



Civil Society Statement

Principles of Practice for Assisting Victims of Trafficking and Vulnerable Migrants in the East and the Horn of Africa

Implemented by

PREFACE

The Horn of Africa is an important source, host and transit region for mixed migration and human trafficking. Each year thousands of men, women and children move within and across the region in search of a better life and employment opportunities in Southern Africa, the Gulf States or Europe. Some migrants hire smugglers, putting themselves at great risk along an already dangerous journey, while others fall victim to traffickers. As a result, many of them suffer exploitation, detention, torture or other human rights abuses.

Protecting victims of trafficking and preventing vulnerable migrants from falling into the hands of traffickers is crucial for effective migration management globally. It is part of the European Union's and the German government's values, external action, and cooperation efforts in the field of migration. The European Union and the Government of the Federal Republic of Germany are strongly committed to fight and prevent human trafficking and smuggling in the Horn of Africa. The EU Action Plan against migrant smuggling (2015 - 2020) lines out a set of concrete actions to counter and prevent migrant smuggling, while ensuring the protection of migrant rights. Through the Khartoum Process it is implemented in close partnership with government and civil society partners in the region.

We applaud the initiative of so many civil society organisations that came together and jointly developed the Principles of Practice with the support of the Better Migration Management Programme. Through the close engagement of these civil society organisations victims of human trafficking receive the protection they need. We believe that the Principles of Practice will contribute to improve victim protection throughout the region by establishing a common framework for assisting victims and vulnerable migrants. We thank these organisations for their continuous commitment to address the effects of human trafficking and protect its victims.

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These Principles of Practice were drafted by civil society organisations (CSOs) working on anti-trafficking from all over the East Africa region during the Regional CSO Forum to Promote Safe and Fair Migration.

The Better Migration Management Programme (BMM) and Awareness Against Human Trafficking Kenya (HAART) hosted the Regional CSO Forum to Promote Safe and Fair Migration on 2-5 July 2018 in Nairobi, Kenya. The Forum's theme was 'Protection of Victims of Trafficking and Vulnerable Migrants'.

The purpose of these Principles of Practice is to define and offer a basic framework that stakeholders can apply when engaging with victims of trafficking or vulnerable migrants in the Horn of Africa. 28 CSOs signed these Principles of Practice on 5 July 2018 and thus entered a voluntary commitment to implement them within their own organisations. They hold each other accountable through regular follow-up discussions.

The CSOs are also committed to promoting the Principles of Practice with governmental and non-governmental anti-trafficking stakeholders in the region. To this end, HAART presented the Principles of Practice to anti-trafficking stakeholders at the BMM-organised Regional Conference on National Counter-Trafficking Structures in Khartoum on 16 July 2018.

The BMM programme is funded by the European Union and Germany. The overall objective is to improve national and regional migration management, and in particular to address the trafficking and smuggling of migrants within the Horn of Africa.



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PRINCIPLES

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INTRODUCTION

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2-5 JULY 2018
Regional CSO Forum hosted by BMM and HAART Kenya in Nairobi, Kenya

5 JULY 2018
Principles of Practice signed by 28 CSOs, committing to implement them

16 JULY 2018
Principles of Practice presented to stakeholders by HAART at the Regional Conference on National Counter-Trafficking Structures organized by BMM in Khartoum

CHAPTER ONE: INTRODUCTION

Trafficking of People

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of 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.

Exploitation

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 (...) The consent of a victim of trafficking in persons to the intended exploitation (...) shall be irrelevant where any of the means (...) have been used."

-UN General Assembly 2000

People from the East and the Horn of Africa are on the move and as a result of this movement, the risk of human trafficking is extremely high. The movement of people in this region has been defined as **mixed migration** (IOM 2016). This means that migration in this area is not only complex but also irregular in nature and influenced by multiple factors. The populations moving include among others refugees, asylum seekers and vulnerable migrants.

