicable tools
Submission of an indemnification claim	The victim submits the claim through his/her Lawyer/Public Prosecutor/legal advisor of Service Providers	<ul style="list-style-type: none"> ❖ Collecting relevant evidence from Police or any other admissible and relevant source to present in court proceedings ❖ Temporary freezing, seizing or withholding funds, bank accounts and financial transactions or criminal proceeds ❖ Providing relevant information about the court proceedings 	When the criminal charge against the accused is taken	



Co-funded by the European Union



Better Migration Management
Horn of Africa



		<ul style="list-style-type: none">❖ Considering possible negotiation or mediation with the accused or their representatives to avoid prolonged litigation process without affecting the criminal proceeding❖ When the victim is minor/mentally disabled, the request may be submitted by the parents, custodians and legal representatives❖ The public prosecutor should submit indemnification claim in the criminal procedure❖ In cases when the court acquits the defendant or the public prosecutor dismiss the criminal case because of lack of sufficient evidence, the victim should get free legal support from prosecution department/or legal counselors of the service providers to have his/her compensation claim resolved through civil proceedings	to the court	
--	--	--	--------------	--

Implemented by





Co-funded by the European Union



Better Migration Management
Horn of Africa



Memorandum of Understanding to improve the participation of victim-witnesses of human trafficking and abuse in migration in court proceedings at the federal level

Monitoring and Evaluation

Prepared by Dr Aidan McQuade

Expertise France
May 2019

Implemented by



TABLE OF CONTENTS

LIST OF ABBREVIATIONS	3
1. INTRODUCTION	4
1.1 Monitoring and evaluation: general	5
1.2 Monitoring and evaluation: individual cases	5
1.3 Systems evaluation	6
1.4 Joint evaluation?	7
1.5 Transparency	8
2. MONITORING FRAMEWORK FOR ACTIVITIES AND OUTPUTS	9
3. OUTCOMES: LEARNING AND EVALUATION FRAMEWORK	11
IMPRINT	ERROR! BOOKMARK NOT DEFINED.



Co-funded by the European Union



Better Migration Management
Horn of Africa



List of Abbreviations

Amhara MoU	Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (the Amhara MoU)
Courts MoU	Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human trafficking and Abuse in Migration in Court Proceedings at the Federal Level
NRM	Ethiopian National Referral Mechanism
SOP	Standard operating procedure
VCMS	Victim Case Management System

1. Introduction

The function of monitoring and evaluation is to ensure that an endeavour achieves its purpose.

This should happen if all of the subordinate activities, outputs and outcomes are obtained. So the purpose of monitoring and evaluation is to both ensure that they are happening as planned and that they remain relevant to the overall purpose.

In relation to the ***Memorandum of Understanding to improve the participation of victim-witnesses of human trafficking and abuse in migration in court proceedings at the federal level*** (Court Procedures MoU) the purpose of this document may be summarised as:

- Establishing a multi-stakeholder and victim-centred approach for court procedures dealing with trafficking at a federal level in Ethiopia.

The Court Procedures MoU is complemented by its ***Implementing Guidelines***, comprising procedures and measures to ensure the MoU is adequately and comprehensively enacted.

In addition Standard operating procedures (SOPs) have been drawn up to guide the signatories to the Amhara MoU¹ on shelter and case management, including in relation to the participation of victim-witnesses in court proceedings. The documentation arising from the implementation of those SOPs will provide the basis for monitoring and evaluating aspects of the implementation of this Courts MoU.

The outcomes of the MoU to obtain this purpose are as follows:

- a. Improve coordination between law enforcement and service providers;
- b. Protect the human dignity of victims of trafficking and abused migrants;
- c. Ensuring victims of trafficking and abused migrants receive appropriate shelter, health, psycho-social and legal support and other relevant services;
- d. Ensure coordinated risk assessment and safety provision before, during and after trials.

The National Referral Mechanism for Ethiopia sets out monitoring and evaluation at two levels: that of the individual and that of the system. This memo aims to set out how this can be best achieved.

¹ Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (the Amhara MoU). This MoU was as well developed by Expertise France in the BMM Programme, with BoLSA and Regional Anti-Trafficking Task Force of the Amhara Region and the other participating agencies. The MoU was signed on the 28th of March 2019 in Bahir Dar. Signatories of the MoU are: Bureau of Labour and Social Affairs, Regional Anti-human Trafficking Task Force Secretariat – Amhara Attorney General, Amhara Police Commission, Bureau of Technical Vocational Training and Enterprise Development, Bureau of Women, Children and Youth Affairs, Bureau of Health, Immigration Department (Metema Branch), Agar Ethiopia, OPRIFS, Good Samaritan Association, Timret Le Hiwot, Mahibere Hiwot for Social Development.

1.1 Monitoring and evaluation: general

There is already significant monitoring of the activities of the signatories to this MoU, not least in the reports to donors from the NGOs operating shelters, who report regularly on their operations and the profiles of those that they deal with. There are further commitments on regular reporting by all signatories to the Court Procedures MoU. **The purpose of this document is to outline how that reporting should dovetail with the monitoring and evaluation needs of the MoU** to ensure that it obtains its outcomes and purpose.

Much is written on the substantive differences between monitoring and evaluation. For example, generally monitoring is a management function, carried out in-house. Evaluation, on the other hand, should be undertaken by an independent third party to provide greater perspective and objectivity and facilitate more strategic choice-making regarding the leadership of a project or programme.

Another difference between the two could be seen as the difference between quantitative and qualitative: For example monitoring should tell you how much counselling of victims of trafficking is going on, evaluation should tell you if that counselling is good. Alternatively monitoring may tell you how many cases were concluded by the courts, but evaluation should give a clearer perspective on just how victim-centred the approach of the court process actually was.

