

TRANSITIONAL JUSTICE POLICY OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

CONSULTATION WITH STAKEHOLDERS ON THE DRAFT NATIONAL TRANSITIONAL JUSTICE POLICY FRAMEWORK

JANUARY 2016



የፍትሕ ሚኒስቴር
MINISTRY OF JUSTICE



የሽግግር ፍትህ
TRANSITIONAL JUSTICE

Why Transitional Justice Process/Policy in Ethiopia?

- Measures by gov't to respect/enforce HR/DR under int'l/continental agreements/constitution;
- Esp. since 2010: multifaceted legal/inst. reforms - to solve conflicts, improve HRS violations, and governance issues,
- Yet, disagreements/grievances/serious conflicts/grave HR breaches - intensified in many parts;
 - thousands displaced, destruction of property, injuries/death;
 - gradual weakening of values of solidarity/tolerance in many areas;
 - the disputes/conflicts, violations of rights: prompted –ve effect on of lasting peace/prot. of rights/state building;
- Of course - limited attempts in past to address serious HR violations, conflicts, contested narratives, grievances;
 - but, attempts not founded on truth, reconciliation, amnesty and compr. justice;
 - did not centrally involve victims;
 - no policy-driven compr. TJ justice approach implem. in inclusive, HRs-oriented and integrated manner;
 - hence failed to bring about lasting change, compr. accountability;

Why Transitional Justice Process/Policy in Ethiopia?

- Hence, found absol. imperative to resolve the national challenges - based on:
 - existing national experiences;
 - lessons from best practices of countries;
 - standards set by relevant int'l instruments on TJ;
- **Comp. TJ process/policy - critical to perm.ly end conflicts/HR violations, estab. accountability, ensure RoL;**
- **Further confirmation that TJ process/policy is imperative for Eth:**
 - study by independent expert group of MoJ;
 - recom.s of Joint investigation report of EHRC/OHCHR;
 - peace agreement between federal gov't and TPLF in South Africa:

Why Transitional Justice Process/Policy in Ethiopia?

Therefore, based on these consider.s, plus inputs gathered from national public cons., and detailed recom.s offered by TJWGE;

- a comprehensive policy drafted through:
 - participatory, inclusive approach;
 - consistent with int'l HRs principles;
 - following basic principles of TJ;
 - duly considering the national context;
- And shall be implemented :
 - in a participatory/HR-oriented approach;
 - integrating various pillars of TJ;

Main Pillars of the National TJ Policy

1 Criminal Accountability

- Subject matters of inv./prosecution
- Perpetrators subjected to I/P
- Institutional system for carrying out I/P
- Inst. system for judicial processes

2 Truth finding/telling and reconciliation

- Subject matters of truth finding/reconciliation works
- Institutional system

3 Conditional amnesty

- Ineligibility conditions
- Eligibility conditions
- Inst. system for admin. amnesty

4 Reparations

- Types of/focus of reparations scheme
- Institutional system for reparations

5. Institutional Reform

- Institutional focus of reform
- Institutional system for inst. reforms

6 Temporal scope of implem. of TJ

Main Pillars of the National TJ Policy

7 Role of regions in TJ implem. process

**8 Role of traditional justice mechanisms
in TJ implem. process**

9 Cross-cutting issues

**10 Follow up mechanisms, role/support by
Gov't and Stakeholders**

Guiding Principles of the TJ Policy

- **HRs-oriented implem.:-** take into account laws, principles set out in documents;
- **No harm:** - implem. ensures safety of participant/victim against re-trauma/harm;
- **National ownership:-** process driven by needs, ownership and decisions of gov't, public and direct stakeholders;
- **Context-specific implem.:** - takes into account national/local contexts, issues/aspirations of all sections of society;
- **Accountability:** - ensures accountability in various forms;
- **Comprehensiveness:-** process implem. in coordinated, integration of pillars, sequenced as appropriate;
- **Inclusiveness/Participatory:** - reflects diversity of country, involves all segments of society, without discrim.;
- **Gender-sensitivity:-** preparatory and implem. involve equal repr./meaningful participation of women;
- **Vulnerable groups:** - takes into account special needs/perspectives of vulnerable groups;
- **Coordination/Cooperation:-** b/n public, gov't and NGOs, stakeholders;
- **Use of trad. conflict res. mechanisms:** empowered to carry out TJ after appropriate reforms, as needed;

Policy Making Power and Objectives of Policy

- **Scope of Application: throughout the country**
- **Power to make policy:**
 - Art. 51(2) of Const.: enact nationally applicable policies/monitor their implem. (social, eco., dev't);
- **Objectives of Policy**
 - **General**
 - est. a national TJ system and thereby create platform for lasting peace, reconciliation, RoL, justice, democracy.
 - **Detailed objectives**
 - indicate the objectives, goals, interfaces, guiding principles, inst. arrangements re: TJ pillars;
 - indicate appropriate legal, procedural and org. approaches for their implem.;
 - est. time frame within which various pillars of policy will be implemented;
 - outline role of traditional justice mechanisms, regions;
 - set out role of/ focus required for victims/vulnerable groups;



