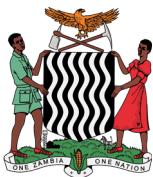


MINIMUM STANDARD GUIDELINES

ON PROTECTION OF VICTIMS OF HUMAN TRAFFICKING



ZAMBIA



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**Prepared by
The United Nations Joint Programme on Human Trafficking
Zambia**

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FOREWORD

Human trafficking is a growing and complex problem throughout the world, and Zambia has not been spared from this scourge. Part of an effective strategy to combat trafficking is protection and assistance to victims of trafficking. The Government of the Republic of Zambia, in particular the Ministry of Community Development, Mother and Child Health, is mandated to provide victim assistance and monitor service provision for victims of trafficking to ensure their welfare.

The Government working in collaboration with UN agencies (International Organization for Migration, International Labour Organization and UNICEF) is firmly committed to the promotion, protection and realization of the rights of each and every victim of human trafficking. I therefore wish to reaffirm Government's obligation to support victims of human trafficking through the adoption of these Minimum Standard Guidelines on Protection of Victims of Human Trafficking. The basic principle of these Guidelines is to provide guidance on the role of Service Providers in operationalizing the Anti-Human Trafficking Act No. 11 of 2008 and the Policy to Combating Trafficking in Persons by protecting victims of human trafficking through effective support service provision.

To show our commitment to the protection of victims of human trafficking, the Government will ensure that these Guidelines are available in care facilities and are used consistently for management of victims of human trafficking. Service Providers are also expected to use the Guidelines to familiarize themselves with their roles and responsibilities to ensure that victims receive all the necessary services.

In order to fulfill the Government's vision of eliminating all forms of child labour, forced labour and human trafficking and to protect victims from these vices, there is need for a holistic approach and concerted efforts from all stakeholders and Service Providers. Effective protection requires a broad range of legal and non-legal measures implemented in close cooperation with governmental and non-governmental organizations (NGOs).

I therefore call upon all key players including Government Institutions, Cooperating Partners, NGOs and Civil Society Organizations providing services to victims of trafficking to play their parts. I look forward to their continued partnership in ensuring that these Guidelines are used for the benefit of all victims of human trafficking.

Honourable Dr. Joseph Katema, MP
Minister of Community Development, Mother and Child Health

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GLOSSARY

NOTE: All terms/definitions in the glossary are cited from the Anti-Human Trafficking Act No. 11 of 2008, or the Toolkit for Civil Society Organizations on the Operationalisation of the Zambian Anti-Human Trafficking Act No. 11 of 2008, unless otherwise referenced. All terms/definitions may be defined differently in other documents.

Abuse of vulnerability: Refers to any situation in which a person has no real and acceptable alternative but to submit to exploitation. This is to acknowledge that many trafficked persons are under the influence to whom they are vulnerable; for example a person holding a position of official authority or a parent or a spouse. A vulnerable person can include (but is not limited to) any person who is in the country illegally or without proper documents; a pregnant person; a person with a disability; a person who is addicted to a drug or other substance; or a person with reduced capacity to form judgements by virtue of being a child.

Beneficiary: A person identified as a Victim of Trafficking (VoT), who has been referred to the relevant authorities for assistance.

Care Plan: An individual plan for each VoT, which documents the services needed for their full reintegration, and how those services will be provided.

Case Manager from the Department of Social Welfare: The official appointed by the ministry responsible for social welfare,¹ which manages a VoT's case and appoints a legal guardian, when necessary.

Case Manager within Shelter: The staff member appointed by the supervisor of the shelter, who manages the VoT's care from arrival to the shelter, usually until her/his reintegration.

A NOTE ON TERMINOLOGY

Throughout these Guidelines, the term "Victim of Trafficking" is used to maintain consistency with the terms used in Zambia's Anti-Human Trafficking Act No. 11. However, despite being a victim of crime, it is noted that this terminology could be considered disempowering. Service Providers are instead encouraged to use terminology such as "Beneficiary", "Trafficked Person" or VoT.

Centre for Victims:² A place where VoTs can get temporary accommodation and be temporarily stationed. Reference to cases in which accommodation would be needed is made under sections 42 and 43 of the Act.

Child Labour: Includes all forms of slavery or practices similar to slavery such as: (a) The sale of a child; (b) trafficking of a child for the purpose of engaging the child in work away from home and from the care of the child's family, in circumstances within which the child is exploited; (c) debt bondage or any other form of bonded labour; (d) serfdom; and (e) forced or compulsory labour, including forced or compulsory recruitment of a child for use in armed conflict.

Child/Child VoT: A person under the age of 18 years.

Coercion: Violent psychological coercion and other forms of non-violent psychological coercion such as a threat of serious harm to a person or another person; any scheme, plan or pattern; or threats to misuse, or the actual misuse of the legal process.

Counter-Trafficking: The act of addressing trafficking.

Debt Bondage: A person forced to work because their services have been promised as a surety for a debt. The services can be promised by the person doing the work or by another person. This definition applies where the debt is one which is obviously too high; where the value of the services on reasonable assessment is not used to pay the debt or alleged debt; or where the length and nature of service are undefined or unrestricted.

Direct Assistance: A range of activities and services for VoTs with the goal of helping them re-establish their overall physical, psychological, mental and social well-being.

Direct Assistance Partners: All Service Providers or agencies who are involved in a VoT's case or care.

Exploitation: The act of taking advantage of something or someone for one's own benefit. According to the Anti-Human Trafficking Act, this includes: Practices such as slavery and actions similar to slavery, debt bondage or forced marriage, sexual exploitation, servitude, forced labour, child labour, and removal of body parts contrary to the 1962 Human Tissues Act, Chapter 306 of the Laws of Zambia.

Forced Labour: Labour undertaken against the will of the labourer, either as a result of threats, physical violence, intimidation or physical detention.

Guardian: In relation to a child, includes any person who has for the time being the charge of or control over the child.

Human Trafficking: See “Trafficking”.

Immigration Officer: has the responsibility to facilitate and control movements of persons at the border and regulate the stay of foreigners in the country.³

Interviews with VoTs: All interviews conducted by Service Providers, including screening done by shelter staff, Case Managers from Department of Social Welfare, Police, or other relevant officials who have the authority to conduct such interviews, to provide Service Providers with relevant information about the VoT.

Labour Inspector: Appointed under the Employment Act, No. 15 of 1997 (and its 2006 Amendment).

Legal Practitioner: A person who has been admitted to practice as an advocate under the provisions of the Anti-Human Trafficking Act, and whose name is entered on the list of practitioners that is kept in accordance with the provisions of the same Act.

Medical Practitioner: A person qualified to practice medicine and registered by the Medical Council of Zambia.

Parent: A biological parent, adoptive parent or a guardian.

Psychosocial Counselling: Psychosocial care and support are interventions and methods that enhance a person’s ability to cope in his or her own context and to achieve personal and social well-being. The specific objectives of psychosocial support programmes are to reduce the impact that stress and emotional distress have on individuals and to strengthen individual and community-coping mechanisms and healing processes.⁴

Police Officer: A person who is a member of the Zambia Police Service.

Practices similar to Slavery: Debt bondage, servitude, forced labour, institutionalized forced marriage on payment to parents or guardians, widow inheritance,⁵ or delivery of children to third parties by a parent or guardian so that the child is exploited.

Protocol: The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This Protocol is supplementary to the United Nations Convention on Transnational Organized Crime, which is administered by the United Nations' Office on Drugs and Crime.

Public Officer: A civil servant.

Public Service: The civil service.

(Re)integration: Reintegration or integration of VoTs is focused on reuniting the VoT with her/his family or community, or integrating the person into a new community in a safe, dignified and sustainable way. Beyond the physical act of returning (repatriation or resettlement – see below), it involves unification with the VoT's social environment and is intended as a long-term socio-economic solution to let the VoT be reinserted into society and a normalized life, and to minimise the risk of the person being retrafficked.

Repatriation:⁶ Repatriation of VoTs is focused on returning a VoT to her/his country of nationality under specific conditions laid down in various international instruments,⁷ and with due regard to her/his safety. The option of repatriation is decided upon by the VoT personally, or her/his guardian in the case of child VoTs.

Resettlement:⁸ Resettlement of VoTs is focused on the relocation and integration of the individual into another geographical area and environment, usually in a third country. This term generally covers the part of the process from identifying the VoT to placement of her/him in a community in the resettlement country.

Risk Assessment: The process of identifying and assessing the risks associated with a given situation or event.⁹

Serfdom: The condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his or her status.¹⁰

Service Providers: Those organizations providing substantive services to VoTs, including trained, specialized psychosocial support, shelter, medical care or legal services. Service Providers may include governmental and non-governmental organizations (international and local).

Servitude: Forcing someone to perform labour or provide services, because they believe that if they do not, they or someone else will suffer serious harm.