However, in spite of these differences, as will be seen below when specific monitoring and evaluation activities and reporting is outlined, there are overlaps between the two as the activities are mutually supportive.

1.2 Monitoring and evaluation: individual cases

In addition to the existing reporting that the signatories to the MoU undertake, there are three core strands of information that must be systematically and consistently gathered to facilitate the proper monitoring and evaluation of individual cases.

1. An account of each individual victim's experience of trafficking/migration abuse from recruitment through exploitation to their initial contact with the "MoU system";
2. An account of each individual's experience of the MoU system from entry to exit;
3. A follow up account, perhaps a year later, on how well they have reintegrated/recovered following their experiences.

Currently information is gathered on these three areas but not consistently by all service providers. The implementation of a common Victim Case Management System

(VCMS)² across all service providers should establish more consistent and systematic data gathering.

The consistent gathering of these three pieces of information for each individual case would allow for assessment of the appropriateness of the interventions for each individual, the strengths and weaknesses of the MoU system for each individual, the impact in achieving purpose, and adjustments that must be made to improve attainment of purpose. These assessments should be made as part of the routine management process of those tasked principally with victim care under the MoU. However these should also be anonymised and made available to other relevant stakeholders for study and analysis.

Taken together these three-fold accounts will enable an assessment for each individual of how well the implementation of the MoU has served them and how well the extant systems are serving individuals.

1.3 Systems evaluation

Given the outcomes described in the Courts Procedures MoU the following specialist evaluations should be carried out:

1. Assessment of the attitudes of all signatories to the MoU of the principles set out in the MoU, particularly towards a victim-centred and human rights approach, and child rights; and assessment of the potency of victim voice and victim interests in the implantation of the MoU;
2. Evaluation of the experiences with the courts system of victims of trafficking or migration abuse.

Each of these evaluations could be undertaken approximately 18 months apart and then repeated or adjusted if other priorities are identified.

The evaluations set out for the Courts MoU should be carried out under terms of reference drafted by a designated learning officer in the Federal Anti-Trafficking Task Force Secretariat Office of the Attorney General's Office, and their terms of reference approved by the forum of the MoU signatories. The evaluations should be carried out by specialists independent of the signatories of the MoUs.

The results of the evaluations should be discussed at signatory forums which should assess their conclusions and recommendations and decide on adjustments in the implementation of the MoU and the management of the relevant activities to ensure fitness to purpose.

² The VCMS also consists of a Data Base (working both online and offline) for Victim Case Management that is supported by BMM GIZ and Expertise France and provided by the NGO Liberty Shared to NGOs in Ethiopia, Kenya and Uganda.

1.4 Joint evaluation?

The achievement of purpose in an enterprise also depends on two important assumptions: first that the conceptualisation of the problem is correct, and second that it remains so as the activities proceed. If either of these assumptions is in any way off, then programme monitoring and evaluation should be put in place to alert leaders to this, and to provide them with the information necessary to adjust activities and approaches to obtain the purpose.

One thing that is clear about slavery and human trafficking is that over history it has transmuted and evolved in response to the challenges against it. In other words the response to human trafficking that the MoUs represent could themselves prompt a transformation in the practice of trafficking in Ethiopia.

Hence there is a need for regular assessment and evaluation of the totality of the accounts of individual trafficking gathered, to identify commonalities in terms of the causes of trafficking and, in particular, the means utilised to traffic a person into forced labour or sexual exploitation. While insight can be gained to a certain extent from the monitoring conducted by the signatories to the MoUs, it would be good practice to have an overall evaluation conducted by an independent specialist.

The Amhara MoU envisages such an evaluation. The Courts MoU does not. However, even so, it is recommended that the information that is gathered to support proper monitoring and evaluation of the Courts MoU system should also allow to be included in the recommended assessment of the causes and commonalities of trafficking and migration abuse in Ethiopia, as is required in the Amhara MoU. This would extend the possibility of identifying targeted prevention initiatives.

The first such evaluation should be conducted about a year after the signing of the MoUs and then be repeated at least every three years. This should draw on all the accumulated individual accounts gathered under both MoUs during the intervening period.

This evaluation should be discussed at the forums of the signatories of both MoUs, and may lead to requirements for the signatories to shift policy relating to their implementation.

This evaluation may also indicate needs for policy shifts amongst stakeholders beyond the signatories to the MoUs. For example an evaluation such as this may indicate that a promise of access to education is a key means by which children are deceived into trafficking for domestic labour. This may suggest urgent attention is required on educational provisions, such as through direct cash transfers to students' families to enable children to stay in school.

Alternatively, it may be found that in certain overseas territories the lack of labour attaches in the Ethiopian embassy to the country leads to increase exploitation and

enslavement of Ethiopian migrants. Hence this may suggest an adjustment in international priorities to appoint attaches to Ethiopian embassies in the most relevant countries.

1.5 Transparency

Given the various governmental and non-governmental signatories to the MoU and their diverse lines of authority, transparency is essential in the monitoring and evaluation of the MoU. This is to better allow the stakeholders to learn from each other. It is also to introduce a measure of accountability into the process, both between signatories to the MoU and to the public: the trafficking of Ethiopian citizens is a matter of public policy.

Hence both evaluations and monitoring reports should be published on dedicated and publicly available MoU sites on the internet. The requirement to publish monitoring reports should drive up reporting standards and compel any delinquent signatories to report in an appropriate and timely manner.