Part Two - Policy Issues and Directions

1. Criminal Accountability

- Within TJ framework, estab. criminal accountability critical to:
 - fulfill country's int'l obligations;
 - ensure people's right to justice;
 - bring about peace and stability;
 - ensure rule of law and to prevent recurrence;
- Identification (in policy) of:
 - subject matter of crimes investigated/prosecuted and perpetrators;
 - bodies responsible for I/P and judicial processes – very critical in TJ;

1.1. Subject Matter of Crimes Investigated/Prosecuted

- Int'l documents accepted by Ethiopia, FDRE Const., AUTJP require:
 - est. criminal liability for serious violations/crimes;
 - prohibition of amnesty for serious crimes;
- Goal of TJ is not to bring about compr. justice by only using criminal accountability approach;
 - nec. to ensure justice/rule of law by implem. all TJ pillars in coordinated manner;
- Per Policy: TJ implemented focusing on I/P of grave HRs violations/serious crimes;
 - other non-serious violations/crimes: dealt with through other TJ mechanisms:
- TJ Policy Directions on Criminal I/P:
 - develop clear criteria to identify serious human rights violations/serious crimes;
 - develop new legislation encompassing int'l crimes not included under Eth criminal law;
 - develop system for full impl. of criminal I/P process;

1.2. Identity of Perpetrators Subjected to Criminal Investigation/Prosecution

- Given context of the country: not possible to pursue I/P against all offenders;
- Focus of criminal I/P: on most responsible perpetrators; reasons:
 - huge number of offenders, temporal scope of TJ;
 - int'l experience on TJ;
 - long time/huge cost required to conduct criminal I/P against all offenders;
- Re: offenders involved in grave HRs violations/serious crimes - but not falling under 'most responsible' blanket:
 - handled using other TJ mechanisms;
- Policy Directions: re: perpetrators subjected to criminal I/P:-
 - clear system to identify offenders falling under most-responsible class;
 - immunity inapplicable to ensure full criminal liability for such crimes;
 - pursue criminal I/P based on policy/executing laws, principles laid down in Constitution, Penal/CP law;

1.2. Identity of Perpetrators Subjected to Criminal Investigation/Prosecution

- Most responsible perpetrators not present in country: procedure to be laid on extradition;
- Incentive/reward to those
 - who point out location of most responsible offender (not traced via regular inv.), or
 - provide concrete evidence about his/her whereabouts;
- Witnesses testifying against most responsible offenders:
 - system to be est. ensuring their security, and to protect retaliation:

1.3 Institutional System for Criminal Investigation/Prosecution

- Ensuring public trust and national/int'l acceptance of I/P process – critical for success of TJ process;
- Hence, important to est. inst. system for I/P that:
 - considers complexity, enormity of subject matters if I/P;
 - high cost/expertise required to implement the process;
 - takes into account the national context;
- New/indep. Special Prosecutors Office to be established, separate from current prosecution entity;

1.3 Institutional System for Criminal Investigation/Prosecution

Additional policy directions and strategies regarding institutional framework for criminal I/P

- to increase public trust, fill gap in expertise/experience in investigating violations/conducting prosecutions;
- recruitment/appoint. of investigators/pros.s based on ethics, experience, prof. competence, other req. defined by law.
- recruitment/appointment - ensures gender balance, and diversity;
- ad hoc committee estab. by HoPR: carry out nomination, recruiting, selecting, presenting for appointment by HoPR;
 - committee members: from MoJ, HoPR, Law Schools Consortium, Bar Association, Fe/Police Com., CSO;
- system of legal protection for appointed/recruited professionals;
- Office allocated sufficient budget to ensure its independence/autonomy; freedom to manage allocated budget;
- system for removing/replacing experts established in a manner that ensures independence and neutrality;
- system placed outside of Civil Service (hire/administer experts/support staff);

1.4 Institutional System for Carrying Out Judicial Process

- Imperative to organize a free/independent judicial inst. in order to realize effective criminal justice under TJ;
- Process of criminal accountability:
 - implemented in a manner that respects/strengthens priority jurisdiction of national courts;
 - establishes trust/acceptance by victims/accused persons/community;
 - comprises capable/competent professionals;
- An indep./impartial special court: shall be established by law having distinct org. status from the regular courts;

1.4 Institutional System for Carrying Out Judicial Process

Additional policy directions/strategies to be implemented regarding the institutional system:-

- **Measures to increase the indep., impartiality and credibility of court;**
- **Vetting/lustration of judges allegedly involved in violations of rights;**
- **Req.t that judges are highly experienced, knowledgeable in criminal law, ICL, IHRL; IHL;**
- **Recruitment/appointment based on high standards of conduct, experience, competence;**
- **Nomination, recruitment, appointment through process that ensures gender, trust, impartiality and diversity;**
 - **process by an independent ad hoc committee established by HoPR;**
 - **members drawn from supreme court, EHRC, HoPR, law schools consortium, CSO consortium, bar association;**
- **Transparent system for announcement of nominated/identified judges; for provision of comments;**
- **Detailed procedures will be determined by law;**

