

TRAINING MANUAL ON  
**CARING FOR  
TRAFFICKED  
PERSONS**



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## Foreword

IOM has had long-standing fruitful cooperation with the Government of Zimbabwe in the national response to combat trafficking in persons. Over the years, IOM has supported the Government in increasing its capacity to address this problem and protect those vulnerable to falling victim to the crime.

Trafficking in persons remains a major challenge for Zimbabwe, hence the need for a guide to support ongoing efforts of the Government to offer comprehensive assistance to victims of trafficking (VoTs) and deepen the understanding of the growing importance of victim assistance. Inadequate understanding of the array of services that survivors may need often results in insufficient assistance for survivors during the critical period after a trafficking situation, impeding their recovery and ability to transition successfully to a new life. The development of this training manual, guided by international, regional and national regulatory policy frameworks, represents a major step in standardizing the response to trafficking and strengthening protection services for identified VoTs within the Zimbabwean context.

It is our hope that this training manual will assist government departments, non-governmental organizations (NGOs) and shelter staff involved in the caring of trafficked persons through practical guidance towards understanding the short- and long-term needs of VoTs and in considering appropriate approaches to caring for VoTs within a human rights framework.



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## Introduction

Trafficking in persons (or human trafficking), often referred to as “modern-day slavery”, is a crime that crosses international borders and manifests in various forms, including domestic servitude, bonded labour, forced labour, sexual exploitation, forced prostitution and organ-harvesting for black-market trade, among other various forms of exploitation. Its victims are men, women and children in search of better prospects in life. Lured with promises of better jobs or an education, these individuals often end up being subjected to exploitation over a significant period in the sex industry or illegal labour markets, deprived of their liberty.

Human traffickers rake in billions of dollars in profit annually. For victims of trafficking (VoTs), however, there is nothing but dire social, economic, physical, psychological and health consequences stemming from gross violations of their rights and dignity as human beings. Their survival is threatened, as they are subjected to dehumanizing conditions, including systematic physical, sexual and psychological abuse and other forms of violence, threats, horrific living conditions and dangerous workplaces – all of which have long-lasting effects on their lives.

Precise data on the number of trafficked persons globally is difficult to obtain due to the clandestine nature of the trafficking business. However, according to estimates by the United Nations, there are more than 2 million victims of human trafficking globally every year. According to the 2016 Global Report on Trafficking in Persons, women and girls are the most affected, accounting for 79 per cent of all detected trafficking victims.<sup>1</sup> The report further states that 63,251 victims were detected in 106 countries between 2012 and 2014.

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<sup>1</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2016* (New York, United Nations, 2016). Available at [www.unodc.org/unodc/en/data-and-analysis/glotip\\_2016.html](http://www.unodc.org/unodc/en/data-and-analysis/glotip_2016.html).

Like the rest of the global community, Zimbabwe is not spared from the scourge of trafficking, having been identified as a source, transit and destination country for men, women and children subjected to sex trafficking and forced labour. According to the 2019 Trafficking in Persons Report<sup>2</sup> of the United States Department of State, Zimbabwean women and men are lured into exploitative labour situations in the agriculture, construction, information technology and hospitality sectors, mostly in neighbouring countries. Some subsequently become victims of forced labour, with women particularly becoming victims of forced prostitution. Women are also exploited in domestic servitude, forced labour and sex trafficking in countries such as China, Cyprus, Kuwait and Saudi Arabia.

Trafficking is also rife within the country, with men, women and children subjected to forced labour in Zimbabwe's rural areas, sex trafficking in cities and surrounding towns, and domestic servitude in both. Families in rural areas send their children and other members to work in cities, where they are often subjected to domestic servitude or other forms of forced labour. There are also reports of young girls being trafficked for sex work in the towns of Epworth and Victoria Falls. Children are subjected to forced labour in the agricultural and mining sectors or forced to carry out illegal activities, including drug smuggling.

In addition, there have been reports of children from Mozambique being subjected to forced labour, including street-vending, particularly in Mutare, Chipinge and Harare, making Zimbabwe a destination country for trafficking victims. Refugees from Somalia and the Democratic Republic of the Congo reportedly travel from Zimbabwe's Tongogara Refugee Camp to Harare, where they are exploited and, in some cases, forced into prostitution. Chinese nationals are reportedly subjected

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<sup>2</sup> United States Department of State, *Trafficking in Persons Report (June 2019)* (Washington D.C., 2019). Available at [www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf](http://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf).

to forced labour in restaurants in Zimbabwe. Chinese construction and mining companies that operate in Zimbabwe reportedly employ practices indicative of forced labour, including verbal, physical and sexual abuse, and various means of coercion to induce work in unsafe or otherwise undesirable conditions. Zimbabwe is also listed as a transit country for men, women and children from Eastern Africa, Malawi, Zambia and the Democratic Republic of the Congo who are destined for South Africa. Some of these migrants are trafficking victims or presumed to be so.

To curb the trafficking menace, the Government of Zimbabwe acceded to the Trafficking in Persons Protocol on 13 December 2013 and enacted the Trafficking in Persons (TIP) Act (Chapter 9:25) (No. 4 of 2014), which provides for the prohibition, prevention and prosecution of the crime of trafficking in persons and the protection of VoTs. In addition, the Anti-Trafficking Inter-Ministerial Committee (ATIMC) was established through the TIP Act. The TIP National Plan of Action (NAPLAC) was developed to operationalize the TIP Act.

The issue of human trafficking gained national prominence in 2016, with media reports of over 200 women trafficked to Kuwait for labour and sexual exploitation. The situation in Kuwait exposed the country's capacity gaps, which had resulted in a lack of a coordinated response mechanism for the provision of assistance to VoTs. Although the country boasted of a robust legal and institutional framework, gaps existed in implementation, as there was no guide for the provision of such assistance.