2. Monitoring framework for activities and outputs

Activity	Output	Indicator	How to collect?	When?	Who collects?
Individualised psychosocial support to presumed victims of trafficking and migration abuse	1 to 1 support sessions	Number of sessions; Number of individual people supported; Profile of people supported: - age - gender - ethnicity - sexuality - disability - previous work history	Counselling sessions	Weekly	As per SOPs and documented in VCMS
Identification of victim of trafficking or migration abuse	Assessment of case history against forced labour and trafficking indicators by meeting of senior executives of Service Provider (SP) and Counsellor	Detailed case history of individual indicating whether it shows presence of 2 or more ILO indicators of forced labour in account and conformity to Palermo protocol definition of trafficking	Minutes of meeting and counsellor's summation of case	At end of individual's counselling treatment	As per SOPs and documented in VCMS
Individual VoT deciding to pursue legal process	Meeting between individual, including parent or guardian if a child, SP leaders and counsellor, and legal advisor	Memo on decision	Minutes of meeting	After identification of case of trafficking or migration abuse	As per SOPs and documented in VCMS
Law enforcement decision on pursuit of legal remedy	Meeting between individual, including parent or guardian if a child, legal representative, service provider, police and prosecution	Memo on decision	Minutes of meeting	After individual decides to consider legal remedy	As per SOPs and documented in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



Initial risk assessment for individual and development of risk management plan	Meeting between individual, including parent or guardian if a child, legal representative, service provider, police and prosecution	Memo setting out risk management action plan, including shelter provision, per diem, transport to court, recommendations on bail, and other pre-, on-, and post-trial safety measures	Action points from meeting	After police & prosecution agree that there is a case to be pursued	As per SOPs and documented in VCMS
On-trial review of risk management plan	Meeting between individual, including parent or guardian if a child, legal representative, service provider, police and prosecution	Addendum to risk management plan stating changes or if agreed that no changes are necessary	Action points from meeting	After first day of trial/ before end of 1 st week	As per SOPs and documented in VCMS
Victim debrief	1 to 1 session	Memo on victim's experience of the court proceedings	Minutes of meeting	Within one week of trial	As per SOPs and documented in VCMS
Service Provider review of court proceedings	Meeting between individual, SP leaders and counsellor, and legal advisor	Memo of meeting	Minutes of meeting	Within 2 days of victim debrief	As per SOPs and documented in VCMS
Post trial review of case	Meeting between individual, including parent or guardian if a child, legal representative, service provider, police and prosecution	Memo on outcome of case and lessons learned from it	Action points from meeting	Within one week of trial conclusion	Learning focal point from Federal Anti-Trafficking Task Force Secretariat Office under the Attorney General
Post trial follow up with victim	Meeting between victim and designated person from Service provider	Memo on status and well-being of the victim and any reflections or support needs that may be identified	Minutes of meeting	Between 6 months and 1 year of end of trial	As per SOPs and documented in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



3. Outcomes: Learning and evaluation framework

Outcomes	Indicators	How to gather?	When?	Who?
Improved coordination between MoU signatories	Regular learning and evaluation meetings between signatories	Minutes of meetings	Quarterly	Designated learning focal points
Standardised case management	Reporting according to the monitoring procedures set out in Appendix 2 of the MoU (Implementing Guidelines)	Lodging of reports in agreed case database	As set out in Appendix 2 of the MoU	Designated learning focal point
Improved collaboration between MoU signatories	The attitudes of all MoU signatories to a victim-centred and human rights approach	Specialist, independent evaluation	Every 18 months to 2 years	Learning focal point contracts independent evaluator
A victim centred approach amongst MoU signatories	The experiences with the courts system of Victims of Trafficking and migration abuse, and the potency of victim voice and interests in the implementation of the MoU	Specialist independent evaluation	Every 18 months to 2 years	Learning focal point contracts independent evaluator
(In conjunction with Amhara MoU?) Enhance the identification of possible targeted prevention initiatives	Commonalities and causalities evident from the agglomerated case histories of all the individual identified victims of trafficking or migration abuse	Specialist independent evaluation	After 1 year to 18 months MoU operation, and then every 3 years	Learning focal point of all anti-trafficking MoUs in coordination with each other



Co-funded by the European Union



Better Migration Management
Horn of Africa



Shelter and Case Management for survivors of trafficking and abused migrants

Standard Operating Procedures

Prepared by Dr Aidan McQuade

Expertise France
June 2019

Implemented by



TABLE OF CONTENTS

Standard Operating Procedures	1
LIST OF ABBREVIATIONS	4
1. INTRODUCTION	5
1.1 Principles	5
1.2 From the Implementing Guidelines of the Amhara MoU	6
2. STANDARD OPERATING PROCEDURES: SHELTER MANAGEMENT	9
2.1 Coordination	9
2.2 Policy Review	10
2.3 Staffing Review	11
2.4 Case Management Capacity	12
2.5 Training Review	13
2.6 Security Review	14
2.7 Physical infrastructure Review	16
2.8 Children's provisions review	17
2.9 Case management Review	18
3. STANDARD OPERATING PROCEDURES: CASE MANAGEMENT	19
3.1 Referral	19
3.2 Introduction and engagement	20
3.3 Immediate Assessment	22
3.4 Assessment: psycho-social	22
3.5 Assessment and planning - Rehabilitation	23
3.6 Trafficking Identification	24
3.7 Risk assessment and risk management plan	25
3.8 Assessment: legal	26
3.9 Investigation decision	26
3.10 Prosecution decision	27
3.11 Regular Case review	27
3.12 Post-Shelter social inclusion planning	29
3.13 End of stay debrief	29
3.14 Service providers' performance review	30
3.15 Follow up with survivor post shelter	30



Co-funded by the European Union



3.16 Support before, during and after court proceedings	31
3.17 Review of follow up with survivors	32



Co-funded by the European Union



Better Migration Management
Horn of Africa



List of Abbreviations

Amhara MoU	Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (the Amhara MoU)
Courts MoU	Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human trafficking and Abuse in Migration in Court Proceedings at the Federal Level
NRM	Ethiopian National Referral Mechanism
SOP	Standard operating procedure
VCMS	Victim Case Management System

1. Introduction

A shelter is a residential facility providing safe accommodation for women, children and men in crises, in this instance for survivors of trafficking and abused migrants, that takes account of their basic needs such as providing support, counselling and skills development.