1.4 Institutional System for Carrying Out Judicial Process

- Priority jurisdiction in respect of matters falling under its competence;
- First instance and appellate benches
- Professionally competent registrar, defense attorney offices, victim coordination unit, advisors;
- Conduct judicial functions based on domestic laws, and, as appropriate, int'l law and principles;
- Laws/procedures will be est. to ensure the independence and impartiality of judges;
- Process of appointing/replacing judges based on laws that mirror indep./impartiality;
- Right of employment/administration of prof/support staff – based on law separate from civil service system,
- Adequate budget to ensure institutional indep./impartiality of the Special Court;

2. Truth-Finding/Publicizing and Reconciliation

- Truth-seeking/telling and reconciliation process critical to:
 - identify root cause of HR violations and ensure victims' right to know the truth;
 - to re-build fractured relationships b/n communities/persons; heal wounds; prevent recurrence of abuses;
- Hence, task shall constitute one key pillar;
- Will be implemented in a manner that takes into account existing conditions, coordinates with other TJ pillars;
- Task shall focus on 'all grave HRs violations/serious crimes', identifies root causes, patterns, scale, quantum of violations;
(not covered by grave breaches of most responsible)
- Other violations not falling under the 'serious violations/crime' category:
 - 'minor HRs violations' – fall under material jurisdictional of traditional/regional conflict res.n/reconc. systems;

2.1 Subject Matter of Truth-Finding/Telling and Reconciliation Process

- Subject to the ‘all serious violations of HRs’ caveat:
 - Violations for which process is applicable not determined solely based on severity/seriousness of violations;
 - Other violations that feature pattern, systemic nature, widespread appeal also covered as part of the process,
- Conflict producing historical mis-understandings/narratives : covered regardless of time frame they occurred;
- Use immunity - from being used as evidence in proceedings: offenders who voluntarily appear before TC;
- Victims central part of process – telling injuries and participating in process of clarifying truth;
- Proceedings conducted in manner that pays due attention to sexual violations, displaced persons, harm sustained by vulnerable groups;
- Procedures for proper documentation of grave violations; announcement of est. truth, public recognition to victims;

2.2 Truth-Finding/Telling and Reconciliation: Institutional Framework

- Inst. system that ensures indep., neutrality, legitimacy of Truth Finding/Telling/Rec – imperative
- Task to be carried out through new/indep. truth-finding commission (with multiple portfolios);

Additional Policy Directions to be implemented:

- TC will have concurrent respo. on amnesty; on reparations;
 - will organize dedicated structures within;
- Commission: inclusive of gender, elderly, religious leaders, CSO org, other segments of society; and indep. experts;
 - qualification for position of commissioner: to be detailed by law;
 - considers public/stakeholder input;
 - personal characteristics, gender, expertise, prof. integrity, neutrality and diversity;
- Nomination, recruitment, selection: conducted by indep. ad hoc committee;
 - Committee members drawn from CSO, universities and eminent personalities; submits report to HoPR;

2.2 Truth-Finding/Telling and Reconciliation: Institutional Framework

- **Experienced foreign experts included in organization of commission as advisors and support;**
 - **enhances inst. capacity of commission, boosts credibility;**
- **Independence/impartiality of commission: further ensured via placing outside civil services system;**
 - **Recruitment/administration of prof./support staff through separate system;**
 - **adequate budget, autonomy to manage;**

3. Conditional Amnesty

- **TJ process deals with violations of rights committed at different times;**
 - **Number of victims/perpetrators expected to be very high;**
 - **Not possible to prosecute all crimes/violations;**
- **On the other hand, extending amnesty unconditionally to all crimes will:**
 - **impede criminal accountability;**
 - **is contrary to int'l obligations;**
 - **poses challenge to implem. of integrated TJ;**
- **Hence nec. to implem. system for conditional amnesty; policy adopted accordingly;**

3.1. Conditions of Amnesty

Ineligibility Conditions

- serious human rights violations: int'l agreements/humanitarian laws stipulate so;
- Article 28(1) of Constitution lists crimes that cannot be subject of amnesty/pardon;
- Hence, for purposes of amnesty, focus will be on most responsible involved in serious crimes defined under policy;
 - 'most respo. perpetrators involved in grave HRs violations/serious crimes': not eligible for any amnesty;

3.1. Conditions of Amnesty

Eligibility conditions for amnesty

- conditional amnesty impl. in manner that does not exclude rule of law/accountability plays critical role in process of TJ;
- The following shall apply to be eligible for amnesty (by submitting application) subject to conditions prescribed by law:
 - not being involved in serious crimes/violations;
 - cooperate in truth-seeking and investigative processes;
 - admission of guilt, repentance; publicly apologize to public and victims;
 - willingness to participate reparation as the case may be;
 - agree to provide public service by participating in voluntary work;
 - be willing to resign from public office or position as necessary looking at motive of the crime;
 - no criminal record for similar offence; and promise that similar violations will not occur;
- Amnesty process will be conducted in transparent, impartial and credible manner;
- Process by which users rejoin society after amnesty, or amnesty is withdrawn – determined by law;