The development of this training manual represents a major step in the effort to standardize responses to trafficking and strengthen protection services to identified victims of trafficking in the Zimbabwean context. VoTs have many, varied needs, including repatriation, medical and mental

health, and psychosocial and livelihood support. Limited resources and inadequate understanding of the range of services that survivors may need often result in insufficient assistance for survivors in the critical weeks and months immediately after the trafficking situation. Comprehensive services, which include medical and mental health care, legal assistance, safety planning, and housing, can support a survivor's recovery and ability to transition successfully to a new life.<sup>3</sup> This manual is therefore designed to provide government departments, non-governmental organizations (NGOs) and shelter staff involved in the care of VoTs with practical guidance towards an understanding of their short- and long-term needs and in considering appropriate approaches to caring for VoTs within a human rights framework.

This training manual is based on principles espoused by international human rights instruments, including: (a) the United Nations Convention against Transnational Organized Crime; (b) the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; (c) the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children; and (d) the United Nations Convention on the Rights of the Child.

### **Structure and target group of the training manual**

This training manual is targeted primarily at government, shelter staff and NGO personnel involved in the provision of assistance to victims of trafficking at the national and subnational levels. It should be highlighted that although the primary responsibility of protecting these victims lies with the Government, it may be delegated to or shared with international organizations and NGOs in situations where the

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<sup>3</sup> United States Department of State, *Trafficking in Persons Report (June 2018)* (Washington D.C., 2018). Available at [www.state.gov/trafficking-in-persons-report-2018](http://www.state.gov/trafficking-in-persons-report-2018).



Government lacks sufficient capacity to fulfil it.<sup>4</sup> This manual, organized into modules for ease of use, can serve as a tool for training sessions or programmes organized by either individuals or organizations. The modular approach allows for flexibility, as trainers are free to customize the content, structure and length of each training session depending on the nature and design of the training programme or curriculum.

**Module 1** introduces the subject of human trafficking, laying down relevant definitions, distinguishing it from similar crimes and discussing its causes and consequences.

**Module 2** looks at the legislative framework for counter-trafficking and victim assistance, including international, regional and national instruments (i.e. conventions, protocols and laws).

**Module 3** covers the identification of VoTs, which is a key step in the provision of direct assistance. It also discusses the various indicators for identifying VoTs in different situations and the difficulties and challenges encountered in the process. Finally, the module outlines guiding principles for interviewing VoTs.

**Module 4** deals with direct assistance to VoTs, which includes shelter, medical assistance, psychosocial support, legal advice and reintegration support. Concrete guidelines for assisting VoTs, including through the conduct of referrals and follow-ups, are also outlined.

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<sup>4</sup> UNICEF, "Guidelines on the protection of child victims of trafficking", technical note (New York, 2006). Available at [www.unicef.org/protection/Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/protection/Unicef_Victims_Guidelines_en.pdf).



## Module 1. Understanding Human Trafficking

### Overview

It is important to define “human trafficking” and distinguish it from the related crime of human smuggling. We can then proceed to look into the various modus operandi of traffickers, as well as why people become victims of trafficking (VoTs).

### Objectives

By the end of this module, participants will be able to:

- (a) Define “human trafficking”;
- (b) Distinguish between human trafficking and human smuggling;
- (c) Understand how traffickers control their victims;
- (d) Understand some root causes and forms of trafficking in Zimbabwe.

### 1.1. What is human trafficking?

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) sets out the first definition of “human trafficking” that remains the benchmark for defining the term today.

Article 3 of the Palermo Protocol defines “human trafficking” as follows:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

- (b) The consent of a victim of trafficking to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under 18 years of age.

This definition of trafficking emphasizes three key elements, namely: the act, the means and the purpose.

Figure 1. Elements of the definition of “human trafficking”

| Act or Activity  | + | Means  | + | Purpose   | = | Human Trafficking |
|--|---|--|---|---|---|-------------------|
| <ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Receipt</li> <li>• Transport</li> <li>• Transfer</li> <li>• Harbouring of persons</li> </ul> |   | <ul style="list-style-type: none"> <li>• Deception</li> <li>• Coercion</li> <li>• Abduction</li> <li>• Use of force</li> <li>• Fraud</li> <li>• Abuse of power</li> <li>• Abuse of another person's position of vulnerability</li> <li>• Payment to or receipt of a benefit from a person (the trafficker) with control of another (the victim)</li> </ul> |   | Exploitation of another person, including in these forms: <ul style="list-style-type: none"> <li>• Prostitution</li> <li>• Sexual exploitation</li> <li>• Forced labour or service</li> <li>• Slavery or practices similar to slavery</li> <li>• Servitude</li> <li>• Removal of organs or body parts (for black-market trade)</li> </ul> |   |                   |

### 1.1.1. Definition of “child trafficking”

Article 3(c) of the Palermo Protocol specifies that the means (i.e. how the process is carried out) is not relevant when a child is involved. A child is thus a trafficking victim when any of the acts or activities and purposes in Figure 2 is present.

Figure 2. Elements of the definition of “child trafficking”

| Act or Activity   | + | Purpose   | = | Child Trafficking |
|---|---|---|---|-------------------|
| <ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Receipt</li> <li>• Transportation</li> <li>• Transfer</li> <li>• Harboursing of children</li> </ul> |   | Exploitation of a child, including in the form of: <ul style="list-style-type: none"> <li>• Prostitution</li> <li>• Sexual exploitation</li> <li>• Forced labour or services</li> <li>• Slavery or practices similar to slavery</li> <li>• Servitude</li> <li>• Removal of organs or body parts (for black-market trade)</li> </ul> |   |                   |

## 1.2. Key drivers of human trafficking in Zimbabwe

Key drivers of human trafficking into and from Zimbabwe can be classed into several broad categories:

### (a) Economic factors

Zimbabwe has been experiencing economic challenges since the turn of the new millennium that have resulted in high levels of unemployment and mass poverty. Too eager to migrate to other countries and lured by promises of well-paying jobs elsewhere, some Zimbabweans willingly accept services offered by human traffickers, who keep them uninformed of the true or full nature of their employment and/or the conditions in which they will be working. For most VoTs, promises of a better life often turn into modern-day slavery.