These Standard Operating Procedures are therefore aimed at establishing management processes that promote best practice in critical shelter operations including learning, staffing, training, security, provisions for children, physical infrastructure, and case management, in line with the requirements of the Ethiopian National Referral Mechanism and the Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in Amhara Regional State (the Amhara MoU)¹.

1.1 Principles

These SOPs operate on the following principles set out in the National Referral Mechanism:

“Every activity and service should be provided with the **informed full consent** of the presumed victim of trafficking”

“Referral of cases should also be on a **voluntary** basis only with the exception of cases where the safety of the presumed victim or another individual is at risk”

“Services should be provided to the victims **without discrimination** based on race, gender, ethnicity, religion, psychosocial situation or any other factors”.

“Victims of trafficking **should not be held in detention** facilities when there is alternative shelter service that can be provided”.

“Service providers should acknowledge the **distinctiveness of the victims’ experience** and as much as possible provide tailored care and treatment for the individuals”

“**Confidential** trafficking information should only be shared on a “need-to-know” basis with the victim’s prior knowledge and informed written consent”

These Standard Operating Procedures should also be implemented in accordance with the **best interests of the child**. This principle derives from Article 3 of the UN Convention on the Rights of the Child, which says that “*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*”. Assessing the best interests of a child means to evaluate and balance “all the elements necessary to make a decision in a specific situation for a specific individual child or group of children”.

¹ The Amhara MoU uses the terms and acronyms **Victims of Trafficking (VoT)** and **Vulnerable Migrants (VM)** in their legal sense, i.e. for defining a person victim of a crime. For these SOPs the term “survivor” is more generally used in the sense of people who have survived the traumas of trafficking and migration abuse.

These include:

- The child's views and aspirations;
- The identity of the child, including age and gender, personal history and background;
- The care, protection and safety of the child;
- The child's well-being;
- The family environment, family relations and contact;
- Social contacts of the child with peers and adults;
- Situations of vulnerability, i.e. the risks that the child is facing and the sources of protection, resiliency and empowerment;
- The child's skills and evolving capacities;
- The rights and needs with regard to health and education;
- The development of the child and her or his gradual transition into adulthood and an independent life;
- Any other specific needs of the child.²

1.2 From the Implementing Guidelines of the Amhara MoU³

In addition to the above principles the Implementing Guidelines for the MoU recognise the need for services for female and male as well as adult and child victims of trafficking and vulnerable migrants. These services include:

- safe accommodation,
- food and clothes,
- health assistance,
- psychological support,
- counseling,
- psychiatric support/treatment,
- risk assessment and management,
- family tracing (and reunification if needed/advisable/safe at an early stage of the assistance programme),
- legal advice and specific support for preparation and participation in court proceedings,
- recreational activities,
- educational activities and support for reinsertion into the educational system,
- vocational guidance,
- vocational training,
- facilitating access to the labour market, such as job placement, apprenticeship programmes, wage subsidies, grants for starting income generating activities,

² UN Committee on the Rights of the Child, General Comment No. 14 (2013), Chapter V.A.1 and par. 44.

³ Part by Marco Bufo – Programme Manager of Expertise France BMM activities in Ethiopia and Djibouti

- family tracing and reunification,
- voluntary assisted return for foreigners (even though possibilities to remain in the country could be assessed, even beyond the trial, if the person is for instance at risk of re-trafficking/re-victimization in the case of return to the country of origin),
- support for social inclusion in place or in the locality of origin or in a third locality,
- support for housing and accommodation,
- follow up of the social inclusion process.

Such services have to be made available in dedicated Shelters, but should also be offered on a non-residential basis, when for the concerned person there are alternative viable accommodation options.

Services are not only and not all directly provided by the Service Provider NGO, but also by the public institutions/services, other non-governmental organisations and private entities. An objective of the SOPs is to facilitate organisations to identify when they should directly provide the service and when they should facilitate access to that service from another organisation or agency. Hence networking and cooperation with all relevant agencies in the social, health, law enforcement and judiciary, education, training and employment areas will be necessary. So these SOPs, will focus not only on the internal procedures, but also the communication and collaboration procedures with different agencies at the various stages of the referral process, from emergence and identification to reintegration and social inclusion.

The range of services necessary to support survivors of trafficking and migration abuse implies the engagement of various professionals including:

- social workers, psychologists, counsellors
- nurses and psychiatric nurses
- vocational guidance officers, trainers and teachers, income generating activity officers
- lawyers and legal advisors
- shelter managers/ coordinators.

These guidelines also presume that within the Case Management system the shelter service providers will designate “Case Managers” and that each survivor will be assigned to a case manager. Case management may be an additional role in the job descriptions of the above staff if judged appropriate and agreed with the relevant professionals.

Around these professionals directly working with trafficked persons and vulnerable migrants, support staff such as care givers, cooks, cleaners, guards are involved as well as the other staff of the NGOs.

The team could be supported by a professional that could be called **psycho-methodological team coach**. This professional would be a psychologist in charge of accompanying through regular meetings the team providing social care services in their work. The work of this professional would be aimed at:



Co-funded by the European Union



Better Migration Management
Horn of Africa



- improving the quality of the work relationships with clients, colleagues, and external officers;
- improving the quality of services and methodology and tools used;
- preventing and reducing the risk of burn-out in the team or handle already emerged situations.

The team will also require support from IT and Data/Information Management System professionals, and, less frequently though regularly, by Monitoring and Evaluation experts.

Effective provision of the required services for survivors also implies training for staff and the development of quality standards and operating procedures for the services.