Sexual Exploitation: Forcing someone into prostitution or other sexual acts through coercion, intimidation and other non-voluntary methods.

Shelter: See “Centre for Victims”.

Slavery: Having ownership of a person so that the person is regarded as property.

Smuggling: Facilitating the entry of a person, who is not a citizen or permanent resident, into a country in exchange for payment.

Social Services: All services offered to VoTs and other groups in need for their protection, development and recovery.

Trafficking:¹¹ The act of recruiting, transporting, transferring, harbouring or receiving a person within or across a Zambian border by means of abduction, threats, coercion, fraud or deception, by destroying or denying access to identity or travel documents, by threatening to abuse the legal system or some other form of power, or by giving or receiving payments to achieve consent, for the purpose of exploitation.

Victim of Trafficking (VoT)/Trafficked Person: A person who has been exploited and has suffered loss of fundamental rights and psychological or physical harm as a result of being trafficked.

Welfare Officer: A Social Welfare Officer from the ministry responsible for social welfare.

TRAFFICKING versus SMUGGLING

Human trafficking is the recruitment, transportation, transferring, harboring or receiving of a person by means of force, fraud or deception for purposes of exploitation. A victim need not be physically transported from one location to another in order for the crime to fall within the definition of human trafficking.

Trafficking is a criminal offence in Zambia, and is punishable by 15 to 35 years in prison, or a lifetime sentence if the victim is sexually exploited or dies.

Smuggling occurs when a person wishing to migrate to another country pays someone else to assist them to illegally cross a border. The relationship between the smuggler and smuggled person ends upon crossing the border.

Remember! - Human trafficking is a violation of human rights. Smuggling is an organised, illegal border crossing.

BACKGROUND

This document is the Minimum Standard Guidelines on protection of Victims of Trafficking (VoTs). The Guidelines are meant to be used as a quick guide by Service Providers when operationalizing the provisions of Zambia's Anti-Human Trafficking Act No. 11 of 2008.

HUMAN TRAFFICKING

Human trafficking is a global problem. This crime, often referred to as 'modern day slavery', involves especially women and children, who are forced, defrauded or coerced into labour or sexual exploitation in particular, in most cases for very little or no pay at all. Human trafficking violates fundamental human rights and freedoms including freedom from slavery, servitude and forced labour. Notwithstanding the prevalence of anti-human trafficking control measures, many traffickers escape unpunished. This is attributable to the lack of effective laws and/or resources to identify, investigate and convict perpetrators.

Zambia has recorded cases in which particularly women and children have been trafficked from, through and to the country for the purpose of labour or sexual exploitation.

ZAMBIA'S NATIONAL POLICY TO COMBAT HUMAN TRAFFICKING

As a step towards fighting the scourge of Human Trafficking in Zambia, in 2005, the Government of the Republic of Zambia ratified the *United Nations Convention against Transnational Organized Crime* and its *Protocol against the Smuggling of Migrants by Land, Sea and Air*. Zambia further acceded to the optional *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. The latter is considered the principal international agreement governing State obligations with respect to human trafficking.

To domesticate the anti-trafficking Protocol's provisions, in 2005, the Zambian Parliament enacted the *Penal Code (Amendment) Act No. 15 of 2005*. Consequently, human trafficking was criminalized by section 143 of the Penal Code, which was a significant step forward. However, the amendment to the Penal Code did not include a definition of human trafficking, and this presented challenges for practical implementation. Furthermore, the Penal Code includes criminal offences rather than strategies for the prevention of crimes, protection of VoTs, coordination of the response and mutual legal assistance; all of which are required in comprehensive anti-human trafficking law.

In 2007, Zambia approved its *National Policy to Combat Human Trafficking*, reflecting government's commitment to comprehensively address the problem of human trafficking, consistent with the Protocol. The Policy provides long-term guidance and a framework for the development and implementation of comprehensive interventions in the areas of trafficking prevention, law enforcement, and VoT assistance, through a coordinated, multi-sectoral approach. Protection and care of VoTs through direct assistance is an important element towards combating trafficking.

The Policy's vision is to eradicate all forms of human trafficking from, through, to and within Zambia while providing adequate and appropriate protection and support to trafficked persons. Objectives of the Policy include:

1. **Prevention**: to reduce the incidence of human trafficking from, through, to and within Zambia through the effective implementation of prevention and control measures;
2. **Prosecution**: to detect, investigate and prosecute perpetrators of human trafficking and related offences, and to strengthen existing measures against organized crime;
3. **Protection**: to assist VoTs and to ensure that their human rights are protected;
4. **Multilateral Cooperation**: to actively promote greater international and regional cooperation to combat trafficking and protect the rights of VoTs;
5. **Institutional Capacity and Coordination**: to increase institutional capacity and coordination among stakeholders to more effectively plan, implement and monitor anti-trafficking interventions and to maximize use of available resources.

Within the Policy, a key element of protection for VoTs is the provision of shelter and other services. The Policy acknowledges that the ministry responsible for social welfare does not yet have a national programme in place to assist VoTs, nor does it operate any shelters in Zambia, and relies instead on accredited non-governmental Service Providers to provide safe shelter for VoTs under its care. The Policy provides an analysis of shelter and related services for VoTs in Zambia. It also provides guidance on the services that VoT shelters should provide, including basic material support (for example food and clothing); medical care; psychosocial counselling; legal advice; voluntary testing and counselling for HIV; family or community reintegration services; drug-rehabilitation; education and/or vocational training; and/or repatriation assistance.

ZAMBIA'S ANTI-HUMAN TRAFFICKING ACT OF 2008

To address the deficiencies under Section 143 of the Penal Code (Amendment) Act, the Anti-Human Trafficking Act No. 11 of 2008 was enacted. This comprehensive legal framework includes the following 14 provisions:

- I. Preliminary (Definitions)
- II. Provisions for the Prohibition of Human Trafficking
- III. Identification and Protection of Victims
- IV. Centres for Victims
- V. Forfeiture of Proceeds of Human Trafficking
- VI. Compensation (to victim and State)
- VII. Investigations
- VIII. Port and Border Controls
- IX. Deportation Orders
- X. Mutual Legal Assistance and Extradition
- XI. Prevention of Trafficking in Persons
- XII. Committee on Human Trafficking
- XIII. Human Trafficking Fund
- XIV. General Provisions

Below is a summary of Parts I-IV of the Act and the provisions which are specifically focused on the protection of VoTs.

I. Preliminary (Definitions)

This outlines terms and definitions which are essential to interpreting the Act. The Preliminary includes a definition for “centre for victims”, meaning a facility for the provision of temporary accommodation, as explained in sections 42 and 43 in Part IV of the Act.

II. Provisions for the Prohibition of Human Trafficking

This contains provisions prohibiting human trafficking and other acts or omissions that are related to human trafficking. For example, it is not a valid defence to prove that the VoT consented to the act constituting the offence; that the VoT was a prostitute or had any other sexual or criminal history; that a parent or guardian of a child VoT consented to the act constituting the offence; that the exploitation of the VoT did not occur; or that the act constituting the offence is a customary practice.

III. Identification and Protection of Victims

This provides for –

1. the empowerment of the minister responsible for social welfare to develop a screening mechanism to determine if persons travelling to Zambia from a country of origin or travelling from Zambia to a country of destination are VoTs (Section 23 (2));

2. the Director of Public Prosecutions to decide whether criminal proceedings should be instituted against a VoT for an offence committed as a direct result of the VoT being trafficked (Section 24);
3. the identity of a VoT to be kept confidential (Section 24 (4));
4. the prohibition of the summary deportation of a VoT (Section 32);
5. the repatriation of a VoT must consider, among other things, the safety of the VoT during the repatriation process; the safety of the VoT in the country to which the VoT is to be returned; and the risk of the VoT being re trafficked upon being returned (Section 36 (2)).

IV. Centres for Victims

This further provides for –

1. the establishment of centres for VoTs by the minister responsible for social welfare (Section 40);
2. for the prescription, by the minister, of norms and standards by which a centre for VoTs should comply (Section 41);
3. programmes which are to be offered by both centres for child and adult VoTs (Section 42 and 43);
4. the mandatory assessment, by a social worker, of a VoT admitted to a centre for the purpose of determining the risks to the safety and life of the VoT and the immediate and long term needs of the VoT (Section 44);
5. tracing the family of a VoT (Section 45); the rehabilitation of a VoT through mechanisms and programmes provided by the ministry responsible for social welfare for the rehabilitation of trafficked persons (Section 46);
6. provision of health care services to a VoT, equivalent to those extended to Zambian citizens (Section 47).

These Guidelines for Service Providers are intended to give guidance on the implementation of the provisions within the Policy and the Act that are relevant to the protection of VoTs, specifically Identification and Protection of Victims (Part III) and Centres for Victims (Part IV) and to outline measures for delivering quality direct assistance to trafficked persons.