Poverty in Zimbabwe and its neighbouring countries also forces children to migrate in search of work. This is commonly the case for children from Mozambique and

Zimbabwe who go to South Africa. In Musina, a town near the Zimbabwe–South Africa border, Zimbabwean children can be seen loitering around and begging for food. With no one to protect them, they are vulnerable and become easy targets for pimps who might traffick them to big cities and exploit them in commercial sex work.

(b) Political factors

The political challenges experienced since the year 2000 has resulted in the large-scale migration of Zimbabweans to other countries within the region and beyond. Most of these people have no proper documentation, making them vulnerable to traffickers.

(c) Sociocultural factors

According to a Southern African Development Community (SADC) baseline report in 2016, “Trafficking in Persons in the SADC Region”, sociocultural norms espousing mutual family support are believed to enable traffickers to recruit family members, as traffickers often promise to pay for their victims’ education and/or provide them with jobs. The presence of family members in foreign countries is highlighted by the report as encouraging potential victims to migrate and making them vulnerable to trafficking. Poverty brought about by the effects of HIV/AIDS presents opportunities for traffickers to prey on young boys and girls.

(d) Porous borders

Much of Zimbabwe’s borders with its neighbouring countries are very porous, making it easier for traffickers to transport their victims.

## (e) Demand for labour

Trafficking is a crime driven largely by market forces – that is, demand and supply. Rural Zimbabwean men, women and children are trafficked to farms within the country for agricultural labour and to cities for forced domestic labour. A high demand for labour in Kuwait, for example, has resulted in Zimbabweans being trafficked there.

Table 1. Human trafficking flows in, to, from and through Zimbabwe

| Source country   | Transit country             | Destination country  |
|--|-----------------------------|--|
| <b>Zimbabwe</b>  | None                        | Angola, Botswana, China, Cyprus, India, Kuwait, Saudi Arabia or South Africa           |
| Ethiopia, Malawi, Somalia or Uganda  | <b>Zimbabwe</b>             | South Africa   |
| China, Democratic Republic of the Congo, Ethiopia, Malawi, Mozambique, Pakistan, Somalia or Uganda | None                        | <b>Zimbabwe</b>  |
| Rural areas of <b>Zimbabwe</b>   | None (internal trafficking) | Urban areas, farms, mines and tourist resorts (Victoria Falls area) in <b>Zimbabwe</b> |

### 1.3. How traffickers control their victims

Traffickers employ various methods to control their victims. It is important to understand these methods, especially as some of them have lasting impacts on the lives of VoTs.

## (a) Isolation

VoTs are sometimes locked up, especially during the initial phases of the trafficking process and at the beginning of the exploitation.

(b) Confiscation of documents

Traffickers usually seize their victim's identification documents. Doing so serves to take away the victim's official identity, making it very difficult to get help in a foreign country. This is especially the case where the trafficking victim is mistrustful or frightened of the police because of past experiences with the police back in the home country.

(c) Movement

VoTs are usually moved periodically from place to place to prevent them from establishing social contacts or trust in local authorities. Victims of trafficking for sexual exploitation are commonly moved between cities and towns (and often in different countries) in order to disorient them and make them more vulnerable, such that they become more likely to yield to the demands of the trafficker.

(d) Violence

Traffickers often use physical violence or make threats of physical violence to maintain control. VoTs are raped, beaten, drugged and/or kept without food or water.

(e) Threats of reprisal against victims' families

Threatening to harm victims' families back home is one of the most effective methods of control. Traffickers often have information about the victims' family members, such as names and addresses, obtained from the victims' recruiters, who are often their acquaintances or friends of their friends. These details are used to make credible threats against the victims. The belief that their loved ones would be harmed if they do not comply with the traffickers' orders is very effective in ensuring victims' compliance.



(f) Drug addiction

It is not uncommon for human traffickers to introduce their victims to illicit drugs to ensure their dependency and compliance. Victims are forced to take drugs (or made to take them unknowingly) so they would become addicted to them. Traffickers rely on the drug withdrawal phenomenon, supplying their victims with drugs to control them when they have become physically dependent or addicted to these substances. Victims thus remain loyal and continue to make money for their handlers.

(g) Debt bondage

VoTs may be told to pay back the costs of their transport and accommodation, as well as arrangements for their employment (whether real or not). Vastly inflated sums are asked from victims, who are told to work to pay off their “debts”. When victims are re-trafficked, (i.e. sold to another trafficker), they are often told that they must now work to pay off the “purchase price” on top of other costs that the new traffickers may have incurred “on their behalf”.

#### 1.4. Human trafficking versus human smuggling

Human trafficking is often confused with human smuggling. Hence, it is necessary to differentiate the two. The Protocol against the Smuggling of Migrants by Land, Sea and Air defines “human smuggling” as:

- (a) “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) “Illegal entry” shall mean the crossing of [international] borders without complying with the necessary requirements for legal entry into the receiving State.

Two broad yet important similarities between human trafficking and human smuggling are that:

- (a) Both are profitable businesses involving the transport of human beings;
- (b) Both are criminal operations run by criminal networks.

Some fundamental features of human smuggling that set it apart from human trafficking are:

- (a) Knowledge

Smuggled persons know that they are being smuggled. VoTs will most probably be unaware of their fate until they arrive at the destination.

- (b) Consent

The main difference between human trafficking and human smuggling is that the latter is carried out with the consent of the victim. Victims of smuggling, often in dangerous and difficult conditions and with abuses of their human rights, have given consent to their smuggling. VoTs, on the other hand, have not given consent to their trafficking (as they are not aware of it in the first place). Even if there was consent initially, such consent is rendered meaningless by acts of coercion, deception, fraud and/or abuse, each of which typically characterizes human trafficking.

- (c) Transnational nature

Smuggling, by its very nature, involves the crossing of an international border. Without this act of crossing such a border, there is no crime of smuggling. Trafficking may involve such but, equally so, may not. A VoT may be moved within a country (internal trafficking).