Co-funded by the European Union



Better Migration Management
Horn of Africa



2. Standard Operating Procedures: Shelter Management

2.1 Coordination

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none"> • Seek to ensure best practice in shelter operations • Shelter service providers offer mutual support and learning 	Quarterly (review frequency after 1 year)	<ul style="list-style-type: none"> • Convene an annual meeting of the senior leadership teams of service providers • Invite other MoU signatories to share learning • Invite potential referring organisations and agencies, such as police, IOM, departments of the Ethiopian government, to discuss each others' roles and responsibilities in the context of the rights of trafficked people and abused migrants and the best interests of the child • Discuss challenges and achievements relating to staffing, training, security, provisions for children, physical infrastructure and case management • Share information on best practice in shelter operations, including internal as well as multi-agency case management. • Share lessons learned from previous year's operations • Document agreed changes and modifications in provision of shelter operations • Communicate changes to relevant staff

2.2 Policy Review

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none"> Ensure that the organisation's policies and procedures are up to date 	Annually, and when new laws applicable to the policies are introduced	<ul style="list-style-type: none"> Convene meetings of senior management team to undertake through review of the policies of the shelter and of the service provider against best practice and lessons learned from previous year's operation Document changes and share with all staff

A note on policies and procedures:⁴

Each service provider should adopt policies and procedures which are centrally held and utilised in the training of all staff. At minimum these should cover the items below, and their implementation should be recorded and monitored:

- Equality, Diversity and Non-discrimination
- Health and Safety
- Referral policies
- Informed consent
- Disclosure and Confidentiality
- Data Management and Protection
- Professional boundaries
- Risk Identification and Management
- Supporting and safeguarding vulnerable adults and children
- Working with service users with particularly complex needs
- Recruitment
- Staff Support, Supervision and Development
- Staff Training
- Working with Interpreters
- Outreach
- Lone Working Policy
- Stress Management Policy
- Volunteer Policy
- Complaints and whistleblowing procedures

⁴ From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018



Co-funded by the European Union



Better Migration Management
Horn of Africa



2.3 Staffing Review

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none"> Ensure that staffing of shelter operations is sufficient to provide proper services to survivors 	Annually, and immediately after any significant staff changes	<ul style="list-style-type: none"> Convene a meeting of senior management team to review the staffing of the shelter against provision of basic needs for survivors⁵, best practice and lessons learned from previous year's operation Agree roles and responsibilities for staff to ensure provision of key services to survivors either "in-house" or in partnership with other organisations or agencies. Have follow up one to one meetings with staff on roles and responsibilities, noting proposed changes, discussing performance and training needs. Document changes and share organogram with all staff

⁵ As noted above these include: safe accommodation, food and clothes, health assistance, psychological support, counseling, psychiatric support/treatment, family tracing (and reunification if needed/advisable), legal advice and support, recreational activities, educational activities and support for reinsertion into the educational system, vocational guidance, and training, facilitating access to the labour market, voluntary assisted return for foreigners, support for social inclusion and follow up of the social inclusion process.

2.4 Case Management Capacity

Who	What	When	How
Shelter manager	<ul style="list-style-type: none"> Appoint staff, or designate existing staff, to coordinate the other actors involved in the rehabilitation and social inclusion of survivors of trafficking or migration abuse 	Review situation quarterly or when there is a significant change in case numbers in shelter	<ul style="list-style-type: none"> Convene a meeting of shelter staff Review staff workloads and suitability to act as case managers Estimate the workload involved in ensuring that each element of the case management SOPs are implemented appropriately for each survivor resident in the shelter Consider if this workload is manageable by the existing team If yes allocate cases to named individuals If no, consider the possibilities of recruiting new dedicated case managers Document decisions

Note: an NGO or shelter may choose to appoint staff to be, specifically, “case managers” or case management may be a role in someone's overall role. For example a Shelter manager or counsellor may take on responsibility for the management of individual cases in addition to the other elements of their role.



Co-funded by the European Union



2.5 Training Review

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none">• Ensure that staff are properly trained to fulfil their functions and ensure necessary shelter operations	Annually, and immediately after any significant staff changes	<ul style="list-style-type: none">• Convene a meeting of senior management team in the context of the staffing review to discuss staff training needs for coming year.• Agree training schedule for year and where training will be sourced from, leaving some space for possible upcoming issues and individual needs.• Communicate decisions to staff• Document staff training plan for coming year



Co-funded by the European Union



Better Migration Management
Horn of Africa



2.6 Security Review

Who	What	When	How
Shelter manager	<ul style="list-style-type: none"> Ensure that security of shelters is optimal 	Annually, and immediately after every significant security incident or change	<ul style="list-style-type: none"> Shelter manager convenes a meeting of resident survivors to discuss any security concerns Convene a meeting of senior shelter management to conduct a risk assessment for the shelter Consider involving local police contacts Brainstorm the risks facing the shelter and rate these in terms of their likelihood and impact, and the combined rating Record what actions have been undertaken to mitigate these identified risks Record what further actions must be undertaken to mitigate these risks Senior management team reviews security policies and procedures in light of resident and team feedback, risk assessment and best practice Senior management team agree any changes to security policy and procedures and communicate these to relevant staff Document and share new security policy and procedures with all staff and residents



Co-funded by the European Union



Better Migration Management
Horn of Africa



Note on physical security of shelter:⁶

Systems for maintaining safety of shelter accommodation may include (but are not limited to):

- Secure locks and window locks in each room
- Police awareness of the property and the vulnerability of residents
- Panic alarms provided to residents
- Confidentiality of address
- Sufficient internal and external lighting for the safety of residents
- 24/7 staff availability
- Adequate repairs and maintenance systems
- Clear fire and evacuation procedures
- Properly trained and managed shelter guards

⁶ From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018

2.7 Physical infrastructure Review

Who	What	When	How
Shelter manager	Ensure that the physical infrastructure of the shelter is properly maintained and made as suitable as possible for survivor's needs	Every six months	<ul style="list-style-type: none"> • Senior management team convene discussions with resident survivors on their accommodation and potential improvements • Meeting by senior management team to review physical infrastructure in the light of residents feedback and best practice, and financial position • Document conclusions • Communicate conclusions to relevant staff

Note on physical infrastructure:⁷

Shelter services should always be welcoming, and provide a safe, calm and consistent environment with access to both personal space and communal space. Every aspect of the accommodation provision, maintenance, management and communications should be designed with the needs of traumatised survivors in mind.