THE UN JOINT PROGRAMME ON HUMAN TRAFFICKING

The International Labour Organization (ILO), International Organization for Migration (IOM) and United Nations Children's Fund (UNICEF) are supporting the Government of the Republic of Zambia in implementing its anti-trafficking Policy and Act through the United Nations Joint Programme on Human Trafficking (UNJPHT), which was initiated in 2008. The goal of the UNJPHT is to contribute to the protection of people, especially

women and children, from trafficking. To achieve this, the UNJPHT is supporting the implementation of the Policy and Act. To this end the agencies within the UNJPHT have worked across ministries and Service Providers to develop tools, guidelines and training materials towards the protection of VoTs. This includes materials for law enforcement, civil society organizations and now direct-assistance Service Providers.

The UNJPHT, in collaboration with IOM's Direct Assistance Programme, supports partnerships with organizations providing shelter and other services to VoTs. This is done through enhancing the response of organizations towards identification, improved protection and service provision to VoTs. With support from the Direct Assistance Programme, the UNJPHT has already undertaken a mapping exercise to identify shelters in Zambia that are adequate to respond to the needs of VoTs, while also identifying shelters that have structural or other capacity impediments that could benefit from additional support. These efforts, in tandem with these Guidelines, are fundamental to the implementation and operationalisation of both the Policy and the Act in order to improve direct assistance and protection to VoTs.

PURPOSE OF THE GUIDELINES

It is widely acknowledged, through various forums, that there is currently a lack of adequate government-run shelters in Zambia. During a National Symposium on Human Trafficking, held in February 2011, Zambia attempted to address these challenges and identified provision of shelter and capacity building of Service Providers as a national priority for 2011. The 2011 US Department of State Trafficking in Persons Report noted that Zambia does not fully comply with the minimum standards for the elimination of trafficking, although it is making significant efforts to do so. In particular, the report pointed out that government-provided protection for VoTs remains weak, citing lack of shelters, and detainment of VoTs in jails alongside trafficking offenders as some of the shortcomings. As the ministry responsible for social welfare is not in a position to provide for this in the short term, it was proposed to undertake a mapping of shelter providers to select shelters that government can partner with for service provision. The mapping exercise was undertaken and the findings noted that while potential partner shelters exist, there are gaps which must be addressed. These guidelines aim to fill some of these gaps by providing Zambian Service Providers with reference material, outlining the relevant provisions of the Anti-Human Trafficking Act and its implications for direct assistance to trafficked persons.

These Guidelines are part of a wider programme to operationalize the Anti-Human Trafficking Act, intended to provide the basis for a Statutory Instrument, as outlined in Part IV of the Act, for endorsement by government.

THE GUIDELINES

These Guidelines for service delivery to VoTs are to be observed from the point of identification of a potential VoT to the point at which a VoT is reintegrated into society. Note that the Guidelines set out *minimum* standards rather than best practices. If there are limited human and financial resources and time available, priority should be to beneficiaries' immediate basic needs, which may include security and health issues. However, if possible, all Service Providers in Zambia are encouraged to adhere to these standards and related procedures.

FUNDAMENTAL PRINCIPLES FOR SERVICE DELIVERY¹²

VoT service delivery should be based on the fundamental principles outlined below:

Best Interest of the VoT

- The best interest of the VoT will be paramount at all stages of service delivery and care.
- Protection and assistance to VoTs is to be based on individualised Care Plans.

Consent

- All services are provided only with the full and informed consent of the VoT.
- VoTs have the right to full participation at all stages of service delivery and care, if necessary through an interpreter.
- Participation in assistance programmes will be on a voluntary basis only, at the free and informed will of the VoT.
- With the exception of instances where the safety of the VoT or another person is involved, Service Providers are not permitted to disclose information relating to the VoT without her/his consent.

Respect for Rights

- VoTs are to be afforded respect of human and child rights, based on international conventions, at all times.
- VoTs are to be afforded non-discrimination by Service Providers based on gender, race, nationality, ethnicity, age, religion, level of education, psychosocial situation, sexual orientation or other factors.
- All assistance provided will reflect both national and international standards and guidance set out in Zambia's Policy and Act on Human Trafficking, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Principles and Guidelines on Human Rights and Human Traf-

ficking of the UN High Commissioner for Human Rights; the UN Convention on the Rights of the Child; and IOM's Direct Assistance Handbook and Counter Trafficking Training Modules.

- VoTs should not be held in detention facilities such as prisons and police cells, where alternative shelter services can be provided.

Confidentiality, Safety and Security

- The safety and protection of VoTs and Service Providers is of paramount concern at all times.
- Shelters are to provide a safe and secure temporary living environment for VoTs.
- Measures should be taken to ensure that the working environment for shelter staff is safe and secure.
- VoTs should have the guarantee that data shared through the course of their care is treated with the strictest confidentiality.
- Service delivery is to be carried out in a manner that prevents further harm and enables maximum recovery of VoTs.

Quality Assurance

- Service provision is to be carried out by trained and experienced professional Service Providers.
- A dedicated Case Manager is to be assigned for each VoT.
- For all parties, service provision is to be conducted in a collaborative, interdisciplinary manner to provide comprehensive care for VoTs.
- Service Providers are to operate effectively and efficiently within counter-trafficking victim assistance and protection frameworks, as detailed above.

ROLE OF SERVICE PROVIDERS

Service Providers play a key role in operationalizing the Policy and Act to ensure the protection of VoTs. The Act specifically notes that upon substantiation of a trafficking report, a VoT should be referred to a designated social worker (if the VoT is a child) or to a centre for adult VoTs (if the VoT is an adult)¹³ for direct assistance. Time is always of the essence, whether it is to address immediate medical or safety needs. Generally, direct assistance for trafficked persons is provided in phases: Identification; Shelter and Recovery; Voluntary Return or Resettlement and Reintegration (often referred to as Sustainable/Durable Solutions). The 19 specific steps within these phases are elaborated in the sections that follow.

I. VoT IDENTIFICATION AND INTERVIEWING¹⁴

Legal provision: Part I, Section 2 and Part III, Section 22 of the Act.

Standard: The purpose of the identification process is to determine if a person is a VoT, based on the definition of ‘traffic’ and ‘victim’ in the Act. The safety and security of VoTs may be at risk, and they often have physical, medical and psychosocial needs that require urgent attention. Therefore, adequate, accurate and timely identification is essential to ensure the person’s needs are met.¹⁵

Procedures:

Identifying VoTs:

1. Proper identification of VoTs is important because they are often mistaken for irregular migrants, which puts them at risk of being placed in detention facilities.¹⁶
2. The identification process is to be conducted in a manner that is in a potential VoT’s best interests.
3. Before interviewing a potential VoT, due consideration should be given to the indications of trafficking in relation to the circumstances in which the person is found (see Guiding Principles in the Act (Part III, Section 22)).
4. VoTs should be treated in accordance with the international conventions to which Zambia is a signatory; with dignity, particularly respecting their consent and will for future assistance.
5. VoTs should have the opportunity to contact their trusted relatives to inform them that they are safe and that they are with persons who will help them. However, if such contact will compromise the safety of the VoTs or others, then contact should be delayed until it’s safe to do so.

TIME FOR REFLECTION

Always allow the trafficked person a period of reflection to stabilize from their experience, receive information on available options and make decisions. Service Providers should inform non-Zambians, irrespective of their status, of their right to remain in Zambia for a non-renewable period of 60 days, initially. This is not contingent on VoTs’ willingness to cooperate with the investigation of their cases (Part III, Section 33, of the Act).

Conducting Interviews:

1. Prior to the commencement of the interview, potential VoTs should be informed about the purpose and content of the interview.
2. Potential VoTs should be interviewed in a room that is safe, non-threatening and confidential.

3. Interviews should be conducted in a non-threatening, non-judgmental and respectful manner with due consideration for the trauma they may have experienced.
4. VoTs have the right, and should be given the opportunity, to speak in their native language,¹⁷ when possible, from the initial interview until full reintegration.
5. VoTs should give responses they are comfortable with. Avoid questions that relate to traumatic events, particularly regarding the specifics of the exploitation they faced, until adequate psychosocial services have been sought.
6. Unless absolutely necessary, VoTs should not be requested to re-count their trafficking experience, other than during counselling with a qualified psychosocial counsellor, as this may re-victimize them.
7. Ensure that paper copies of documents related to the interviews are kept in a safe, secure and confidential location and are part of the case file.

Special considerations for children:

1. Social service, health or education authorities, NGOs/civil society organizations shall contact the relevant law enforcement agency when they know or suspect that a child is exploited or trafficked or is at risk of exploitation or trafficking.¹⁸
2. Only specially trained authorities shall question child VoTs. Where possible by officers of the same sex, except when it is considered that this would not be in the best interests of the child.¹⁹
3. Interviews with children should take place in the presence of a parent or legal guardian/guardian appointed under the Act, where possible, so long as the parent/guardian is not involved in the trafficking. If that is not possible, a social worker or child psychologist should be present.
4. As soon as possible after a child VoT is identified, a guardian shall be appointed by the ministry responsible for social welfare to accompany the child throughout the entire process until a durable solution that is in her or his best interests has been identified and implemented.²⁰

2. INITIAL REFERRAL TO SHELTER AND OTHER SERVICES

Legal provision: Part III, Section 25 (3) (b) (i) and (ii) of the Act.