(d) Short-term contract

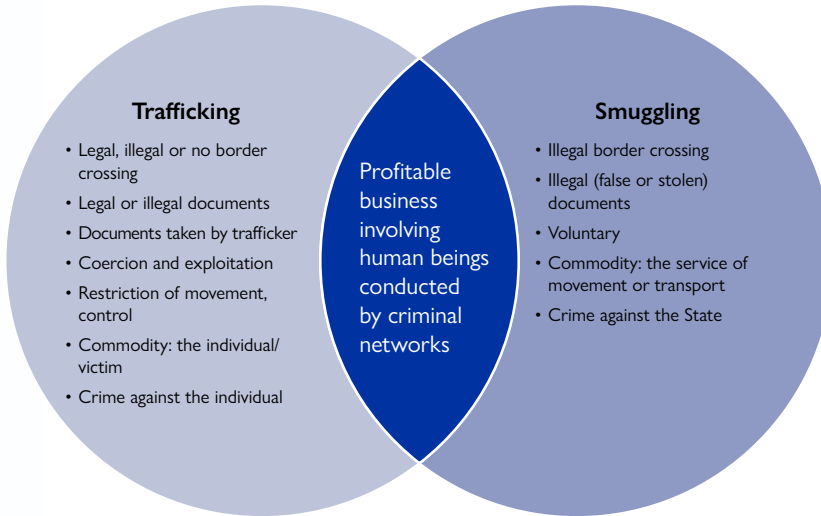
The smuggling contract is short-term. The human smuggler agrees to arrange for a person to be taken across an international border. The contract ends upon conclusion of the journey. On the other hand, human trafficking has a longer duration. It is an ongoing crime that involves exploitation of the individual.

(e) Intent to exploit

Traffickers intend, from the recruitment of a potential victim, to exploit this person for their benefit. In the case of smuggling, the intention is to obtain, directly or indirectly, a financial or other material benefit, from merely the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

It should be noted that a smuggled migrant often suffers abuse at the hands of the smuggler and is vulnerable to exploitation. In some cases, after being willingly smuggled across an international border, a person may be tricked or coerced into exploitative and abusive situations and thus become a victim of human trafficking.

Figure 3. Trafficking and smuggling: similarities and differences



### Case study 1

Tarisai, a 25-year-old, single mother of one, is not formally employed. She sees and responds to an advertisement in a local newspaper for domestic workers in Kuwait. She is called for an interview and is promised a monthly salary of USD 300, clothing allowance and two days off per week. She is told by the recruitment agent that the costs of processing her visa and other migration requirements, including airfare, will be taken care of.

She is excited about the offer and agrees to travel to Kuwait for the promised job. On the day of her flight, she and nine other women are taken to Robert Mugabe International Airport, where security officers tried in vain to warn them about travelling to Kuwait. The women first fly to Ethiopia, where they board a small plane bound for Kuwait. Upon arrival in Kuwait, they are told to surrender their passports and mobile phones.

Tarisai is handed over to her employer, who takes her to his home. She is unaware of its location. All her clothes are confiscated, and she is given uniforms to wear. She is told that she is not allowed to leave her employer's house and is forced to work an average of 20 hours daily, with no rest. She is only paid for the first month, with the sum taken by her agent as "payment" for the cost of transporting her to Kuwait. After working for three months, she manages to escape and seeks refuge at the Zimbabwean embassy and is assisted to return home.

### **Points for discussion**

- (a) Based on the definitions of human trafficking and human smuggling in section 1.5, can this case be classified as either of these crimes?
- (b) Are the three elements (act(s), means and purpose) of trafficking present? If so, can you identify each one?
- (c) What methods are used to control the victim?

### **Case study 2**

Takunda, 28, earns USD 300 a month as an English teacher at a local school. He hears from a friend about a man recruiting English teachers for teaching opportunities in China. He contacts the recruitment agent and is offered USD 1,500 monthly for an English-teaching job. He sells his car to raise the USD 2,500 required from him by the agent to process his job application and travel to China. He enters China on a tourist visa, which, according to the agent, would be converted to a work permit. Although he is employed as an English teacher, the conditions are different from what he was originally promised. He is constantly

reassigned from one school to another and made to work very long hours. His movements are monitored, and a driver picks him up to take him to wherever his current work assignment is. He teaches English for 16 hours a day but is not paid for the three months that he has worked in China so far. He is given only lunch for meals, and he would be locked up at night in an office that serves as his accommodation. There is no bathroom that he can use, and he would go for long periods without taking a bath. None of the promised working and living conditions are completely fulfilled, if at all. Takunda's tourist visa eventually expires. He approaches the Zimbabwean embassy for assistance and is referred to a nearby police station. After his statement is taken by the police, Takunda is detained for three months for overstaying his visa and then deported.

**Points for discussion**

- (a) Based on the definitions of human trafficking and human smuggling in section 1.5, can this case be classified as either?
- (b) Are the three elements (act(s), means and purpose) of trafficking present? If so, can you identify each one?
- (c) What methods are used to control the victim?

### Case Study 3

Memory is a 14-year-old girl who stays with her parents in Mhondoro. She is currently in Form 1 of secondary school but drops out owing to financial constraints. She is approached by her female neighbour who sweet-talks her into taking a job as a domestic worker in Kadoma. She agrees to go without her parents' knowledge.

Upon arrival in Kadoma, Memory is taken to a house and handed over to a 45-year-old man who tells her that she is now his wife. The man repeatedly sexually abuses her for a month until she manages to escape and report the matter to the police.

#### **Points for discussion**

- (a) Is this a case of human trafficking or not?
- (b) What elements of trafficking exist in this case?
- (c) What is the core or distinguishing element in this case?
- (d) Would this still be a case of human trafficking if Memory were 23 years old?





## Module 2. International, Regional and National Legal Frameworks

### Overview

Provision of assistance to victims of trafficking (VoTs) is guided by various international, regional and national laws and policies. It is therefore imperative for assistance providers to understand these laws so that they tailor their services to meet international requirements and standards.