Premises should be habitable, clean and appropriate for recovery. The ability to maintain personal hygiene and reside in a clean, hygienic and pleasant environment is a basic human need that should always be met by accommodation providers. For survivors of violent crime, sexual assault and inter-personal trauma it is a pre-requisite for sustaining the recovery process. Dirty or untidy living conditions are particularly distressing for people who are recovering from trauma. It is helpful for example, to maximise light and space, provide access to fresh air and use detergents and cleaning agents that do not have an overpowering smell. Natural objects in the room such as a plant or pebbles can make a positive difference.

⁷ From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018

2.8 Children's provisions review

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none"> To ensure that any children in, or coming into contact with the shelter are properly cared for and protected 	Annually	<ul style="list-style-type: none"> Appropriate staff member convene a discussion with child residents, whether there accompanying their parents or unaccompanied, on their hopes Where children are hosted in a shelter because one or both parents are there are survivors of trafficking or migration abuse, senior management team convene a discussions with resident survivors on needs of their children Meeting by senior management team to review provisions for children in light of feedback and best practice regarding children's rights, the best interests of the child and child protection Ensure information sharing arrangements relating to children are up to date Senior management team document any changes in children's provisions Communicate changes in children's provisions to relevant staff

Note on presumption of age:⁸

Child trafficking is first and foremost a child protection issue which must take immediate precedence over any potential dispute around age. For unaccompanied or separated children the consequences of being wrongly identified as an adult and being treated thus are potentially devastating.

⁸ From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018

Many children and young people will not be able to provide evidence of their age, and some may not even know their chronological age. A trafficked, unaccompanied or separated child may have experienced physical, mental, sexual or emotional abuse on their journey and have undiagnosed traumatic disorders. These experiences may affect a child's ability to participate fully and openly in conversations related to their age and experiences and appear to an untrained professional as being uncooperative or deceptive. This may simply be an expression of a lack of trust in adults in positions of authority or the child may be traumatised or frightened. Disputing the age of a child as opposed to applying the benefit of the doubt can affect the way they engage, as they may perceive it as another aspect of mental and or emotional abuse through questioning of their credibility and identity.

With this in mind and where there is uncertainty as to the age of someone you are working with, when deciding to refer a child for age assessment, adherence to and application of the benefit of the doubt is crucial. The threshold should be low with the potential benefits for a child high. In other words, where the person's age is in doubt, they must be treated as a child unless, and until, a full age assessment shows the person to be an adult⁹

2.9 Case management Review

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none"> Ensure that case management is optimally undertaken by the service provider 	Annually	<ul style="list-style-type: none"> Convene a meeting of senior management team and relevant staff to review the Standard Operating Procedures for Case Management in the light of experience implementing them Consider how the Case Management SOPs have been implemented Consider if any changes or amendments are necessary. Document any changes Communicate to relevant staff.

⁹ Affording a child this right is also recognized by the United Nations: 'minors must be given the benefit of the doubt where there is uncertainty as to their age' as reflected in the UN Committee on the Rights of the Child, General Comment N° 6 v (2005).

3. Standard Operating Procedures: Case management

Individual case management is a particularly vital aspect in ensuring proper support to survivors of trafficking and abuse in migration. It is therefore also a fundamental component in the implementation of the Amhara MoU as well as the Memorandum of Understanding to Improve the Participation of Victim-Witnesses of Human Trafficking and Abuse in Migration in Court Proceedings at the Federal Level (the Federal Courts MoU). This section seeks to set out SOPs for critical elements of case management.

3.1 Referral

Who	What	When	How
Police officer, IOM, or representative of an Ethiopian government department, or another agency considering referring presumed trafficking or migration abuse victims to a shelter service provider	<ul style="list-style-type: none"> Ensure that survivors are properly aware of their rights and options, who will be working with them, and that the best interests of child survivors are upheld 	On identification of presumed trafficked persons or abused migrants by police or other agency	<ul style="list-style-type: none"> Referrer convene a meeting with representative of service provider to review case Referrer and service provider meet with presumed victims to discuss options and the survivor's preferences In the case of children there must be a clear understanding that the best interests of the child means that their preferences may not be acceded to Document conclusions in VCMS¹⁰

¹⁰ In general it is presumed that all signatories to the Amhara MoU will be partners in the Liberty Shared/BMM project on Victim Case Management Systems and so will have the training and resources for the recording of the relevant information in the VCMS

Note on who will be working with survivors:¹¹

People who have been trafficked may be easily confused about who is working with them. There are many reasons for this, but it is good to bear in mind that they may have had multiple interviews or exchanges with a wide range of professionals, including those who work for the authorities. Some will have come directly out of their trafficking situation or other disorienting experience, such as detention or prison. It is important to explain who each person in the room is at the outset their professional role, why they are there and their professional obligations, including the strict maintenance of client confidentiality.

It is important to check that survivors understand that they can ask questions about any aspect of the work or professionals' roles at any time.