Standard: Should the first point of contact not be able to provide immediate, adequate and appropriate shelter or services, as authorized by the ministry responsible for social welfare, the VoT should be referred to an appropriate shelter, which is registered with the ministry responsible for social welfare.

Procedures:

1. Service Providers should maintain a Service Directory, which includes an up-to-date list of Service Providers and law enforcement agencies, who are trained in the response to human trafficking at the local, provincial, national, regional and international levels. This Service Directory will help to enhance cooperation and referral of VoTs and should form the basis of the Service Providers' referral mechanism.
2. Referring Service Providers should seek the VoT's informed consent, prior to doing so. During the referral process, the VoT should be notified in writing and verbally of her/his rights and of available services.
3. VoTs should be referred only to shelters which are licensed and registered with government. Child VoTs should be referred to shelters with an appropriate child-care licence, ideally approved by the ministry responsible for social welfare specifically for sheltering VoTs.
4. Referring Service Providers should take into consideration the safety and security needs, as well as the age and gender of VoTs, when determining the most appropriate place of shelter.
5. Due consideration should be given to confidentiality of data during the referral process. Information should be shared on a 'need-to-know basis' for the VoTs' and Service Providers' protection.
6. Upon referral to a shelter, the shelter manager must allocate a Case Manager to each VoT for coordination and follow up.
7. VoTs not in need of shelter services should be referred to their district²¹ Social Welfare Office for necessary assistance and case management. The ministry responsible for social welfare is to appoint a Case Manager to each non-sheltered VoT for coordination and follow up.
8. Service Providers must ensure that all referral decisions are documented in the case file, which should be kept in a secure and confidential location.

3. ARRIVAL/INTAKE

Standard: Every VoT, upon referral, should be welcomed by shelter staff/Service Provider and provided a dedicated room for conducting arrival formalities and needs assessment. This room will help ensure that formalities are conducted in a safe and confidential manner that respects the anonymity of the VoT.

Procedures:

1. Upon arrival at the shelter, VoTs should be informed of their rights in relation to care and services available to them (including respect for dignity, physical safety and protection, protection of privacy and identity, safe and adequate shelter and housing, physical and psychological health care and support, legal assistance, legislative protection, access to diplomatic and consular representatives and services, education, training and employment) as outlined in Part III and IV of the Act.
2. VoTs should be informed of the rules and regulations of the centre and they should sign a form indicating their agreement to these rules. The form is to be included in their case file and a copy given to the VoTs. The rules and regulations of a centre should be posted in a visible place within the shelter for everyone's benefit.
3. VoTs should be informed of their right to file a grievance/complaint regarding the services they are receiving.
4. Unless absolutely necessary, VoTs should not be requested to re-count their trafficking experience, other than during counselling with a qualified psychosocial counsellor, as this may re-victimize VoTs.
5. Immediately after a VoT consents/agrees with the rules (in the case of child VoTs, also by their legal guardian/guardian appointed under the Act), personal details and immediate needs of the VoT should be identified in the case file, including:

Personal details:

- background information (if available): Date and place of birth, gender, nationality, mother tongue and languages spoken, as well as special needs and considerations,
- risk assessment (in relation to the VoT and Service Provider) - (see Section 9),
- circumstances under which the VoT was identified,
- name of the interviewing person(s),
- name of Case Manager/person responsible for the case.

Needs:

- medical examination and treatment,
- psychosocial assessment and counselling,
- legal assessment, including immigration status (for non-Zambians),
- food and clothing,

- personal needs including personal hygiene provision for both female and male VoTs.
- 6. It is the responsibility of the shelter provider to establish if the in-shelter staff are able to deliver the necessary services to meet the VoT's needs, or if referral to external Service Providers is required.
- 7. Further assessment of medium and long-term needs may be conducted thereafter.
- 8. VoTs should be familiarized with the facilities at their disposal within the shelter.
- 9. When shelter staff receives additional information related to the VoT's case, staff should request the VoT's permission to share the information with relevant authorities. Moreover, any additional information about the VoT's case from external Service Providers/partners should be shared with the VoT. All information should be added to the case file.
- 10. As soon as possible after the VoT's arrival, shelter staff should inform/confirm arrival to the jurisdiction's Social Welfare Office, following the VoT's consent.
- 11. A VoT should not be sheltered against her/his will.
- 12. The shelter staff should ensure the highest level of conduct, including confidentiality of information related to them. Information is to be shared on a need-to-know basis only.

Special considerations for children:

In the case of child VoTs whose parents or legal guardians cannot be found, or when the latter are engaged in their trafficking, shelter staff should work with the Social Welfare Office to appoint a legal guardian.

4. SERVICE PROVIDER STAFF STANDARDS

Standard: Shelter staff should be trained professionals with no criminal background.

Procedures:

1. Shelter staff who are in direct contact with VoTs must undergo training on the protection of VoTs, including interviewing and risk assessment.
2. It is advisable that staff employed to work at the shelter, or for the Service Provider more broadly, even those who do not necessarily come into direct

contact with VoTs, will also undergo training about human trafficking and VoT assistance.

3. Shelters for VoTs should be able to provide the following qualified professional personnel, either directly or through a partner organization: Psychosocial counsellor, psychologist and/or psychiatrist; doctor; nurse; social worker; lawyer and/or legal expert.
4. Shelters that accommodate children and high-risk VoTs should have at least two qualified members of staff on duty per shift, 24 hours a day.
5. Staff should undergo police screening before being employed or seconded to work at a shelter that accommodates VoTs. Thereafter, screening should be re-conducted periodically;
6. All staff members should adhere to a signed shelter/Service Provider Code of Conduct, which ensures, at a minimum: Respect for human rights, confidentiality of data, security and protection of VoTs as a primary consideration as well as safety from physical, sexual or verbal abuse. It further assures that staff members will not exploit VoTs for personal gain.

5. NEEDS ASSESSMENT

Legal Provision: Part III, Section 44 of the Act.

Standard: Every effort should be made to provide VoTs with the necessary support services from competent institutions as quickly and safely as possible. When VoTs are admitted to a centre, trained shelter staff should assess the VoTs and offer adequate care and services to them.

Procedures:

1. The risks to the safety and life of a VoT should be assessed at the earliest possible time.
2. Where possible, one Case Manager should be assigned to the VoT at all times.
3. A needs assessment is to be conducted by the Case Manager upon the VoT's referral to, or arrival at, the place of safety. The needs assessment should detail the VoT's immediate basic needs, medium and long-term needs (see table next page).
4. The needs assessment should form the basis of the VoT's Care Plan and should be regularly revisited to address changes in the VoT's needs. The Care Plan should be part of the VoT's case file.

Needs of a VoT*		
Immediate Basic Needs	Medium-Term Needs	Long-Term Needs
Safety and Security Shelter Food, drink, clothing Health Care: Emergency medical treatment Legal Assistance: Regularization of stay ²²	Continuation of immediate needs Health Care: Ongoing medical care and psychological assistance Skills building and recreation Family tracing Legal Assistance	Continuation of immediate and medium-term needs Economic stabilization and independence Sustainable/Durable Solutions: Voluntary repatriation, resettlement or regularization of long-term stay or reintegration Legal Assistance: Court cases against perpetrators

* The list is indicative, and intended as guidance only.

6. CASE MANAGEMENT²³

6.1. PREPARATION OF A CARE PLAN

Standard: Every VoT must have an individual Care Plan which documents the services needed for their immediate care to their full reintegration, how those services will be provided, and by whom.

Procedures:

1. When the VoT is at a shelter, the Care Plan must be prepared by the shelter's Case Manager in collaboration with the VoT.
2. When the VoT is not sheltered, the Care Plan must be prepared by the Case Manager assigned by the ministry responsible for social welfare in collaboration with the VoT and direct assistance partners. In the case of child VoTs, the legal guardian should be involved as well.
3. The services outlined in the individual VoT's Care Plan will depend on the VoT's immediate needs and the resources available locally as well as in the shelter.
4. Decisions on a VoT's care involving the advice of various professionals (legal, psychosocial and medial) should be made collectively, keeping in mind the

best interest of the VoT. All decisions on the part of the VoT should be voluntary. If a situation arises where the advice of each professional is conflicting, the Case Manager should advise the VoT of the different opinions and discuss implications of one decision over another. The Case Manager can provide advice, make a recommendation to the VoT and should work with the VoT in making a final decision. In situations where the informed consent of the VoT is compromised, the Case Manager should make the decision. For children, the Case Manager and guardian should have an active role in making the decision.

