

Statement HAART - Awareness Against Human Trafficking, Kenya For the UNODC Constructive Dialogue on Trafficking in Persons, Vienna, October 4th, 2023

HAART – Awareness Against Human Trafficking, is a Kenyan non-governmental organization. Since 2010, [HAART Kenya](#) has been dedicated exclusively to eradicating human trafficking. Our work is based on the United Nations 4 P Strategy, focusing on Prevention, Protection, Prosecution and Partnerships. HAART is working with Survivors of Trafficking; mostly African and Asian women and children who were trafficked to Kenya. We also work with Kenyans who were trafficked internally or abroad, mainly to Gulf States for forced labour and domestic work, and recently also to South East Asia for Cyber Crime. HAART provides survivors with basic needs, psychosocial support, legal advice, educational training, help with repatriation, and more. Since founding, HAART has supported more than 1000 survivors of trafficking and reached circa 100,000 persons in awareness workshops.

We wish to share some thoughts on aligning Prosecution and Protection. As HAART Kenya, we are devoted to both. We support survivors who bear witness, cooperate with prosecuting agencies, and we have published a legal handbook and trained social workers to assist survivors of trafficking in claiming their rights and to know their role, rights and responsibilities as witnesses in the criminal justice proceedings.

Yet we have observed that survivors of trafficking rarely acquire a sense of ownership in the judicial arena and they often feel alienated from the court proceedings. We also observe that court proceedings can take a toll on the well-being of witnesses.

We are convinced that it is possible to do more to safeguard survivors' rights in the process while fighting for justice to be done. Further, survivors who experience themselves as active stakeholders in the process are likely to support prosecution efforts more effectively, thus eventually leading to more convictions of culprit traffickers.

Therefore, we wish to share with you some observations from our practice and encourage a closer collaboration between prosecution agencies, judiciary, survivors and protection experts.

Besides recommendations concerning the handling and timing of legal procedures, we wish to emphasize the benefit of closer connections between survivors of human trafficking and the judiciary in order to improve the approach to trafficking cases.

At HAART, we see a lot of learning opportunities through a deliberate exchange between law enforcement, prosecution and survivors of trafficking. On this note, we wish to appreciate a project supported by the United Nations Victim Trust Fund and implemented

by HAART and we hope to share more from its outcome next year. As of now, we recommend:

Recommendation for exchange between prosecutors and survivors of trafficking

- We wish to encourage state parties to create platforms for prosecutors, judges and law enforcement to meet with survivors, survivor leaders and protection experts. Especially helpful is to learn from former witnesses in trafficking cases who are willing to share their experiences with the legal response. Listen to them and identify areas for improvement in your country.
- Support survivor networks to foster self-empowerment in the legal sphere and encourage their fight for justice.
- Offer scholarships for survivors of human trafficking who want to join law enforcement, study law or support the fight for justice in other ways.

Further recommendations

- From the first interaction with survivors of trafficking, ensure their personal safety, basic needs' coverage and trauma-sensitive support. From our experience, this can have a highly positive impact on all further proceedings.
- Have specialized units for human trafficking. However, all law enforcement and the criminal justice system needs to have at least basic knowledge on human trafficking and the particular challenges survivors of human trafficking face. This will help to protect victims and build the trust that the legal system also works for them.
- Make legal information accessible in simple language to inform both survivors and frontline workers.
- Grant free and specialized legal support to survivors of trafficking as well as access to free psychological support to witnesses through the whole duration of the trial.
- Strengthen the right to remedy for victims in a way that encourages survivors to take to the tedious way to justice, and to limit the tolls this takes on their energy and time.
- Time is a crucial factor for the well-being of survivors who are engaged in trafficking cases. Therefore, prioritize trafficking cases to speed up court proceedings so that witnesses can return to their lives as quickly as possible. Keep limitations of the freedom of movement for former victims of trafficking to the bare minimum in time and gravity. To this end, explore appropriate use of digital hearings. Diversify the investigation process and evidence collection for prosecution to be successful without relying on victims as main witnesses.

Conclusion. When survivors of human trafficking are able to join the fight for justice in court as stakeholders who fully own their part of the process, we will ensure better protection of survivors' rights. At the same time, we are likely to see more effective prosecution efforts. The above recommendations aim at encouraging state parties to strengthen the ownership and participation of survivors in the criminal and civil justice system.