3.2. Institutional Mechanism for Carrying out Amnesty

- Imperative to implement amnesty – integrated/coordinated with truth finding, reconciliation works;
- To achieve this objective, commission shall have power on amnesty;

Additional Policy Directions/Strategies applicable to inst. system in which amnesty is carried out:

- separate structure within TC that carries out amnesty; staffed with expert advisors;
- structure/unit accepts petitions for amnesty, submits proposal to Commission;
- detailed procedure to be established by law;
- law will be regulate participation of victims/traditional justice mechanisms in amnesty process;

4. Reparations

- Absolutely nec. to ensure:
 - individuals/communities victims of HRs violations/injustice go through reparations program;

4.1. Forms of Reparations and Focus of Reparations Schemes

- **Following reparations implemented under TJ – based on considerations of capacity and existing contexts;**
 - **Restitution, rehab., satisfaction, commemoration/symbol;**
 - **Full fact-finding of violations/disclosure/acknowledgment;**
 - **State public apologies for wrongdoings;**
 - **Interim reparations/support – pending est. of sustainable reparation system;**
 - **In form of physical/pyscho. rehabilitation;**
 - **focus on pressing/urgent challenges of victims, and needs of children, women, displaced people, disabled, elderly;**
 - **Role given to traditional justice institutions based on profile/disposition;**

4.2. Institutional Mechanism for Carrying Out Reparations

- **TC to carry out reparations schemes;**
- **Reparations program: linked/coordinated with amnesty, truth-seeking/telling/reconciliation works;**

Additional Policy Directions/Strategies to be implemented:

- **Adopt legal framework/scheme governing reparations process/procedures; based on detailed study;**
- **Interim interventions implem. by TC pending deployment of permanent schemes; (address pressing needs)**
- **Rehabilitation/Support Fund to be established by law to rehabilitation/support victims;**
- **An indep./impartial structure and pool of advisors to be est. within Commission to carry out reparation programs;**
- **Unit designs reparation framework and programs; submits recom. to Com on petitions/other related matters;**

5. Institutional/Legal Reform

- **Continuation of inst.s/persons/officials dir./ind. involved in conflicts/ serious violations: impedes TJ;**
 - Important to take measures;
 - Doing so prevents recurrence;
 - **Redeems public trust, gain status as enforcers/protectors of rights;**
- **Hence, extensive institutional reforms will be implemented in TJ process;**

Additional Policy Directions/Strategies implemented regarding institutional reform:-

- Institutions/officials/professionals: vetted for role in violations/crimes;
- Policy, legal, operational frameworks facilitating violations to be identified - in reading with int'l HRs principles/practices;
- Dismissal, admin. measures, or criminal accountability est.: based on degree involvement (direct, indirect, failure to discharge respo., lack of capacity/ethical commitment etc.)
- short-term/long-term reform programs to improve institutions will be implemented;

5. Institutional/Legal Reform

- **Legal, policy or procedural reforms** – to enable inst.s, officials/staffs carry our mandate in manner that preserves inst.l/prof. indep. and impartiality;
- **Legal/policy frameworks** will be issued to prevent recurrence of HR violations/crimes, create conditions for GG;
- A strategy to strengthen crime prevention capacity of inst.s will be adopted to prevent recurrence, focusing on vul. groups/communities;
- Inst.s will be managed by honest, independent and impartial officials with good track record of ethics/prof.;
- Establish a recruitment system enabling institutions to be organized with independent, ethical, professional staffs;
- Public services will be improved by increasing budget allocated to and HR size;
- Increase capacity of institutional heads/staffs through a continuous training program on HR and service delivery
- Procedural system for grievance submitted by citizens/service seekers ;
- Strengthening system coordination among federal inst.s/federal and regional instit.s;
- A comprehensive law issued to guide vetting, lustration, and reform works;

6.1. **Institutional Focus** of Institutional Reform

- **Critical to ensure that all inst.s mandated for the prot./enforcement of rights are reformed;**
 - **However, national capacity is limited, not possible to reform all institutions;**
- **Implementation of reforms within framework of TJ shall focus on:**
 - **People/inst/s who participated in HR violations, did not fulfill their respo.;**
 - **those who can play key role in preventing repetition of past crimes;**
 - **mainly, national/regional justice, peace and security institutions;**
 - **media;**
 - **mandated inst.s working on vulnerable groups (who failed in their responsibilities);**
 - **laws, policies and practices that create conducive conditions for HR violations (priority);**

6.2 Institutional Mechanism for Carrying Out Institutional Reform

- Imperative to carry out inst. reform via independent/impartial and competent commission;
 - enhances credibility/public trust and effectiveness of process;
- An independent commission will be established by law to manage work-stream;

Additional Policy Directions/Strategies implemented:

- Commission led by indep./politically neutral commissioners/experts with prof. competence, experience, ethics;
- Establishes procedures guiding vetting/lustration process;
- Carries out task of vetting, plus reforms in respect of identified institutions;
 - submits same to HoPR for decision;
- Judiciary: Commission shall have distinct structure to run vetting/lustration process;
 - structure to carry out task in compliance with procedures/safeguards under FDRE Constitution;

6.2 Institutional Mechanism for Carrying Out Institutional Reform

- Commission's work on vetting supported internal experts from institutions;
- Commission's work assisted by experienced/knowledgeable advisors;
- Commissioners' nomination/selection:
 - an indep. ad hoc committee drawn from CSOs, univ., eminent personalities;
 - Committee submits recom. to HoPR;
- Com will have budget that ensures institutional autonomy, distinct from civil service system;
- Regions: establish law an institution working on reform; function compatibly with this policy;
- Com. will closely support/coordinate regional activities on reform/vetting;

7. Temporal Scope of TJ Process

- **Implementation of TJ – should have clear temporal scope;**
 - **scope must as far as practical, cover serious HR rights violations, contested narratives, grievances, injustices;**
- **Therefore, TJ time frame decided on such consideration**
 - **for purpose of criminal liability, 1995 - adoption of FDRE Constitution;**
 - **for 'truth-finding, reconciliation and reparation', as far as info/evidence could be availed;**
 - **approach helps to investigate/deal with/mend serious breaches/grievances/contests in sustainable way;**

8. The Role of Regions in the Implementation of TJ

- **Delineating the role of regions: very critical for effective TJ process, creating harmonious working relationship;**
- **States shall have significant role in national TJ Process; two forms;**
 - **helping national institutions on TJ;**
 - **Implement own process on some aspect of TJ guided by national policy;**
- **A. Support Role**
 - **Identify/inform traditional conflict resolution systems that can help national TJ process;**
 - **Identifying victims, assisting the process financially, and in other ways, incl. reparation;**
 - **Assist in rehabilitation of victims, creation of employment opportunities;**
 - **Identifying/present places when erecting a memorial/monument is found to be necessary;**
 - **Gathering, organizing and presenting info/ evidence useful for national TJ process;**

8. The Role of Regions in the Implementation of TJ

- Handing over of persons involved in a crime; reporting about offenders; work in synergy to ensure justice;
- Organize forms, ensure safety of inst.s involved in TJ implem.n;
- facilitate regional institutional reforms per guidance of policy;
- engage in sensitization works to boost public confidence in TJ;
- engage in activities that strengthen people's solidarity, participation;

B. In respect of matters, violations, conflicts not covered by national TJ Process, states shall implement the following on their own

- Implement reconciliation/reparations schemes 'not covered by national TJ' - compatibly with principles/req. under policy;
- Conduct truth-seeking/publicizing/recognition works based on same principles (mainly re: non grave viol.n/serious crimes)
- Public apology for violations/crimes committed;
- Formulate/implem. restitution, rehabilitation, commemoration, memorial schemes for victims;
- Carry out appropriate reforms on regional laws/insti.s per req.s indicated under policy;
- Identify/recognize trad. justice systems to be involved in TJ - compatibly with policy principles; regulate procedures by law;

9. The Role of Traditional Justice Mechanisms in TJ

- **Several traditional/religious conflict resolution mechanism in place in Eth.;**
 - **dispense justice based on truth/forgiveness, resolve conflicts (community/indiv.), mend fractures, estab. peace;**
- **Hence, critical to identify local/national role, and use same as appropriate by filling their gaps;**
- **Policy:**
 - **TJM shall play role in truth finding, reconciliation, reparations, amnesty – in coordination with other TJ inst.s;**

9. The Role of Traditional Justice Mechanisms in TJ

Additional Policy Directions/Strategies

- will support national mech. on truth finding, bringing in perpetrators, reconciliation, reparation, public-public relations;
- Based on guidelines issued by Commission - handle matters not covered by national TC;
- Clear criteria to be est. for identifying TJM that can play a local/national role;
- TJM operate impartially, free from discriminations grounded on politics, race, religion, gender and other factors;
 - respect the participation/rights of women and children;

10. የባለ-ብዙ ዘርፍ ጉዳዮች (cross-cutting issues)