3.2 Introduction and engagement

Who	What	When	How
Senior on-duty shelter manager	<ul style="list-style-type: none"> Ensure new arrivals are properly welcomed and registered at shelter 	On arrival	<ul style="list-style-type: none"> Group welcome (2 or more) <ul style="list-style-type: none"> Bring the group to a safe and comfortable space Make sure they have something to drink and food, a shower and clean clothes if needed Explain to them the next steps Show the group where they will be staying Explain the immediate follow up steps (see below) Proceed to individual registration Individual welcome and registration <ul style="list-style-type: none"> Greet and comfort the survivor Build trust and rapport Assess immediate safety Explain confidentiality and its limits Explain how the survivor can raise complaints on concerns if they wish to

¹¹ From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018

			<ul style="list-style-type: none"> ○ If survivor seems healthy enough obtain permission (informed consent) to engage the person in services ○ If survivor is not healthy enough to give informed consent refer to appropriate health services ○ Document registration information and consent in VCMS
--	--	--	--

Note on demonstrating interest in survivors' immediate safety, health and practical needs:¹²

Care for survivors can be demonstrated immediately through concern for their physical comfort, acknowledgement of any pain or discomfort they may be experiencing and an interest in helping them to solve their immediate practical needs. It is important to establish trust, with mutually agreed, realisable objectives. Avoid making any promises or guarantees to survivors which may not be possible to keep

It is important not to make assumptions about a person's initial presentation which may have little bearing on how they are actually feeling. A clear and demonstrated willingness to listen and lend time builds trust. For those professionals who work in a busy or 'crisis' environment, this consistent approach can actually be a time-saver because it enables people to explain their needs and their background more easily.

Note on "informed consent of children":¹³

When considering sharing information related to a trafficking survivor who is - or could be - a child, the needs of the child and their protection, safeguarding and welfare take precedence. In some instances, certain types of information must be shared with the relevant statutory protection agencies with or without the consent of the child.

If questions arise regarding whether or not information should be shared, refer to the organisations internal Child Protection procedures for guidance. The internal Child Protection Procedures **must** include information sharing arrangements.

¹² From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018

¹³ From the Slavery and Trafficking Survivor Care Standards, published by the Human Trafficking Foundation, London, October 2018

3.3 Immediate Assessment

Who	What	When	How
Senior on-duty shelter manager	<ul style="list-style-type: none"> Ensure that the most immediate needs of the survivor are addressed 	Immediately after registration and informed consent	<ul style="list-style-type: none"> Understand the survivor's situation, problems and identify immediate needs Provide immediate emotional support Give information Determine whether the survivor wants further case management services Assign a case manager¹⁴ Document all decisions in VCMS

3.4 Assessment: psycho-social

Who	What	When	How
Psycho-social counsellor	<ul style="list-style-type: none"> Assess and understand the nature of survivors' trauma 	Immediately after obtaining informed consent of survivor for more help and support from shelter service provider	<ul style="list-style-type: none"> Gain a deeper understanding of the survivor's experiences and trauma Using open questions try to establish the sequence of events that led them from their home to their arrival in the shelter Assess the implications of this for the survivor's immediate and longer term needs Consider whether an immediate risk assessment is necessary for the survivor (see Risk Assessment and Risk

¹⁴ Note: a case manager should be responsible for the overall care of the survivor through the course of their stay at the shelter and in their social inclusion post shelter. As noted above case management may be a full-time role or part of a professional's wider responsibilities.



Co-funded by the European Union



Better Migration Management
Horn of Africa



			<p>Management Plan SOP below).</p> <ul style="list-style-type: none"> Document this in VCMS and ensure other relevant Service Provider personnel are aware of specific needs
--	--	--	---

3.5 Assessment and planning - Rehabilitation

Who	What	When	How
Case manager and vocational guidance officer	<ul style="list-style-type: none"> Begin planning for the survivor's rehabilitation and more personalised care in the shelter 	Immediately after the psycho-social counsellor and survivor agree this is appropriate	<ul style="list-style-type: none"> Convene with the vocational guidance officer a meeting with the survivor and parent or guardian if a child Ask the survivor about their education and work experience to date Explain to the survivor what education and training opportunities are available Discuss with the survivor how these available opportunities may suit them Consider if the survivor's preferred options cannot be met in the shelter can they be met with support of other partners? Develop a case plan based on assessment with the survivor Obtain consent for making referrals Document the plan in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



3.6 Trafficking Identification

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none">• Come to a conclusion on the nature of the survivor's abuse	As soon as the case manager is assured by the psycho-social counsellor that an adequate account of the survivors experience has been gathered	<ul style="list-style-type: none">• Convene a meeting of relevant Service Provider Personnel• Considering the survivor's account of the sequence of events that led them from their home to their arrival in the shelter, assess how this account conforms with the ILO 29 definition of forced labour how it fits with the Palermo Protocol definition of trafficking, and how it fits with Ethiopian law• For children in particular assess whether family members, including close family members, were involved in the child's trafficking• Document conclusion and reasoning in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



3.7 Risk assessment and risk management plan

Who	What	When	How
Leadership teams of shelter service providers and law enforcement officers	<ul style="list-style-type: none">• Ensure that any risks to a specific survivor, their significant others (family members or others), other survivors, and to the shelter as a whole are properly assessed and mitigated	On the conclusion of an individual's trafficking assessment	<ul style="list-style-type: none">• Convene a meeting of relevant Service Provider personnel, the survivor, including parent or guardian if a child, legal representative, service provider and police and prosecutor when appropriate• Brainstorm the risks facing the survivor. For children in particular consider carefully the risks of re-trafficking / re-victimization if they are returned to their families• Record what actions have been undertaken to mitigate these identified risks• Record what actions must be undertaken to mitigate these risks• Design a risk management plan• Agree timetable for periodic review of the risks facing the survivor and possible revision of the risk management plan if needed• Document conclusions in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



3.8 Assessment: legal

Who	What	When	How
Service provider's legal advisor	<ul style="list-style-type: none"> Ensure that survivor's are properly aware of their legal rights, responsibilities, obligations and options 	Immediately following risk assessment	<ul style="list-style-type: none"> In a one to one meeting with the survivor discuss their legal rights and needs If it is assessed that the survivor has been trafficked discuss with the survivor, in the context of the risk assessment, if they wish to follow up any legal options, including opening an investigation, or proceeding with a prosecution Agree timetable for periodic review of survivor's legal position Document conclusions in VCMS