As a result of the complex nature of migration, most countries are seen as a source, transit and destination countries for victims of trafficking. Countries in the region not only grapple with cross-border trafficking but also with internal trafficking. Cross-border trafficking in most cases is connected with human smuggling. Smuggling along all the major routes in the region is usually highly organized criminal networks that work in collaboration with each other to take advantage of vulnerable groups (Davy 2017).

As a result of the complex nature of trafficking, identifying victims is not easy and even when victims are identified; it is not guaranteed that they will receive the assistance they need. This is mainly due to the lack of capacity of state and non-state service providers to provide the assistance that victims of trafficking require. National Counter-Trafficking Structures in Khartoum on 16 July 2018. Special thanks go to Sophie Otiende and Yasmin Manji (HAART) for providing the draft Principles of Practice document.

Despite the want of state and institutional capacity to combat trafficking in persons, most states in the region adhere to the generally accepted definition of trafficking in persons as stated in the Palermo Protocol.

This '**Civil Society Statement on Principles of Practice for Assisting Victims of Trafficking and Vulnerable Migrants in the East and the Horn of Africa**' seeks to lay the groundwork to build capacity among relevant stakeholders to provide victims with the assistance they need. In addition to the standards established by the Palermo Protocol, accepted as a minimum, the signatories recognize the possibility of including other forms of exploitation in order to adapt their programs to new practices, as well as the existing legal framework in their respective countries.



Principles of Practice

They can be defined as a shared framework, strategy or guidelines that stakeholders apply to ensure that they have a standardized approach for protection of victims of trafficking respecting both basic human rights and ensuring that victims receive quality care. (Odera & Malinowski 2011).



Objective

The purpose of this 'Principles of Practice' document is to define and offer a basic framework that stakeholders can apply when dealing with victims of trafficking or vulnerable migrants in the Horn of Africa.



Scope

The Principles of Practice apply to all stakeholders that come into contact with victims of trafficking and vulnerable migrants or whose work affects their well-being who are signatories to it. The statement is designed by civil society and the principles are designed for civil societies working in the Horn of Africa region. They are to be used as a basic framework for offering services and developing internal policies for protection in organizations.



Compatibility with rules, laws and regulations

The purpose of this 'Principles of Practice' document is to define and offer a basic framework that stakeholders can apply when dealing with victims of trafficking or vulnerable migrants in the Horn of Africa.



Commitment to a human rights-based approach

A human rights-based approach takes into account the fact that human trafficking is a gross violation of basic human rights (*UN General Assembly 1948*), which makes the restoration of rights a primary concern in the healing process of the victim.

Service providers need to recognize that the violation of human rights is both a cause and consequence of human trafficking (*OHCHR 2002*).

This is a commitment to ensure that the restoration of rights becomes the foundation for all services provided and to promote the development of regional Human Rights reporting mechanisms in relation to human trafficking and migration-related issues.



Commitment to offer a victim-centred approach to care

A victim-centred approach to care can be defined as a systematic focus on ensuring the individual victim's needs and concerns are heard and met with compassion, care and sensitivity in service delivery. (*United States President's Interagency Task Force To Monitor And Combat Trafficking In Persons, et al. 2013*)

Understanding that victims are not just statistics; their needs are unique and should be addressed as such. It also involves an understanding that these needs evolve as we serve victims and the approach should change with the evolution of these needs.

This is a commitment to recognise that each victim is unique, has agency and possesses the ability to self-heal when offered specific tools that match their individual needs.



Commitment to offer trauma-informed care

Trauma-informed care involves developing an understanding of the trauma and its physical, emotional and social effects on the victim as well as the possible effect on the professionals offering care. *(Substance Abuse and Mental Health Services Administration 2014)*

This is a commitment to ensure that the knowledge of trauma is applied both in the services offered to victims and in the systems and policies of the organizations that cater for staff giving care to these victims.