- የሽግግር ፍትህ ፖሊሲ እና ትግበራ ሂደት አንዱ ገዢ መርህ ተጋላጭ ለሆኑ የህብረተሰብ ክፍሎች ልዩ ትኩረት መስጠት ነው።
- የሽ/ፍ/ፖ እና ትግበራው ልዩ ትኩረት ለሚሹ (ሴቶች፣ ህጻናት፣ ወጣቶች፣ ጉዳተኞች፣ አረጋውያን፣ ተፈናቃዮች) ልዩ ፍላጎት/ጥቅም ትኩረት በሚሰጥ አግባብ ይከናወናሉ።
- ከተጋላጭ የህብ/ብ ክፍሎች አንጻር የሚከተሉት የፖሊሲ አቅጣጫዎች ተግባራዊ ይደረጋሉ፡-
 - ፖሊሲውን ለመተገበር የሚወሰዱ የህግ፣ የአሰራር፣ የአደረጃጀት እርምጃዎች የሴቶችን ትርጉም ያለው ተሳትፎ/ውሳኔ ሰጪነት/ተመጣጣኝ ውክልና ያረጋግጣሉ።
 - ትግበራው በማህበረሰቡ የቆዩ የተዛቡ የስርአተ-ጾታ አመለካከቶችን እና ተጋላጭነታቸውን በዘላቂነት ለመቀነስ በሚያስችል አግባብ ይከናወናል፤
 - የምርመራ/ክስ ሂደቶች ለጾታዊ ጥቃት ሰለባ ሴቶች ለዳግም ጉዳት የማያጋልጡ፣ የስነልቦና/የምክር ድጋፍ የሚያቀርቡ፣ የማገገሚያ አገልግሎት ያካተቱ ይሆናል።
 - የምርመራ/ክስ፣ እውነት የማፈላለግ/የእርቅ ስራ ሂደቶች የሴቶችን የባህል/የእምነት ልዩነቶች፣ የማህ/ብን ተጽእኖ አደጋ በማየት ምቹ ሁኔታን ይፈጥራሉ።
 - በክስ/ምርመራ ወቅት የሚተገበሩ የሥነ-ሥርዓት/የማስረጃ ህጎች ጾታዊ ጥቃት የፈጸሙ አጥፊዎች ተጠያቂነትን ማረጋገጥ በሚያስችሉ መልኩ ይተገበራሉ፤
 - የእውነት ማወጣት ሂደቱ ጾታን መሰረት ላደረጉ ጥቃቶች ልዩ ትኩረት ይሰጣል፤ የጥቃቶችን ተከታታይነት (pattern) በማጥናት ምክንያቶቹ ይፋ ያወጣል።
 - የእውነት ማወጣት ሂደቱ በአገር ውስጥ ተፈናቃዮች/ሌሎች ተጋላጭ የህብ/ብ ክፍሎች ላይ የተፈጸሙ የሰብዓዊ መብት ጥሰቶችን ባካተተ መልኩ ይተገበራል፤

10. የባለ-ባለ ዘርፍ ጉዳዮች (cross-cutting issues)

- በሽግግር ፍትህ ትግበራ ላይ የሚተላለፉ የግህ/ብ ግንዛቤ ትምህርቶች ለሴቶች እና ልጃገረዶች ተደራሽ መሆናቸውን በሚያረጋግጥ መልኩ ይከናወናሉ፤
- ህጻናትን በተመለከተ ሂደቱ በህገ-መንግስቱ እና በአለምአቀፍ የሰብአዊ መብቶች ሰነዶች ላይ በተቀመጡ መብቶች መሰረት ይተገበራል፤
- የወንጀል ተጠያቂ ህጻናትን በመለየት ሂደት፣ እንዲሁም በምርመራ፣ ክስ፣ ክርክር እና ውሳኔ አሰጣጥ ለህጻናት ተገቢው ትኩረት ይሰጣል፤ ጥንቃቄም ይደረጋል፤
- ትግበራው የወጣቶችን ትርጉም ያለው ተሳትፎ ሳይሆን መልኩ ይከናወናል፤
- ለአካል ጉዳተኞች እና ለአረጋውያን ተደራሽ እንዲሁም አካታች የሆኑ አሰራሮችን ያካተተ ይሆናል።

ክፍል ሦስት - የመንግሥት እና የባለድርሻ አካላት ሚና እና የክትትል እና ድጋፍ ስርዓት

1) የመንግሥት አካላት እና ባለድርሻ አካላት ሚና

- በፖሊሲው መሰረት የሽግግር ፍትህ ስራዎችን ተግባራዊ የሚያደርጉ ተቋማት በርከት ያሉ ናቸው።
- እነዚህ ተቋማት እንዲቋቋሙ ሁኔታዎችን ማመቻቸት፣ ስራቸውን እስኪጀምሩ ድረስ ድጋፍ የሚያደርጉ ተቋማት ተግባር በዚህ ፖሊሲ ላይ በግልፅ ሊመላከት ይገባል።
- በሌላ በኩል በፖሊሲው ተቋቋመው ስራዎች የሚሰሩ ተቋማት በመካከላቸው የሚኖረውን ቅንጅት የሚመራ መዋቅር እና ድጋፍ የሚያደርጉ ተቋማት ያስፈልጋሉ።