### Objective

By the end of this module, participants will have gained an appreciation of the international, regional and national legal frameworks that guide the provision of assistance to VoTs.

### 2.1. International and regional frameworks

Table 2 outlines the instruments that make up the international and regional legal frameworks to counter the crime of human trafficking. Key provisions are described for each.

Table 2. International and regional instruments

| Instrument  | Relevant provisions   |
|---|---|
| <p><b>Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children (Palermo Protocol)</b></p> <p>(adopted through United Nations General Assembly resolution 55/25 of 15 November 2000 to Supplement the United Nations Convention against Transnational Organized Crime (Palermo Convention))</p> | <p>Article 6 (“Assistance to and protection of victims of trafficking in persons”) of the Palermo Protocol calls on States Parties to:</p> <p>(a) Protect the privacy and identity of VoTs, and to implement measures to provide for the physical, psychological and social recovery of victims (e.g. housing, counselling, medical assistance, education and skills training);</p> |

| Instrument   | Relevant provisions  |
|--|--|
| <p>Zimbabwe acceded to the protocol on 13 December 2013.</p>   | <p>(b) Adopt measures that take into consideration the age, sex/gender and special needs of victims – particularly the special needs of children;</p> <p>(c) Provide for countries to ensure the physical safety of VoTs while in their territories;</p> <p>(d) Assist VoTs in obtaining compensation for damage or injury suffered.</p> <p>Article 4 alludes to the applicability of the protocol to the prevention, investigation and prosecution of human trafficking cases, as well as international cooperation in these aspects.</p>                             |
| <p><b>The Convention on the Rights of the Child (CRC)</b></p> <p>(adopted through United Nations General Assembly resolution 44/25 of 20 November 1989)</p> <p>Zimbabwe ratified the convention on 11 September 1990.</p>  | <p>The CRC is the main international instrument for the protection of children's basic human rights (civil, social, economic and political), including from all forms of abuse, violence, neglect and exploitation.</p> <p>Article 3 refers to the principle of the "best interests of the child." All assistance provided to child victims must be guided by this principle.</p> <p>Article 39 requires States to provide recovery and reintegration in an environment that fosters the health, self-respect and dignity of child victims of sexual exploitation.</p> |
| <p><b>Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography</b></p> <p>(adopted through United Nations General Assembly resolution 54/263 of 25 May 2000)</p> <p>Zimbabwe ratified the optional protocol on 14 February 2012.</p> | <p>The optional protocol criminalizes specific acts relating to the sale of children, child prostitution and child pornography, as well as attempts of and complicity in such acts. It lays down the minimum standards for protecting child victims in criminal justice processes and recognizes the right of victims to seek compensation.</p> <p>The optional protocol seeks to protect children from abusive businesses such as prostitution and pornography, especially if facilitated by their trafficking.</p>   |

| Instrument   | Relevant provisions  |
|--|--|
|  | <p>Article 1 of the optional protocol calls on States Parties to prohibit the sale of children, child prostitution and child pornography.</p> <p>Article 3 calls on States Parties to criminalize and penalize the offering, delivering or accepting, by whatever means, of a child for the purpose of:</p> <ul style="list-style-type: none"> <li>(a) Sexual exploitation of the child;</li> <li>(b) Transfer of organs of the child for profit;</li> <li>(c) Engagement of the child in forced labour.</li> </ul> <p>Article 8 calls on States Parties to protect the rights and interests of child victims and provide support services while ensuring the safety and privacy of child victims.</p>   |
| <p><b>The African Charter on the Rights and Welfare of the Child (ACRWC)</b></p> <p>(adopted through Organization of African Unity document CAB/LEG 24.9/9 on 11 July 1990)</p> <p>Zimbabwe ratified the charter on 19 January 1995.</p> | <p>Adopted in 1990 by the Organization of African Union, the ACRWC came into force in 1999. It was designed to retain the spirit, letter and substance of the CRC while at the same time having special considerations for the sociocultural and economic realities particular to Africa.</p> <p>It calls on governments to ensure the protection of children from all forms of abuse, including sexual and economic exploitation.</p> <p>Separated children should get special protection and be provided with alternative family care.</p> <p>In all dealings with children, their best interests must be taken into account and their right to privacy upheld.</p> <p>Article 29 calls on governments to take appropriate measures to prevent the abduction, sale or trafficking of children for any purpose.</p> |

| Instrument  | Relevant provisions   |
|---|---|
| <p><b>The International Labour Organization (ILO) Convention on the Worst Forms of Child Labour (Convention No. 182)</b></p> <p>(adopted by the ILO General Conference on 1 June 1999)</p> <p>Zimbabwe ratified the convention on 11 December 2000.</p> | <p>Article 1 of the convention provides for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.</p> <p>Article 3 defines “worst forms of child labour” to include:</p> <ul style="list-style-type: none"> <li>(a) Slavery and all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment for use in armed conflict;</li> <li>(b) The use, procuring or offering of a child for prostitution for the production of pornography or for pornographic performances;</li> <li>(c) The use, procuring or offering of a child for illicit activities, in particular, for the production and trafficking of drugs, as defined in relevant international treaties;</li> <li>(d) Work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.</li> </ul> <p>Article 7 calls on each ratifying member State to take into account the importance of education in eliminating child labour; and to take effective and time-bound measures to:</p> <ul style="list-style-type: none"> <li>(a) Prevent the engagement of children in the worst forms of child labour;</li> <li>(b) Provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social (re)integration;</li> <li>(c) Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;</li> <li>(d) Identify and reach out to children at special risk;</li> <li>(e) Take account of the special situation of girls.</li> </ul> |