Commitment to inclusive practices

Inclusive practices* ensure that all victims can access services when they need them. *(Safe Horizon 2017)*

It limits barriers such as discrimination based on age, gender, religion or other biases. It recognizes that we live in a community where discrimination exists. To minimize exclusion, systems should be built to encourage diversity and recognize differences.

Non-judgemental verbal and non-verbal practice is also a crucial part of ensuring that victims feel included. *(Safe Horizon 2017)*

Organizations should strive to use practice that ensures the victim feels safe and understands that they are victims of a crime and not responsible for what happened to them.

This is a commitment to ensure that all victims are catered for and we reduce the risk of victim blaming, especially in the practice that we use.

* Such practices shall be implemented in accordance to the operational capacity and the mandate of each organization. The development of solid referral mechanisms is encouraged in order to refer those cases falling out of the mandate or capacity of a certain organization.



Commitment to utilize evidence-based practices

Evidence-based practices require approaches, policies and systems to be based on scientifically and ethically sound evidence to provide effective, high-quality services to victims. *(OHCHR 2002)*

Thus, all practices shall be based on the findings of scientifically sound and ethical research to ensure that the best care is offered to victims of trafficking and vulnerable migrants. It is recognised that there is a need for more contextual studies on the issues of human trafficking in the region.

Accountability shall be a key element to be taken into account when sharing the results of any research activities, ensuring the accuracy of the information shared.

This is a commitment to monitor, evaluate, document and distribute our own practices to improve available data and knowledge in a responsible manner.



Commitment to ensure active participation of survivors' voices

This approach recognizes that survivors are important stakeholders in ensuring that programs and services offered are relevant. Survivors can offer crucial advice on understanding the interventions that are effective in organizations. *(Safe Horizon 2017)*

Survivors' voices are also important in advocacy and educating the community on the intricate nature of human trafficking.

Accountability should be a key element while promoting the active participation of a survivor. Mechanisms to ensure that survivors have the possibility to provide feedback on the implementation of the different programs should be developed*.

This is a commitment that survivors will not only be seen as recipients of services offered by organizations but also primary contributors to the work that is being done.

*The signatories should recognize that patronage exists among organizations and survivors. Therefore, efforts should be made in order to implement external and neutral mechanisms that guarantee the survivor's possibility to provide feedback on the services provided.



Commitment to team care and well-being

In applying a trauma-informed lens, professionals working with victims who have been traumatized can be at a higher risk of developing vicarious trauma.

In order to ensure the mental health of the team* and the quality of services provided, attending to the care and capacity-building of the staff will be of importance.
(Herbert & Loring 2017)

This is a commitment to not only recognize vicarious trauma in our teams but also to seek effective ways to manage and mitigate it.

**Each organization shall decide what individuals are to be recognized as team members in accordance to their operational standards.*



Commitment to adapt and speak a common language

This is a commitment to work to develop common terminology* across the region that guarantees both the understanding of the issue and the protection of victims.
(Safe Horizon 2017)

This is recognition that language, definitions and terminology come with certain protections in different territories, therefore a commitment to develop common language ensures that a victim is protected regardless of where they are.

This commitment also involves creating awareness for victims that we assist with terminology and the impact of its use to ensure that their rights are protected.

**The definition of what "appropriate language" means will be operationalized in accordance to the corresponding interlocutors.*



Commitment to work towards reducing vulnerability to trafficking

A focus is placed on what makes victims at risk of human trafficking as a foundation for understanding the crime and developing practices to minimise these risks.

The services should strive to assess the vulnerabilities of individual victims and offer services that minimize the risks to prevent re-trafficking.
(Safe Horizon 2017)

This is a commitment to understanding that preventing victims from being trafficked is part of protecting victims within the community and that tackling the factors generating such vulnerability should be one of the main interests of the signatories*.