5. The Care Plan should address and incorporate all services necessary for the VoT's full recovery and reintegration.
6. Care Plans should contain and document:
 - general information on the VoT,
 - objectives and indicators (for achieving these objectives), including timelines and expected results,
 - services recommended to and received by the VoT (in order to achieve the objectives),
 - specific details about how and by whom the necessary services will be provided, namely outlined responsibilities of different stakeholders,
 - contacts between the VoT and family,
 - the VoT's level of risk,
 - the VoT's health history,
 - psychosocial treatment received by the VoT,
 - education and/or vocational training received by the VoT,
 - legal support provided,
 - the VoT's signed request for or consent to share information with another Service Provider,
 - a plan for monitoring the VoT's progress.
7. Care Plans should be reviewed and updated regularly to reflect changes in the VoT's needs and additional available information.

6.2.VoT CASE FILES

Standard: Each VoT must have a case file, including all information relating to their case, given the likely involvement of a number of Service Providers. The Case file is to be maintained by the Case Manager and stored in a secure location.

Procedures:

1. Every VoT must have an individual, systematic, confidential case file.
2. A VoT must be informed about the existence of her/his file and should be given access to it, so long as this does not compromise the VoT's wellbeing or that of the Service Provider. If the VoT is a child, her/his guardian is to have access to the case file.
3. Sensitive information from law enforcement agencies that goes beyond the VoT, for instance if the VoT is part of a broader trafficking case, may be kept from the VoT.
4. The VoT file, including a VoT's general information and Care Plan can be shared with Service Providers involved in the assistance of the VoT for the purposes of providing an update or for incorporation of additional relevant information, only with the consent of the VoT and/or her/his guardian.
5. Reports of the VoTs must not include prejudgment by shelter staff or Case Managers. It is very important not to use language that is discriminatory towards the VoTs or that could put the VoT in danger.
6. Files should be kept in safe and secure locations such as locked cabinets.

7.ACCOMODATION/SHELTER FACILITIES²⁴

Legal Provision: Part III, Section 31 and Part IV, Sections 41 and 42 of the Act

Standard: Shelters which accommodate VoTs must meet all the basic living standards and fulfil, at a minimum, the basic needs of VoTs.

Procedures:

1. VoTs should be placed in safe and age-appropriate accommodation/shelter as soon as possible after their identification.
2. Every shelter provider should offer or arrange for the provision of the following by appropriate and qualified Service Providers:
 - a supportive and safe environment,
 - clothing,
 - nutrition,
 - sleeping/resting space, including,
 - sufficient space and light,
 - personal bed,
 - secure place to keep clothes and personal belongings,
 - space for preparing food/eating,
 - wash facilities and ablutions,

- medical examinations,
 - psychosocial counselling,
 - legal advice and services,
 - recreational space, including dedicated space for children,
 - educational or skills building opportunities,
 - special access for VoTs with special needs/disabilities.
3. The shelter should separate children and adults, except in the cases when children are with parents and/or guardians or siblings.
 4. Efforts should be made to house family members together (if safe, appropriate and in the best interests of the child).
 5. Shelters should maintain a secure perimeter with, where possible, 24-hour security provision.
 6. Detailed and clear emergency evacuation plans should be in place at shelters, in case of fire or security breach. VoTs must be familiarized with the emergency procedures upon arrival at the shelter (see below sections on risk assessment and safety & security).
 7. VoTs should never be placed in detention facilities.
 8. VoTs should have the right to voice (verbally or in writing) grievances about the services or case management they are receiving.

Special considerations for children:

1. Child VoTs should, where possible, be housed with other children of their own age and gender.
2. Service Providers providing shelter to minors should ensure that they apply for and receive the necessary authority to house the minor, in accordance with law.

8. RISK ASSESSMENT²⁵

Standard: Service Providers must conduct risk assessments and develop risk management plans to protect their staff and VoTs. Each procedure should be fully documented and treated confidentially and securely.

Procedures:

Providing assistance to VoTs carries risk, so every effort must be made to minimise threats through proper identification and assessment as follows:

Generic Risk Assessment Indicators:

1. The extent and impact of trafficking in Zambia.
2. Is Zambia a country of origin, transit or destination, or any combination thereof?
3. How many VoTs may be expected to seek the Service Provider's assistance?
4. The extent to which trafficking is controlled by organized criminal groups.
5. The known or estimated capacity of organized criminal groups to plan and implement reprisals against VoTs and/or Service Providers.
6. The capacity of the local law enforcement agencies;
7. The extent of endemic corruption.
8. The level of governmental commitment and support to combat human trafficking.

Continuous Review of Risk Assessment:

1. Every Service Provider must conduct risk assessments and have a risk management plan.
2. The risk assessment should be reviewed on a monthly basis. In the case of a high-risk VoT, assessments should be reviewed more often.

Assessment of Risks In Response To Specific Events:

The following is a sample of events that should be the subject of a risk assessment:

1. All escaped VoTs, irrespective of whether or not they have cooperated with law enforcement agencies, are at risk of reprisals from traffickers.
2. These risks are immediately magnified in those cases in which the VoTs cooperate with law enforcement agencies, because the VoTs pose a much higher risk to the liberty of the traffickers.
3. When a trafficker is aware that a VoT has or intends to cooperate with law enforcement officials, the risk levels are immediate and increased.

Risk Management Plans and Documentation:

Each risk assessment must be accompanied by a risk management plan designed to address the areas of assessed risk.

9. SAFETY AND SECURITY

Standard: The safety and security of VoTs and staff within shelters must be ensured at all times.

Procedures:

1. Ensuring the physical security of VoTs and Service Providers must always be a primary concern.
2. In case of a security threat to VoTs and/or staff, where possible, Service Providers should undertake prevention measures and manage actions in a timely manner.
3. When staff members identify and assess a security threat to a VoT or others in the shelter, they should immediately notify a senior member of staff, who is responsible for contacting the police and/or other relevant authorities.
4. The Case Manager should conduct a risk evaluation for each VoT. If the level of risk increases, the VoT should be referred to another appropriate shelter with adequate protection measures, including fences, doors, alarm, security guard and so forth, especially for high- or medium-risk VoTs.
5. If a VoT does not accept the support of and/or accommodation in a shelter, s/he should be made aware of the consequences and risks of staying outside the shelter. The VoT should be further advised on how to protect themselves and provided with strategies and points of contact in case they feel their security is compromised or they feel in danger.
6. VoTs should be advised about security measures in and out of the shelter.
7. Taking into consideration the dangers of trafficking, the shelter must be well-protected, allowing access only to individuals from trusted partner institutions.
8. VoTs should not have access to outside communication, including Internet and mobile phones, whilst under the care of a shelter provider. For security reasons, communication should be conducted only if in the best interests of the VoT, and with due consideration to the security of other VoTs and shelter staff, and under the supervision of the Case Manager/shelter manager.
9. On arrival at the shelter, VoTs' possessions that are considered to pose a threat to their own safety, or the safety of other shelter residents or staff, such as mobile phones, should be documented and safely stored. These possessions must be returned to the VoT upon leaving the shelter.
10. In order to ensure the safety of shelter residents and staff, unauthorized visitors to the shelter should be prohibited.
11. All possible measures should be taken to ensure the location of the shelter is undisclosed. If the location of the shelter becomes compromised, all possible measures should be taken for the shelter to be relocated, even if as a temporary measure until any foreseen threat is removed.

12. Every shelter should have in place documented emergency plans in case of security threat. Shelter staff should be aware of these procedures and how to implement them.

10. LEGAL SERVICES AND ACCESS TO JUSTICE²⁶

Legal provision: Part VI, Section 58 of Act.

Standard: VoTs should be aware of their legal rights, and be provided with professional legal services to ensure they are able to exercise these rights.

Procedures:

1. Each VoT has the right to legal counselling and support from competent institutions before, during and after legal proceedings.
2. The VoT should be provided with an interpreter, in her/his native language or a language that s/he understands well. In situations where interpreters for certain languages are unavailable, communication with the VoT must be in a second language that s/he understands.
3. VoTs may not be asked to give a statement to the police before being informed of their rights through legal counselling.
4. In order to enable a VoT to make a clear decision, s/he should be fully informed about the consequences of false testimony and of not testifying.
5. Each VoT who agrees to testify against traffickers in court should be assisted through the entire process by an advocate that has received training specific to cases of this nature.
6. Where possible, VoTs should be assisted in getting financial compensation for damage to or the loss or destruction of property, including money, physical, psychological or other injury, or loss of income or support suffered during the trafficking process.²⁷
7. VoTs should be provided with legal counselling and services for legal concerns are unrelated to the criminal proceedings against their traffickers (for example immigration matters, child custody or divorce).