የመንግሥት አካላት ሚና

ሀ) የፍትህ ሚኒስቴር

- የሽ/ፍ ሂደቱ ውጤታማ በሆነ መንገድ እንዲፈፀም የሚያስችሉ ምቹ ሁኔታዎችን ከመፍጠር አንጻር የበኩሉን ሚና እንዲጫወት ይደረጋል።
- ፖሊሲው ተግባራዊ እንዲሆን በማመቻቸት እና በሽግግር ፍትህ ሂደቱ ተግባራትን የሚያከናውኑ አካላትን በመደገፍ የዋና አስተባባሪነት ሚና ይኖረዋል።
- እንዲቋቋሙ የተመለከቱ ተቋማት ማቋቋሚያ የሕግ ማዕቀፍ ያዘጋጃል፤ ለሚመለከተው አካል ያቀርባል፤
- የሚቋቋሙ ተቋማት ራሳቸውን ችለው ስራ እስኪጀምሩ ድረስ የውስጥ አሰራር ደንቦችን/መመሪያዎችን ያዘጋጃል፤ ተገቢው ድጋፍ ያደርጋል፤
- በተለያዩ የሽግግር ፍትህ ተቋማት እና አካላት መካከል ቅንጅታዊ አሰራር እንዲኖር ያደርጋል፤ አጠቃላይ የሽግግር ፍትህ አፈፃፀምን ይከታተላል፤
- ይህን የሚያከናውን ከሚመለከታቸው ተቋማት እና ሲቪል ማህ/ብ ተወካዮች የተውጣጡ አባላት ያሉት አደረጃጀት ይመሰርታል፤

ክፍል ሦስት - የመንግሥት እና የባለድርሻ አካላት ሚና እና የክትትል እና ድጋፍ ስርዓት

ለ) የገንዘብ ሚኒስቴር

- በሀገርአቀፍ ደረጃ የሽግግር ፍትህ ስርዓትን ተግባራዊ ለማድረግ የሚያስችል በቂ በጀት ይመድባል፤
- በፈፃሚ ተቋማት ማቋቋሚያ ህግ ላይ በሚመለከተው አግባብ በጀት ጥቅም ላይ የሚውልበትን ልዩ አሰራር ያሳልጣል፤
- ከአለምአቀፍ/ሀገር አቀፍ አጋር አካላት ጋር በቅርበት ይሰራል፤ ሁለት ያሰባሰባል፤ የሚገኘውን ድጋፍ ማስተዳደር እና መጠቀም የሚቻልበትን ሁኔታ ያመቻቻል።

ሐ) የመንግሥት ግዢና ንብረት ባለስልጣን

- የሽግግር ፍትህ ተቋማት ተግባር እንዲሁም የተልዕኳቸውን አስቸኳይነት እና ልዩ ባህርይ ግምት ውስጥ በማስገባት ስራቸውን ለማሳለጥ የሚያስችል የግዢ አፈፃፀም እና የንብረት አወጋገድ ስርዓት እንዲኖራቸው ያደርጋል/ያግዛል፤
- በተቋማት ማቋቋሚያ ህግ ላይ በሚመለከተው አግባብ የግዢ ስራዎች የሚፈፀሙበት ልዩ አሰራር ዝግጅት እና አፈፃፀም ያሳልጣል።

መ) ሲቪል ሰርቪስ ኮሚሽን

- የሽግግር ፍትህ ተቋማት በማቋቋሚያ ህግ ላይ በሚመለከተው አግባብ የተልዕኳቸውን ልዩ ባህርይ ግምት ውስጥ ያስገባ አደረጃጀት እንዲኖራቸው እገዛ ማድረግ፤
- ተቋማት የተሻለ እውቀት/ክህሎት ያላቸው ባለሙያዎችን ለመቅጠር/ለመመደብ የሚያስችል የደመወዝ እና የጥቅማጥቅም ማዕቀፍ እንዲኖር እገዛ ማድረግ፤

ክፍል ሦስት - የመንግሥት እና የባለድርሻ አካላት ሚና እና የክትትል እና ድጋፍ ስርዓት

ሠ) የሲቪል ማህበረሰብ ድርጅቶች ባለስልጣን

- የሲቪል ማህ/ብ ድርጅቶች ማህበረሰቡን በሽግግር ፍትህ ጉዳይ የማሳወቅ እና የማንቃት ስራ እንዲሰሩ ማስተባበር፤
- የሲቪል ማህበረሰብ ድርጅቶች የሚወክሉት የህብረተሰብ ክፍል በሽግግር ፍትህ ስርዓት አተገባበር ሂደት በንቃት ይሳተፉ ዘንድ እንዲያበረታቱ ማድረግ፤
- በሽግግር ፍትህ አተገባበር የቴክኒክ እና የፋይናንስ ድጋፍ እንዲያደርጉ ማስተባበር።

ረ) የፌዴራል እና የክልል ፖሊስ ኮሚሽኖች

- የሚቋቋሙ ተቋማት ወይም አደረጃጀቶች ስራቸውን በሚያከናውኑበት ጊዜ የሰላም እና የፀጥታ ችግር እንዳይገጥማቸው አስፈላጊውን እገዛ ማድረግ፤
- የሽግግር ፍትህ ስርዓት የተለያዩ ክፍሎችን ተግባራዊ ለማድረግ በልዩ ሁኔታ ጥበቃ ማድረግ አስፈላጊ ሆኖ ሲገኝ ይህን ማከናወን።