| Instrument   | Relevant provisions  |
|--|--|
| <p><b>The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)</b></p> <p>(adopted through United Nations General Assembly resolution 34/180 on 18 December 1979)</p> <p>Zimbabwe ratified the convention on 13 May 1991.</p>                                | <p>While, overall, CEDAW seeks to protect women against discrimination, Article 6 specifically prohibits trafficking of women for sexual exploitation and prostitution.</p>  |
| <p><b>Protocol to the African Charter on Human and People's Rights on the Rights of Women (Maputo Protocol)</b></p> <p>(adopted by the Assembly of the African Union on 11 July 2003, entering into force on 25 November 2005)</p> <p>Zimbabwe ratified the protocol on 15 April 2008.</p> | <p>The protocol calls for the elimination of all forms of discrimination against women and the prohibition of all forms of exploitation, cruel, inhumane or degrading punishment and treatment.</p> <p>It points out that every woman is entitled to respect for her life and the integrity and security of her person.</p> <p>It calls on States to:</p> <ol style="list-style-type: none"> <li>(a) Identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;</li> <li>(b) Punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;</li> <li>(c) Establish mechanisms and accessible services for effective information, rehabilitation and reparations for victims of violence against women;</li> <li>(d) Prevent and condemn trafficking in women, prosecute perpetrators of such trafficking and protect women who are most at risk;</li> <li>(e) Provide for appropriate remedies to women whose rights or freedoms have been violated.</li> </ol> |

| Instrument  | Relevant provisions  |
|---|--|
| <p><b>Southern African Development Community (SADC) Protocol on Gender and Development</b></p> <p>(adopted by SADC Heads of State on 17 August 2008, entering into force on 22 February 2013)</p> <p>Zimbabwe ratified the protocol in November 2009.</p> | <p>The protocol aims to provide for the empowerment of women, eliminate discrimination and achieve gender equality by encouraging and harmonizing the development and implementation of gender-responsive legislation, policies, and programmes and projects.</p> <p>Articles 20–25 deals with gender-based violence and human trafficking and calls on States Parties to:</p> <ul style="list-style-type: none"> <li>(a) Ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual offences;</li> <li>(b) Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of reintegrating them into society;</li> <li>(c) Ensure that cases of gender-based violence are heard in a gender-sensitive environment;</li> <li>(d) Establish special counselling services and legal and police units to provide dedicated and sensitive services to survivors of gender-based violence;</li> <li>(e) Provide accessible, affordable and specialized legal services, including legal aid, to survivors of gender-based violence;</li> <li>(f) Provide specialized facilities, including support mechanisms, for survivors of gender-based violence.</li> </ul> |
| <p><b>Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children</b></p> <p>(adopted by the Ministerial Conference on Migration and Development in Tripoli on 22–23 November 2006)</p>                                  | <p>The Ouagadougou Action Plan aims to develop cooperation between the European Union and the African Union in the sharing of best practices and development of mechanisms to prevent and combat trafficking in human beings.</p> <p>Protection should be guided by the consideration of the vulnerability and reduced agency of children and women, harmful cultural traditional practices, and the growing sex tourism and industry.</p>   |

| Instrument  | Relevant provisions   |
|---|---|
|   | <p>The action plan calls for the identification of VoTs, and to provide them with appropriate assistance and protection, taking fully into account their special vulnerabilities, rights and needs.</p> <p>The action plan urges Member States to find the most appropriate measures to ensure protection and assistance to VoTs, especially for children and their families, considering, in particular, the rural and urban divide.</p> |
| <p><b>Ten-Year SADC Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (2009–2019)</b></p> | <p>This strategic framework underscores a holistic approach consisting of prevention, protection, prosecution and partnerships (the “4 Ps” or “Four Pillars”) and identifies “victim support and witness protection” as a key priority.</p>   |

## 2.2. National legislation

| Instrument  | Relevant provisions   |
|---|---|
| <p><b>Constitution of Zimbabwe</b></p>              | <p>There is no direct reference to human trafficking in the Constitution. However, it seeks to “protect all citizens’ human rights regardless of colour, religion, sex and political belief”. Among these rights are:</p> <ul style="list-style-type: none"> <li>(a) Right to liberty and security;</li> <li>(b) Right to not be subjected to slavery, servitude, forced labour or bonded labour;</li> <li>(c) Right not to be subjected to torture and/or cruel, inhumane, degrading treatment or punishment.</li> </ul> |
| <p><b>Children’s Act (Chapter 5:06) of 2001</b></p> | <p>The act regulates dealings with “minors” (i.e. individuals under the age of 18 years).</p> <p>Part I of the act establishes the term “child in need of care”. Part IV provides for the physical removal of such a child from a harmful or risky situation to a place of safety.</p>  |

| Instrument   | Relevant provisions  |
|--|--|
| <p><b>Trafficking in Persons (TIP) Act (Chapter 9:25) of 2014</b></p>                  | <p>To localize the Palermo Protocol, Zimbabwe enacted the Trafficking in Persons (TIP) Act in December 2014.</p> <p>The act provides for the prohibition, prevention and prosecution of the crime of trafficking and the establishment of centres for VoTs.</p> <p>Section 8 of the act provides a comprehensive guide on caring for trafficked persons through the establishment of such centres, describing how these centres should be organized and staffed, and what services they should offer.</p> <p>Section 9 provides for the establishment of the Anti-Trafficking Inter-Ministerial Committee, describing its composition and functions, which includes liaising with the appropriate government agencies to promote the rehabilitation and (social) reintegration of trafficking victims.</p> |
| <p><b>Zimbabwe Trafficking in Persons National Action Plan (NAPLAC), 2016–2018</b></p> | <p>NAPLAC was formulated to operationalize the TIP Act (Chapter 9:25). It aims to provide guidance and offer a detailed plan of activities to strengthen the national response to trafficking in persons.</p> <p>NAPLAC introduces four thematic areas: prevention, protection, prosecution and partnerships (the “4 Ps” or “Four Pillars”). These pillars are operationalized in specific objectives, activities, outputs and outcomes. Responsible actors, timelines and indicators for measuring progress towards planned results are identified in the action plan.</p>  |
| <p><b>National Referral Mechanism for Vulnerable Migrants in Zimbabwe</b></p>          | <p>Chapter 4 of the mechanism provides guidelines for the provision of direct assistance and the referral pathway for vulnerable migrants in Zimbabwe, while outlining the roles of both State and non-State actors.</p>   |