Special considerations for children:

1. When the VoT is a child, both the VoT's advocate and Case Manager/guardian should be present during the court trial.
2. The guardian shall ensure that the child VoT is fully informed about security issues, risks and criminal procedures before s/he decides whether or not to testify against their traffickers.²⁸

I I. REGULARIZATION OF STAY

Legal provision: Part III, Sections 31-39 of the Act.

Standard: The deportation of a trafficked person is prohibited. VoTs should be made aware of their right to remain in Zambia while their safety and security and long-term options for care are established.

Procedures:

1. The immigration status of non-Zambian VoTs should be regularized at the earliest possible time.
2. A non-Zambian child VoT is a child in need of care and protection, and this serves as authorization for allowing the child to remain in Zambia for the duration of the court order (Part III, Section 31 (3)).
3. Service Providers should inform non-Zambians, irrespective of their immigration status, who are placed in authorized care, of their right to remain in Zambia for a non-renewable period of no more than 60 days (initial provision). This is not contingent on a VoT's willingness to cooperate with the investigation of the case (Part III, Section 33).
4. Temporary residency can be granted to a trafficked person who has cooperated with investigation and prosecution, and who is placed in authorized care (Part III, Section 34).
5. A trafficked person may apply for permanent residency under the Immigration and Deportation Act after five years of continuous residency in Zambia, provided that the VoTs can prove that their safety would be compromised if they returned to where they were trafficked from (Part III, Section 35, relates to Section 34).

I2. HEALTH CARE²⁹

Legal Provision: Part III, Section 47 of the Act.

Standard: Every VoT has the right to health services. These services should be offered from the identification phase to reintegration phase. Of key importance is to promote the physical and mental wellbeing of each VoT.

Procedures:

1. The VoT's Case Manager is responsible for ensuring access to appropriate medical attention.

2. VoTs must access emergency medical attention as soon as possible after their referral to a shelter.
3. Follow-up treatment should be made available to the VoT, as recommended by health care professionals.
4. All medical examinations and procedures should be administered only with the informed consent of the VoT. If the VoT is a minor, the VoT should be examined and treated only with the consent of their legal guardian/guardian appointed under the Act.
5. Case Managers are responsible for ensuring all medical records are stored in a secure location.
6. Prescribed medication is to be kept in a secure location, clearly labelled, and administered in the presence of shelter staff according to instructions from medical professionals.
7. Shelter staff should be trained in administering basic first aid, and shelters should have a first aid kit on site;
8. Details should be taken of VoTs' medical history and current health status upon arrival at the shelter.
9. If a VoT is pregnant, necessary health care should be provided. If a VoT requests an abortion, it must be conducted in accordance with the Termination of Pregnancy Act.³⁰
10. Where a VoT has been sexually abused she/he should have access to Sexually Transmitted Infections and HIV diagnosis, treatment and care, as well as HIV Post Exposure Prophylaxis. Emergency contraception should be made available to female VoTs, where applicable.
11. Documents and reports related to the VoT's health should be part of their case file and should be kept confidential.
12. Where possible, all health services for a VoT should be provided free of charge, from available public medical services, regardless of the VoT's nationality.³¹
13. Due consideration should be given to VoTs' safety when health services are being sought. It is advisable that shelter providers have formalized partnerships with local healthcare providers for granting privileged/short-notice access to services, when appropriate.
14. In case of medical emergency, shelter staff should request emergency assistance directly, and at the earliest possible time; for high risk security VoTs accommodated in a shelter, shelter staff should notify other relevant partners providing direct assistance and security. It is advisable that shelters have in place pre-existing arrangements with emergency medical care providers.

15. Special measures should be taken when working with VoTs who are substance users, noting that the substance abuse may be a result of their trafficking scenario. Appropriate specialized assistance should be sought for VoTs who are substances users.

Special considerations for children:

For child VoTs, shelter staff should acquire written authorization from the VoTs' legal guardian or Social Welfare Office case worker in order to provide authorization for the coordination of medical visits and services for the VoTs.

13. PSYCHOSOCIAL SUPPORT

Legal provision: Section 42 (c) and Section 43 (b) (i) of the Act.

Standard: Psychosocial support is fundamental to VoTs' welfare and empowerment, and should be continuously provided.

Procedures:

1. Identification of a VoT's psychosocial support needs should be done by qualified mental health professionals in coordination with the VoT's Case Manager;
2. Where possible, counselling/psychosocial care is to be provided at the shelter.
3. Mental health professionals counsellors directly engaged in the provision of psychosocial support to the VoT should advise on the preferred treatment timeline. This should be communicated to the VoT's Case Manager and is to be taken into consideration when planning for their repatriation/resettlement.
4. All services provided to the VoT should be documented properly in their case file, in accordance with professional standards and legal norms in force.
5. Psychosocial services are to be provided only with the VoT's consent, or in the case of a child VOT, with the consent of the child's legal guardian/guardian appointed under the Act.

14. NUTRITION, CLOTHING AND SANITATION

Standard: VoTs should be ensured adequate nutrition, clothing and sanitary facilities.

Procedures:

1. VoTs must be provided with a minimum of three balanced meals per day.
2. Pregnant/breastfeeding VoTs, and those with particular dietary needs based on a medical condition or cultural or religious practices, should be provided with food and supplements appropriate to their needs.
3. Food should be stored and prepared in a hygienic way, with health and safety standards in mind.
4. VoTs may be involved in cooking, if considered appropriate and if under the supervision of the care-taking staff.
5. When a VoT is required to be out of the shelter for an extended period of time, including for court cases, the VoT's Case Manager should ensure that they have access to adequate food/drink.
6. A VoT's Case Manager should ensure that the VoT is provided with clean and appropriate clothing, including for court trials/sessions. Due consideration should be given to the cultural and religious particulars of the VoT.

15. SKILLS BUILDING AND GENERAL WELLBEING

15.1. LIFE SKILLS

Legal provision: Section 42 (c) (ii) of the Act.

Standard: VoTs inside and outside of shelters should be offered services for improving essential life skills.

Procedures:

1. If considered appropriate, Service Providers should provide training and information related to:
 - self-esteem and decision-making skills,
 - social skills,
 - physical and health personal care,
 - risks of trafficking.
2. The VoT's Case Manager is responsible for ensuring the VoT is provided with services on improving essential life skills.
3. As appropriate (based on risks/needs identified), VoTs should be provided with reliable information from health care professionals on health promotion.

4. For both adult and child VoTs, measures should be taken to assist them in being able to communicate effectively with others in the shelter and their case workers as this will improve their social wellbeing and interaction with others. Such measures should go beyond the use of a translator and could include provision of in-house language training for VoTs.

15.2. EDUCATION

Legal provision: Section 42 (d) and Section 43 (c) of the Act.

Standard: VoTs have the right to education.

Procedures:

1. Each child VoT, and where possible, adults, should have access to education, without payment, that is appropriate to their age and ability.
2. Case Managers, in consultation with VoTs and/or their guardians, are to prepare a Personal Education Plan for each VoT detailing educational background, needs and recommendations for education while in shelter. Due consideration should be given to the expected time that the VoT is to remain in the shelter or in the care of the ministry responsible for social welfare, as well as the safety and security of the VoT.
3. Case Managers should collaborate with the educational system to ensure the effective placement, monitoring and evaluation of VoTs (adults/children);
4. For VoTs who have the opportunity to return to the school they went to before being trafficked, arrangements should be made accordingly, so long as no further risk is posed to the VoT.
5. VoTs who have left formal schooling, should be provided with the opportunity for non-formal education, where possible and appropriate.
6. For VoTs who are illiterate, participation in literacy programmes should be made available, where possible.
7. The progress of VoTs in school should be monitored by their Case Managers in order to identify barriers to education and undertake prevention or mitigation measures.
8. When schooling is not possible, VoTs should be provided with adequate basic educational and livelihood programmes either from the shelter, or through a partner Service Provider.
9. The VoT's educational plan and progress should be recorded accordingly in the case file.

15.3. INDEPENDENCE, ECONOMIC STABILIZATION AND VOCATIONAL TRAINING

Legal provision: Section 43 (d) of the Act.

Standard: Economic independence is a basic condition for independence and is essential for full and sustainable reintegration. Based on their existing skills and qualifications, VoTs may be provided with trainings/courses that will help their professional development, improve their independence and employment prospects, and minimize their risk of being re trafficked. When appropriate, VoTs may be offered opportunities for self-employment, including assistance starting micro-enterprises.

Procedures:

1. For each VoT, their Care Plan should address their potential for economic independence, professional development and economic empowerment, taking into consideration their abilities, skills, age, strengths and weaknesses. This plan should be prepared by the Case Manager in coordination with the VoT.
2. Case Managers are to identify opportunities and resources available for VoTs' professional/skills development, and make necessary arrangements for the VoTs, with due consideration to safety and security measures.
3. Services can include professional support or instruction, and ensuring that relevant documentation for preparation of business plans is available (with the consent and approval of the VoT), in case possible donors are identified.
4. Opportunities identified, executed and evaluated should be recorded accordingly in the case file.