3.9 Investigation decision

Who	What	When	How
Case manager and legal advisor	<ul style="list-style-type: none"> To assess the feasibility of initiating an investigation of criminal conduct 	If with the advice of legal representative and counsellor the survivor, decides they wish to pursue this option	<ul style="list-style-type: none"> Convene a meeting between individual, including parent or guardian if a child, legal representative, case manager and police and prosecutor when appropriate Discuss the possibilities of initiating an investigation of the survivor's case Identify any additional support needs or risk

			<p>mitigation issues that may arise</p> <ul style="list-style-type: none"> • Document conclusion in VCMS
--	--	--	---

3.10 Prosecution decision

Who	What	When	How
Investigating officer/case manager	<ul style="list-style-type: none"> • To assess the feasibility of initiating a prosecution of criminal conduct 	If police investigation finds sufficient evidence to proceed with a prosecution	<ul style="list-style-type: none"> • Convene a meeting between individual, including parent or guardian if a child, legal representative, service provider and police and prosecutor when appropriate • Discuss the possibilities of undertaking a prosecution in the survivor's case • Identify any additional support needs or risk mitigation issues that may arise • Document conclusions in VCMS

3.11 Regular Case review

Who	What	When	How
Case manager	<ul style="list-style-type: none"> • To follow up on an individual's case and monitor progress 	Weekly, and following major events in the client's case including decisions relating to investigation or prosecution	<ul style="list-style-type: none"> • Convene a meeting between all professionals involved in individual's case • Assess progress and any impediments to progress for the individual's rehabilitation and social inclusion • Assess safety, training, health, psycho-social and other key needs



Co-funded by the European Union



			<ul style="list-style-type: none">• Review and revise individual's action plan as necessary• Document any changes in VCMS• Case manager updates survivor directly, one to one
--	--	--	---



Co-funded by the European Union



Better Migration Management
Horn of Africa



3.12 Post-Shelter social inclusion planning

Who	What	When	How
Case manager	<ul style="list-style-type: none"> • Prepare survivor for life post-shelter 	At least one month before survivor's scheduled departure	<ul style="list-style-type: none"> • In a meeting with survivor and vocational guidance officer, and taking account of the risk assessment, the case manager should develop a plan with the survivor for post-shelter social inclusion • Consider the survivor's needs including appropriateness of family tracing and reunification, livelihoods training, educational needs, job opportunities, educational and community reinsertion, financial assistance • Convene further meetings with relevant support agencies if necessary to obtain agreements on support • Document plan in VCMS

3.13 End of stay debrief

Who	What	When	How
Case manager, or other senior member service provider team chosen by survivor	<ul style="list-style-type: none"> • To ensure that the Service provider knows what the survivor thought of their experience, good and bad 	Immediately prior to departure	<ul style="list-style-type: none"> • In a one-to-one conversation discuss the survivor's experience of the time with Service provider including any possible complaints from the victim, either mentioned at this final assessment or previously • Document conclusions in VCMS

3.14 Service providers' performance review

Who	What	When	How
Leadership teams of shelter service providers	<ul style="list-style-type: none"> Ensure that case management is optimally undertaken by the service provider 	Quarterly	<ul style="list-style-type: none"> Convene an meeting of relevant service provider staff, including most senior leadership, to review survivors' debriefs Document conclusions in lessons learned memo in VCMS Communicate any changes to relevant staff

3.15 Follow up with survivor post shelter

Who	What	When	How
Case manager	<ul style="list-style-type: none"> To ensure the success of the survivor's post shelter social inclusion 	Six months to 1 year following survivor's departure	<ul style="list-style-type: none"> Case manager convene a follow up meeting with survivor in their current accommodation (if not possible in person, in other form), where possible involving the providers of any post-shelter support Assess the survivor's well-being and progress to social inclusion Identify any additional support needs they may have Consider whether case can be closed (and documented accordingly) or whether further action required Document conclusions in VCMS

3.16 Support before, during and after court proceedings

Who	What	When	How
Case manager, legal advisor, police, prosecutor	<ul style="list-style-type: none"> To provide proper support (legal, psychological, logistical, security) to survivors witnesses before, during and after their testimony in court proceedings Logistical support might include safe transportation and temporary accommodation in shelter if the victim-witness had already an independent housing situation 	<p>Prior to trial as soon as it is notified</p> <p>During the trial</p> <p>After the trial for the time needed</p>	<ul style="list-style-type: none"> Preparation of the different steps of the court proceedings (before, during, after) through individual meetings between victim-witness and relevant professionals according to needs (case manager, legal advisor, psychologist, prosecutor) Preparation for the trial through collective meeting between victim witness and case manager, legal advisor, prosecutor, (police and/or psychologist if needed), aimed at preparing the victim-witness to give the statement in front of the court and at ensuring safety conditions and special measures if needed Meeting between the relevant professionals to plan and revise actions to be undertaken before, during and after the trial (including security measures after court proceedings and early warning procedure in relation to changes of convicted perpetrators' situation) Document conclusions in VCMS



Co-funded by the European Union



Better Migration Management
Horn of Africa



3.17 Review of follow up with survivors

Who	What	When	How
Leadership teams of shelter service providers, health and police officers, prosecutor	<ul style="list-style-type: none">• To ensure that the service provider properly considers the lessons learned from the cases it has endeavoured to conclude over the previous year	Annually	<ul style="list-style-type: none">• Convene a meeting Senior leadership of service provider, including counsellor, health professionals, legal adviser, and police and prosecutor when relevant to consider lessons learned and decide any changes necessary• Document conclusions in VCMS