### 2.3. National institutional framework

The Anti-Trafficking Inter-Ministerial Committee on Trafficking in Persons (ATIMC) has legal status under the Trafficking in Persons (TIP) Act of 2014 to ensure that the necessary policies, strategies, guidelines, programmes and measures are in place to provide the necessary support and assistance to VoTs. The ATIMC is chaired by the Ministry of Home Affairs, which also houses the TIP Secretariat. Divided into four pillars (protection, prevention, prosecution and partnerships), the ATIMC is composed of the following ministries and departments:

- (a) Ministry of Home Affairs
- (b) Zimbabwe Revenue Authority
- (c) Department of Immigration
- (d) Zimbabwe Republic Police
- (e) Registrar General's Office
- (f) Ministry of Health and Child Care
- (g) Ministry of Foreign Affairs
- (h) Ministry of Women Affairs, Gender and Community Development
- (i) Ministry of Youth, Indigenisation and Economic Empowerment
- (j) Ministry of Justice
- (k) Ministry of Public Service, Labour and Social Welfare
- (l) Ministry of Information
- (m) Ministry of Education
- (n) Office of the President and Cabinet
- (o) Reserve Bank of Zimbabwe

As provided for under the Trafficking in Persons Act of 2014, the Ministry of Public Service, Labour and Social Welfare is the authority responsible for the protection of and assistance to VoTs and is the chair of the “Protection” pillar (one of the so-called “4 Ps”). The following are the specific objectives under this pillar:

- (a) Establish a functioning identification and referral system for reported TIP cases;
- (b) Facilitate the provision of appropriate shelter and psychosocial support services to identified VoTs;
- (c) Establish a sustainable national reintegration and rehabilitation programme for identified VoTs;
- (d) Protect the privacy and identity of trafficked persons before, during and after criminal proceedings;
- (e) Coordinate with pertinent structures in destination countries as regards the identification, assisted voluntary return and referral of victims and potential VoTs of Zimbabwean citizenship;
- (f) Coordinate the protection and assisted return of victims and potential victims of trafficking of foreign citizenship identified in Zimbabwe;
- (g) Build and maintain a database for referred victims, reporting collected data regularly to the ATIMC, and hold regular meetings with government and non-government actors in the Technical Steering Committee on the Protection of Victims of Trafficking.

The ATIMC has similar structures called “provincial task forces” that coordinate TIP issues at the provincial level. So far, provincial task forces have been established in Mashonaland East, Bulawayo, Mashonaland Central, Masvingo and Manicaland.

Several civil society organizations (CSOs) provide specific services to VoTs, examples of which are Childline Zimbabwe, the Musasa Project, Development Practitioners Network and Young Women's Christian Association. Each of these CSOs are required to sign a memorandum of understanding with the Ministry of Public Service, Labour and Social Welfare for them to be able to assist trafficking victims.

**Points for discussion**

- (a) In your opinion, is the legislative framework sufficient (at least in theory) to ensure protection and redress for Zimbabwean VoTs? Explain your answer.
- (b) What improvements or amendments do you think can be made to existing legal instruments to enhance protection of VoTs and potential VoTs?
- (c) What other institutions can play a role in combatting human trafficking? What roles, in particular, can they play?



## Module 3. Identifying Victims of Trafficking

### Overview

Identifying victims of trafficking (VoTs) is a crucial step in the assistance process, as it ensures their physical safety, including through access to protection services, as well as enabling the prosecution of offenders. The hidden nature of trafficking, however, makes it difficult to identify trafficking victims. It is therefore the responsibility of frontline workers to know the signs or indicators of human trafficking, so that they may recognize victims or potential victims, as self-identification is usually unlikely. The goal of identification is to ensure that the presumed victim reaches appropriate support services in the safest and most appropriate way. Victim identification is often a multi-stage process involving: (a) an assessment of indicators, (b) interviews with the victim, (c) assessment of additional evidence and (d) decision-making on whether the case is, indeed, one of trafficking.

### Objectives

By the end of this module, participants will be able to:

- (a) Determine whether an individual is a VoT or not;
- (b) Understand the importance of victim identification;
- (c) Understand the different indicators used in victim identification.

### 3.1. Who is responsible for identification?

There are State and non-State agencies or institutions responsible for the identification of potential victims. These include border management agencies, international organizations, shelters for VoTs,

social care centres for persons in need, and organizations that run assistance programmes for persons in need. Key actors responsible for victim identification include immigration officers, customs officers, labour inspectors, social workers and medical practitioners, among others. Outside the territory of Zimbabwe, embassies and international organizations are responsible for the initial identification of VoTs.

### **3.2. Stages of victim identification**

Due, in part, to the amount of power and control exerted by traffickers, victims often develop complex survival mechanisms. However, these can become barriers to seeking assistance and/or to victim self-identification. The power and control dynamics can be very complex to manoeuvre, especially when traffickers have developed and manipulated intimate relationships with their victims. The challenges posed to identification should be understood and considered when designing and implementing identification mechanisms. The identification of a VoT is rarely a conclusive, point-in-time event, but rather a process that may involve several stages. Each stage of the identification process offers opportunities to screen a suspected or potential VoT through observation and interaction, from the point of initial contact through to the conduct of interviews.

#### **3.2.1. Stage 1: Assessment of indicators**

Victim self-identification is not always possible owing to several reasons, including language barriers, victims' fear of traffickers and general mistrust of people (especially the police), and the fact that they may not see themselves as victims. There are, however, recurring patterns of behaviour that may raise the suspicion of individuals and agencies responsible for identifying VoTs. The following are some indicators that may indicate a person is a trafficking victim:

- (a) The person believes that he or she must work against his or her will.