**The prevention activities shall be implemented in accordance to each organization's capacity and operational context.*



Commitment to confidentiality and the right to privacy and self-determination

It is paramount to respect victims' right to self-determination and privacy, providing to the victim as much information as possible in a generally accessible language, in order to ensure that they provide informed consent before gathering any data from them, and keeping it into account during the entire process of managing such information.

Acknowledging a victim's right to information, a victim should always be informed of what data is being held in relation to their person and for what purpose, and they should have the possibility to remove their consent at any time. Due to the confidential nature of the data related to a victim, it is vital to implement the necessary data security measures in order to respect their rights.

In the pursuit of exposing the wider public to the reality of human trafficking, it can be tempting to ask victims to share their stories. Therefore, even when the informed consent is provided, it must be taken into account that the engagement with the media or the publication of sensitive material revealing a victim's identity can be stigmatizing and could lead to retaliatory actions by the traffickers (Freedom Collaborative 2016). Any such activities should be based on respect for the victims' rights.

This is a commitment to ensure the respect for victims' right to self-determination and privacy through the provision of informed consent; the adoption of data security measures to protect the information shared by them; and to secure the dignity of the victim when engaging with the media in a responsible manner.



Commitment to collaboration and cross-sector partnerships

Effective collaboration is essential to achieving justice for survivors because no single organization can provide the multifaceted support that many clients need. Greater impact on service delivery can only be achieved by working together.
(Safe Horizon 2017)

Collaboration ensures that victims receive a higher quality of care and a wider range of services.

Collaboration also ensures that organizations are not limited in service provision for victims by funding, capacity or access. It is also an effective way to leverage resources and advocate for better policies.

This is a commitment to working together to build a holistic and multidisciplinary framework for implementing protection services; to ensure transparency between partners; to promote the harmonization of case management tools and regional advocacy campaigns; to share key information in order to promote the establishment of a unified regional voice when engaging key local, regional and international stakeholders.

**In relation to the development of cross-sector partnerships and inter-agency cooperation agreements, it is taken into account that it is important to promote working relationships with government agencies, particularly law enforcement agencies and the judiciary. In addition, the development of national referral mechanisms shall be encouraged among the aforementioned actors.*

CHAPTER THREE: FINAL PROVISIONS



Period of Validity

These Principles of Practice remain in effect for an indeterminate period, from the moment a party becomes a signatory to the document.



Declaration of Commitment

This is to declare that as stakeholders in the Regional Civil Society Organisation Forum to Promote Safe and Fair Migration 2-5 July 2018, confirm having read, understood and agreed on these Principles of Practices as a basic framework and guideline for offering protection services to vulnerable migrants and victims of trafficking and each signatory party commits to upholding these Principles of Practice.



DJIBOUTI

Caritas Djibouti
Bender Djedid
Association De Developpement Et Protection De L'Enfant



ETHIOPIA

Good Samaritan Association
Agar Ethiopia
Forum on Sustainable Child Empowerment Timret Iehiwote
Youth Association Against Anti-Trafficking



KENYA

HAART
Kudheha
Trace Kenya
Council of Anglican Provinces of Africa / Anglican Alliance
Fecclaha
International Rescue Committee Kenya
Salvation Army Kenya
The Cradle
Terre des Hommes Kenya



SOMALIA

Sonyo Umbrella, Hargeisa
Tadamun Social Society, Bosaso
IIDA Women's Development Organization



**SOUTH
SUDAN**

Red Cross Society South Sudan
Community Empowerment Progress Organisation



SUDAN

Sudan Organisation for Development
Sudanese Red Crescent



TUNISIA

Terre D'Asile



UGANDA

Willow International
Uganda Uganda Youth Development Link
Rahab International
Uganda Anti-Trafficking Network

GLOSSARY

Vicarious trauma

This is the cost of caring for others. Here, it is defined as the tension or preoccupation of the stories/trauma experiences described by victims.

(Quitangon & Evces 2015)

Vulnerability

This is a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities.

(UNODC 2008)

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