ሰ) የሕዝብ ተወካዮች ምክር ቤት

- የተለያዩ የሽግግር ፍትህ ስልቶችን ተግባራዊ ለማድረግ የሚያስችሉ ሕጎችን ቅድሚያ እና ትኩረት በመስጠት ያፀድቃል፤
- የሚቋቋሙ ተቋማት ኮምሽነሮች እና ዳኞች ሹመት ግልፅ በሆነ እና የህዝብን ተሳትፎ በሚያረጋግጥ ሂደት እንዲከናወን ያደርጋል፤
- የሽግግር ፍትህ አጠቃላይ ስርአት የህዝብን አመኔታን ባረጋገጠ መንገድ፣ በታቀደው አግባብ እየተተገበረ ስለመሆኑ ክትትል ያደርጋል፣ በጀት ያፀድቃል፤

ሸ) የፌዴራል ጠቅላይ ፍርድ ቤት

- ለሚቋቋመው ልዩ ፍርድ ቤት ምቹ የስራ ቦታ፣ የአሰራር ሥርዓት እና የተሻለ የሰው ሀይል እንዲኖረው አስፈላጊውን ድጋፍ ያደርጋል፤
- በልዩ ፍርድ ቤት እና በመደበኛ ፍርድ ቤቶች መካከል ልምድ ለማጋራት የሚያስችል ትብብር እንዲፈጠር ያደርጋል፤

2) የሲቪል ማህበረሰብ ድርጅቶች ሚና

- ሁሉም የህብ/ብ ክፍሎች ስለ ሽግግር ፍትህ ሥርዓት/ሂደት ግንዛቤ እንዲኖራቸው የማስገንዘብ፣ አገራዊ ንቅናቄ በመፍጠር በባለቤትነት ሰሜት እንዲሳተፍ ይሰራሉ።
- በአተገባበር ወቅትም በቀጥታ እንዲሳተፉ፣ ሂደቱን እንዲደግፉ እና እንደአግባብነቱም የሂደቱን ውሳኔ ክፍሎች በሙሉ ሀላፊነት የሚያስፈጸሙበት አውድ ይፈጠራል።
- ዓለማቀፍ የሲቪል ማህበረሰብ ድርጅቶችም እንደአግባብነቱ
 - ከሀገርአቀፍ ድርጅቶች ጋር በመቀናጀት ወይም በተናጠል
 - የህዝብ ባለቤትነት እና የአገር መሪነት መርህን በሚያከብር አውድ
 - በሂደቱ ትግበራ የሚሳተፉበት ስርአት ይዘረጋል፤
 - ስርአቱን በፋይናንስ፣ በቴክኒክ እና ሌሎች መንገዶች የሚደግፉበት አሰራር ይመሰረታል።

3) የፖሊሲው አፈፃፀም፣ ክትትል እና ድጋፍ ሥርዓት

- ይህ የሽግግር ፍትህ ፖሊሲ በሚፈለገው አግባብ ተግባራዊ እንዲሆን ራሱን የቻለ የክትትል እና ድጋፍ ስርዓት ሊኖረው ይገባል።
- በፖሊሲው የተመለከቱ ተቋማት ስራቸውን እስኪጀምሩ ድረስ፣ እንዲሁም ስራቸውን ከጀመሩ በኋላ ውጤታማ ሆነው እንዲቀጥሉ ለማድረግ የተቀናጀ እና የተናበበ ድጋፍ እና ክትትል የሚካሄድበት ስርዓት መኖር አለበት።
- ለፍትህ ሚኒስቴር የተሰጠው ቅንጅታዊ አሰራር የመመሰረት/የባለ-ብዙ ተቋማት እና ሲቪል ማህበረሰብ ድርጅቶች አደረጃጀት እንደተጠበቀ ሆኖ።
 - ፖሊሲው ወደ መሬት ወርዶ ተግባራዊ የሚሆንበትን ዝርዝር አካሄድ የሚመራ ‘የፖሊሲ አፈፃፀም ፍኖተ ካርታ’ ይዘጋጃል።
 - ፍኖተ ካርታው ፖሊሲው ከጸደቀ በኋላ የሚከናወኑ ተግባራት በዝርዝር ምን ምን እንደሆኑ፣ መቼ እንደሚከናወኑ፣ ማን እንደሚያከናውናቸው እና በዚህ ፖሊሲ ላይ የተመለከቱ አካላት ተግባር እና ኃላፊነት ምን እንደሆነ የሚያመለክት ይሆናል።
 - የፍትህ ሚኒስቴር የሚያቋቁመው የክትትል አደረጃጀት ይህን ፖሊሲ እና ፍኖተ ካርታውን መነሻ በማድረግ የየተቋማቱ ተግባራት በአግባቡ እና ቅንጅታዊ አሰራርን መሰረት በማድረግ ይፈፀሙ ዘንድ በቋሚነት የክትትል እና ድጋፍ ስራ የሚሰራ ይሆናል።