15.4. RECREATION

Standard: Recreational activities should be made available to all VoTs for the purpose of their rehabilitation and general wellbeing.

Guiding principles:

1. Every VoT should be encouraged to participate in individual or group recreational activities.
2. VoTs should be supplied with recreational materials/facilities by the shelters or relevant care-taking authorities.

3. VoTs should have access to information, including (where appropriate) television, newspapers, books, and magazines.

Special considerations for children:

Children should be provided with age-appropriate toys, recreational games, reading material and appropriate television programmes, where possible.

16. SPECIAL CONSIDERATIONS

16.1. CONTACT WITH RELATIVES

Standard: All VoTs have the right to contact family, relatives and friends, who play an important part in their life, so long as doing so does not compromise their safety or that of other shelter VoTs or staff.

Procedures:

1. For both adult and child VoTs, assistance should be given to locate their next of kin.
2. Due measures should be taken to screen all persons with whom a VoT intends to communicate to ensure that they are not involved in their trafficking and will not compromise the safety and security of the VoT, other VoTs who remain in the trafficking scenario, other VoTs at the shelter or shelter/Service Provider staff. When appropriate, contact may be initiated in coordination with relevant law enforcement agencies.
3. When high-risk VoTs contact family members via phone or e-mail; shelter staff should monitor them, with an interpreter present (if necessary). Consideration should be given for meetings with family members to take place in the presence of police, shelter staff or other qualified Service Providers. Such meetings should never take place at the shelter in order to maintain confidentiality of the shelter's location.

Special considerations for children:

1. Contact with family and/or tracing is an essential component of any search for a durable solution for a child VoT, and should be prioritized, except where the act of tracing, or the way in which tracing is conducted, would be contrary to the best interests of the child or violate applicable national and international laws.³²

2. A Case Manager and/or designated Social Welfare Officer should accompany child VoTs when meeting family members. Due consideration should be given to risk assessment prior to such meetings.

16.2. RELIGION

Standard: VoTs should have a right to practice their religious beliefs.

Procedures:

Shelter staff must respect the religion of each VoT by enabling/ensuring the availability of:

- appropriate food and clothing for the VoT according to her/his religion;
- adequate place and time for prayers;
- necessary religious materials such as scriptures.

17. PREPARATIONS FOR DEPARTURE FROM SHELTER³³

Standard: The termination of shelter services for a VoT should be done with her/his consent, and in consultation with the VoT's Case Manager. In the case of a child, consent should be acquired from their guardian. The VoT must not be encouraged or obliged to return to their families/community if security conditions are not favourable.

Procedures:

1. In order to rehabilitate and empower the VoT, the length of the stay in the shelter should be flexible, based on the VoT's needs and circumstances.
2. Shelter staff should cooperate with relevant direct-assistance partners to prepare for the departure of the VoT from the shelter.
3. As appropriate, the VoT may be transferred from one shelter to another with her/his consent, according to the agreements between shelters, and the services that the VoT requires, after an evaluation of the level of risk by designated authorities.
4. Before the VoT leaves the shelter, (s)he should sign and date a confirmation of voluntary departure document, which will be kept in the case file.
5. The VoT may take with them copies of all personal records from their case file including health, psychological, physical, education and rehabilitation information, so long as this does not compromise the security of Service Providers and other VoTs in their care. In the case of child VoTs, these records may be retained by their guardian until they reach the age of 18 years.

6. VoTs should be allowed to take all personal items with them when they depart from the shelter.
7. If the VoT is Zambian and appropriate conditions for their return home, or into other private accommodation, are established, the shelter or partner Service Provider should provide return transport. When transporting children, the VoT's Case Manager, or a designated staff member that is known to the VoT, should be present.
8. For the transport of foreign VoTs,³⁴ the safety and security of the VoT during their transportation from the country of destination to the country of origin should be established. The VoT should be safely accompanied to the point of departure such as airport or bus station. During check-in procedures at airports as well as in transit or at border crossings, arrangements should be made prior to departure to assist VoTs. During transit, arrangements should be made with direct-assistance partners at all points of transit, bearing in mind security concerns. If the VoT is a child, and where necessary for adults, arrangements should be made for VoTs to be escorted from point of departure to arrival in home/third country.
9. Arrangements should be made for the VoT to be met by a representative of an appropriate authority/Service Provider upon arrival at the VoT's home/third country.

18. SUSTAINABLE SOLUTIONS³⁵ AND FOLLOW-UP³⁶

Standard: The process of case follow-up should ensure that VoTs' long-term needs are fulfilled. VoTs should be provided with options for safe, dignified and sustainable reinsertion into society and a normalized life. Service Providers should inform VoTs of their rights and options for repatriation or resettlement and (re)integration, in a manner that is safe, as a sustainable solution to their rehabilitation.

Procedures:

Repatriation/Resettlement Options:

1. Decisions on a VoT's follow-up care upon departure from shelter, whether through repatriation to country of origin, or resettlement elsewhere (including in Zambia, where applicable), should be made in consultation with all relevant Service Providers/professionals that have been engaged in the VoT's case, weighing the advice and expertise of each professional (legal, social, health and so on), and keeping in mind the best interests of the VoT. Where necessary, this information should be communicated in full to Service Pro-

viders in the receiving country, with the VoT's consent, or that of the VoT's guardian.

2. Follow-up includes:
 - protection from re-trafficking,
 - protection from stigmatization and discrimination,
 - protection from exploitation,
 - re-establishment of the right to nationality,
 - re-establishment of parental and ownership rights.
3. Trafficked persons shall not return to their country of origin or the country from where they were trafficked without due consideration being given to their safety during and after the repatriation process; the availability and suitability of care arrangements in the country of return; care options under repatriation – in particular dangers of harm, re-trafficking and death (Part III, Sections 36 and 37).
4. Safety and care options during the repatriation and reintegration process should include shelter; safe and secure passage (including escort for a child if means do not exist for the child's guardian to do so); facilitation of travel documentation; coordination between Service Providers to ensure continuum of care (medical, psychosocial and so forth); financial and legal assistance; vocational and educational assistance.

Reintegration:

1. Before initiating the return of a VoT, a reintegration assessment should be undertaken by the Case Manager and the VoT to establish a reintegration plan. This plan should look at factors directly related to the VoT's needs and goals, and a situation assessment (such as the socio-economic situation and reintegration assistance infrastructure in the country or region to which the VoT will return).
2. In developing a reintegration plan, it is important that the receiving Service Provider, or the relevant NGO partner, helps the VoT to set realistic goals suited not only to personal needs, skills and qualifications, but also to the opportunities available in the country, region and place of residence in which reintegration will take place. Furthermore, the reintegration plan must be based on actual services that the Service Provider and/or its partners and current programmes can provide. The goal of any reintegration plan should be to ensure continuity of care and also ensure ongoing protection of the VoT to prevent them from being re-victimized and/or re-trafficked. As such,

the conditions which may have led to trafficking in the first instance (for example poverty, low employment and illiteracy) should be taken into consideration when developing a rehabilitation and reintegration plan.

3. All services and reintegration assistance should be made available to the VoT on a strictly voluntary basis. Service Providers must explain to the VoT the possible consequences and implications of all assistance provided.
4. VoTs should be made aware that it is unlikely that any one assisting organization will be sufficient to meet their needs. This will help minimize unrealistic expectations that could be detrimental to the effective reintegration process.
5. Reintegration plans should, where possible, be developed in the receiving country/region, rather than in the referring one, since the organization in the receiving country/region is best placed to conduct adequate situational assessments. This helps to prevent the VoT from misconstruing anything said by the referring mission or organization as promising specific reintegration options.
6. The VoT's immediate wellbeing should always be the main concern during the reintegration process; therefore, priority is usually given to security and health issues, particularly if there are limited human and financial resources and time available.
7. The contact between the VoT and her/his family should be monitored (as appropriate), and Case Managers should ensure that the VoT is being treated with dignity by the family and others.
8. Responsible professionals should identify any difficulties the VoT faces and draft a plan for assistance based on the needs.
9. If the VoT is not Zambian, the follow-up process should continue until her/his repatriation and handover to another Service Provider (if needed) in the place of origin or the country receiving the VoT.
10. Challenges faced during the reintegration process, and remedial measures/actions taken, should be documented.

Special considerations for children:

1. The goal of providing direct assistance to child VoTs is to ultimately identify a durable solution that addresses all their protection needs, while taking into account the child's views and that of their guardian, and, wherever possible, help them to move beyond their trafficking experience.³⁷

2. Long-term arrangements should, as much as possible, favour family and community-based arrangements rather than institutional care.³⁸
3. Where the child VoT has been reunified with her or his family, follow-up actions should be made by competent authorities, until the child reaches the age of majority, to make sure the child is appropriately cared for during their reintegration, and there are no risks of danger or re-trafficking.³⁹

19. PARTNERSHIP BUILDING AND COOPERATION⁴⁰

19.1. COOPERATION WITH OTHER SERVICE PROVIDERS

Standard: Given that Zambia does not currently have the government-supported infrastructure or capacity to provide full and adequate VoT services, an effective anti-human trafficking strategy requires a partnership amongst and between government, international organizations, civil society organizations, faith-based organizations, traditional leaders and the media, all of whom are key to fighting human trafficking. Furthermore, the work of organizations that provide services to trafficked persons will entail close cooperation with law enforcement agencies, in a manner that respects the right of the VoTs, and in accordance with the provisions of the Act.

Procedures:

1. Service Providers should be aware of existing complimentary services.
2. A Service Directory (a list of which agency provides what services and where), including contact details should be available to all institutions providing direct-assistance services to VoTs. It is recommended that such a Directory be part of a National Referral Mechanism, which is still to be established.
3. The National Referral Mechanism should outline existing services and assistance schemes, such as shelter, medical assistance, psychosocial assistance, legal advice, educational and vocational services. This may include developing terms of reference for organizations involved in human trafficking cases to coordinate efforts and establish distinctive roles of each partner organization and outline which agency is responsible for what services and at what point in the delivery of assistance.

19.2 COOPERATION WITH LAW ENFORCEMENT

Legal provision: Part II, Section 25 (3)(b) of the Act.

Standard: Early cooperation between law enforcement agencies and shelter providers is essential to secure the immediate safety of VoTs and prevention of further counter-trafficking scenarios.

Procedures:

1. Effective cooperation between law enforcement and shelter providers can help provide the conditions for trafficked persons to feel safe enough to provide intelligence to assist in the identification and investigation of traffickers, and to proceed with legal action against their traffickers.
2. As always, the informed, written consent of the VoT, and the fact that the organization will, at all times, act in the best interests of the VoT, should remain central to any exchange of intelligence.
3. Cooperation with law enforcement agencies, however justified by the prevailing circumstances and the particular issues concerned, should never compromise the impartiality of an organization dedicated to assist VoTs. A human rights, VoT-first philosophy should always be the foundation of any organization's response to the trafficking phenomenon.
4. Service Providers should be aware of the risks to trafficked persons and themselves, as it is known that traffickers have taken reprisals against VoTs who were rescued and who subsequently testified against them in legal proceedings.
5. In order to curtail security risks it may be helpful to outline practical liaison arrangements between Service Providers and law enforcement agencies. This can be done through a Memorandum of Understanding (MOU). The MOU should clearly stipulate that law enforcement officers must contact the Service Provider only through the designated service provider focal point or their deputy. This will help both Service Providers and law enforcement alike to be consistent in their approach with one another; limit the potential for misunderstandings that may arise when different staff give conflicting or inaccurate advice, or commit the Service Provider to an inappropriate course of action.
6. As a fundamental human right, VoTs are entitled to access to mechanisms of justice and redress, and should have access to legal counselling to understand their options in exercising their rights.
7. Staff should not proactively seek VoT cooperation to disclose information to the police. Rather a policy should be in place to manage those circumstances in which the VoT, having been counselled by the Service Provider about her

or his legal rights and options, elects to exercise the option to provide intelligence;

8. Trafficked persons should be allowed to have a third party, such as a legal counsellor and/or their Case Manager, present for legal interviews.
9. It is unlikely that the VoT will ask for her or his personal data to be passed on to law enforcement agencies, and it is not recommended that Service Providers encourage them to do so, unless the VoT wishes to do so and they understand the potential risks involved in disclosing personal data.

CONCLUDING REMARKS

Direct Assistance to VoTs involves a series of services to support their eventual rehabilitation from the trauma they have experienced. As a Service Provider, it is imperative to always act in the best interest of VoTs, while maintaining the utmost standard of service and ensuring the safety of the VoTs, the shelter and its staff. The standards and procedures outlined above are intended as guidelines only in the delivery of Direct Assistance to VoTs. Through a series of activities and detailed descriptions, the the Training Toolkit on Protection of Victims of Human Trafficking aims to provide further guidance for Service Providers in working through the Guidelines.

END NOTES

- ¹ In 2012, this was the Ministry of Community Development, Mother and Child Health; Department of Social Welfare.
- ² Referred to as a shelter in these Guidelines.
- ³ As defined in the Standard Operating Procedures for the Zambia Department of Immigration, Ministry of Home Affairs, 2012.
- ⁴ [publications.iom.int/bookstore/free/PsychosocialandMentalHealth\(Eng\).pdf](http://publications.iom.int/bookstore/free/PsychosocialandMentalHealth(Eng).pdf), IOM from Greater Meikong Area, p.4.
- ⁵ Whereby a widow is inherited by a brother or close relative of her late husband.
- ⁶ International Migration Law No. 1 - Glossary on Migration, 2004.
- ⁷ Refers to the Geneva Conventions of 1949 and their Additional Protocols of 1977; the Regulations Respecting the Laws and Customs of War on Land, annexed to the Fourth Hague Convention of 1907; the human rights instruments as well as customary international law.
- ⁸ International Migration Law No. 1 - Glossary on Migration, 2004.
- ⁹ IOM, Direct Assistance Handbook, 2007a, p.336.
- ¹⁰ Supplementary Convention on the Abolition of Slavery, article 1, as defined in the background paper prepared by the Secretariat for the Working Group on Trafficking in Persons. Vienna, 27-29 January 2010.
- ¹¹ Government of the Republic of Zambia, Anti-Human Trafficking Act No. 11 of 2008, Part I, section 2, p.259.
- ³⁹ Adapted from IOM's Direct Assistance Manual, 2007a, unless otherwise indicated.
- ⁴⁰ Anti-Human Trafficking Act No. 11 of 2008, Part III, Section 25 (3) (b).
- ⁴¹ Adapted from IOM's Direct Assistance Manual, 2007a, unless otherwise indicated.
- ⁴² Note that individuals that do not fit within the definition of VoT, in particular minors, may also be vulnerable and should be treated as such.
- ⁴³ Note that organized criminal groups have been known to infiltrate victim assistance programmes to locate victims that have escaped. This should be borne in mind during interviews.
- ⁴⁴ Noting challenges that can be faced in finding interpreters in Zambia, best efforts should be undertaken to find trained, reliable interpreters.
- ⁴⁵ UNICEF, Guidelines on the Protection of Child Victims of Trafficking, 2006, p.14.

- ⁴⁶ Ibid, p.18.
- ⁴⁷ Ibid, p.14.
- ⁴⁸ It should be noted that district level Social Welfare Offices are currently overstretched and that further training of district officers is needed to improve the capacity of the district-level referral mechanism. District officers should also be linked with provincial officers who have been trained on counter-trafficking.
- ⁴⁹ Once the VoT's security needs have been addressed, it is essential to consider their legal/immigration status as this may require immediate action (Part III, Sections 33-35 of the Act).
- ⁵⁰ Adapted from IOM's Direct Assistance Handbook, 2007a.
- ⁵¹ This section should be read jointly with "How To Run A Child Care Facility", Ministry of Community Development and Social Services, Department of Social Welfare, and UNICEF.
- ⁵² Adapted from IOM's Toolkit for Civil Society Organizations, 2011.
- ⁵³ Adapted from IOM's Direct Assistance Handbook, 2007a.
- ⁵⁴ Anti-Human Trafficking Act No. 11 of 2008, Part VI, Section 58.
- ⁵⁵ UNICEF, Guidelines on the Protection of Child Victims of Trafficking, 2006, p.32.
- ⁵⁶ Adapted from IOM's Direct Assistance Manual, 2007a.
- ⁵⁷ Chapter 304 of the Laws of Zambia.
- ⁵⁸ Anti-Human Trafficking Act No. 11 of 2008, Part IV, Section 47.
- ⁵⁹ UNICEF, Guidelines on the Protection of Child Victims of Trafficking, 2006, p.25.
- ⁶⁰ Adapted from IOM's Direct Assistance Handbook, 2007a.
- ⁶¹ Section 36 of the Anti-Human Trafficking Act provides that for both child and adult VoTs, the ministry responsible for social welfare gives due consideration to safety during repatriation, care arrangements in a VoT's return country, possibility of harm, killing and re-trafficking.
- ⁶² Adapted from Zambia's Anti-Human Trafficking Act of 2008, Part III.
- ⁶³ Adapted from IOM's Direct Assistance Handbook, 2007a.
- ⁶⁴ UNICEF, Guidelines on the Protection of Child Victims of Trafficking, 2006, p.27.
- ⁶⁵ Ibid, p.27.
- ⁶⁶ Ibid, p.31.
- ⁶⁷ Adapted from IOM's Toolkit for Civil Society Organizations, 2011.

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