- (b) The person is unable to freely leave his or her work environment.
- (c) There are signs that the person's movements are being controlled.
- (d) The person shows fear or anxiety.
- (e) The person has been subjected to violence or has received threats against themselves or against his or her family members and loved ones.
- (f) The person has suffered injuries that appear to be the result of assault or sexual abuse.
- (g) The person has suffered injuries or impairments that are characteristic of certain jobs (occupational hazards) or control measures.
- (h) The person is distrustful of authorities.
- (i) The person is afraid of being handed over to the authorities.
- (j) The person is afraid of revealing his or her immigration status.
- (k) The person is not in possession of his or her passport and/or other travel and identity documents, as those documents are being held by someone else.
- (l) The person has false identity or travel documents.
- (m) The person is unfamiliar with the local language or culture where he or she is working.
- (n) The person does not know his or her home or work address.
- (o) The person seems fearful, not confident and prefers for others to speak for him or her when addressed directly.
- (p) The person acts as if he or she was instructed by someone else.
- (q) The person is forced to work under certain conditions.
- (r) The persons is disciplined through punishment.

- (s) The person is unable to negotiate working conditions.
- (t) The person receives little or no payment.
- (u) The person has no access to his or her earnings.
- (v) The person works excessively over long periods (i.e. long work hours).
- (w) The person does not have any days off.
- (x) The person lives in crowded and/or substandard accommodation to accomplish tasks for the employer.
- (y) The person has limited or no access to medical care.
- (z) The person has limited or no contact with his or her family or with people outside of their immediate environment.
- (aa) The person is restricted from communicating freely with others.
- (ab) The person is under the perception that he or she is bonded by debt.
- (ac) The person comes from a place known to be a source of human trafficking victims.
- (ad) The person had the fees for his or her transport to the country of destination paid for by “facilitators”, to be paid back by working or providing services at the destination.
- (ae) The person has acted on the basis of false promises.
- (af) The person has tried to escape from a situation of work and was returned.

### **Indicators to consider when dealing with children**

A child can be suspected to be a trafficking victim if he or she:

- (a) Has no or limited access to his or her parents or guardians;
- (b) Travels unaccompanied, if old enough to be able to;



- (c) Travels in groups with persons who are not relatives;
- (d) Travels accompanied by suspicious individuals;
- (e) Is unable to speak fluently in the local language;
- (f) Has no friends of his or her own age elsewhere, except in his or her area of work;
- (g) Is engaged in work that is not suitable for children;
- (h) Performs work of a certain nature, for example, begging on the streets;
- (i) Has no access to education;
- (j) Has no time for play;
- (k) Lives apart from other children in an unhealthy environment, with substandard accommodation;
- (l) Looks intimidated and behaves in a way that is not typical of children of his or her own age;
- (m) Eats apart from others or is given only leftovers to eat;
- (n) Has scars or injuries on his or her body suggestive of abuse.

### **Relevant factors**

Other issues need to be considered in every trafficking case as possible relevant factors in deciding whether a person is a trafficking victim (i.e. “victim status”). These are:

- (a) Gender  
The relevance of a person’s gender depends on workplace location (e.g. night club, private home, etc.) or where the exploitation took place, and the type of exploitation involved. Trafficking for sexual exploitation predominantly affects young women and teenage girls.

(b) Age

The general rule is that the older the person, the less likely the case is to involve trafficking. Trafficking for sexual or labour exploitation usually involves younger victims, as traffickers know that they are more likely to be able to withstand the arduous work and conditions involved. It should not be forgotten, however, that older people are also trafficked. In South-East Asia, for example, older people have been trafficked for street-begging.

(c) Nationality

There are generally trends and patterns in the source countries of trafficking victims. Thus, nationality is often a factor that raises suspicion of trafficking. Be on the lookout for any clues that suggest a high presence of foreigners, including language and appearance.

### Case study 1: Chipo

Chipo is a 17-year-old girl working as a waitress at a food outlet in Beitbridge. She is approached by a man who offers her a job as a waitress at a hotel in Durban, which she accepts. She travels to Durban with the man, illegally crossing the border into South Africa. On arrival in Durban, the man tells her that she is now her wife and repeatedly rapes her. Chipo's movements are restricted; she is not allowed to leave the man's house and is not allowed to talk to anyone. She is given little food and is beaten, with scars on her body. Neighbours suspect Chipo to be a victim of human trafficking.

**Points for discussion**

- (a) Is this a case of human trafficking?
- (b) What indicators (acts, means and purpose) are present to suspect that this is a case of trafficking?

**3.2.2. Stage 2: The interview**

An interview with a person suspected of being a trafficking victim is conducted to determine whether the definition of “trafficking” is satisfied. Crucial information about the alleged trafficking incident is collected and analysed along with pre-interview indicators to conclusively determine if the person is a genuine trafficking victim. For adults, an act(s) (e.g. recruitment or transportation) and means (e.g. deceit, coercion or fraud) for the purpose of exploitation are identified. The interview involves a systematic investigation of each stage of the trafficking process. It is a challenging process that requires special skills and considerations.

**Principles of a successful interview with a VoT**

Below are ten guiding principles for the ethical and safe conduct of an interview with a woman suspected of being a trafficking victim:<sup>5</sup>

- (a) Do no harm.  
Treat each woman and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a woman’s situation worse in the short or longer term.

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<sup>5</sup> World Health Organization, *Ethical and Safety Recommendations for Interviewing Trafficked Women* (Geneva, 2003). Available at [www.who.int/mip/2003/other\\_documents/en/Ethical\\_Safety-GWH.pdf](http://www.who.int/mip/2003/other_documents/en/Ethical_Safety-GWH.pdf).

Note: Although the recommendations are explicitly made for women, they apply to all categories of trafficking victims, including men.

- (b) Know your subject and assess the risk(s).  
Learn the risk(s) associated with trafficking in general, as well as the woman's specific case, before undertaking an interview.
- (c) Prepare referral information. Do not make promises that you cannot fulfil.  
Be prepared to provide information in the woman's native language or a local language (if different from her native language) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.
- (d) Adequately select and prepare interpreters and co-workers.  
Weigh the risks and benefits associated with employing an interpreter, a co-worker or others, and develop adequate methods for screening and training.
- (e) Ensure anonymity and confidentiality.  
Protect the woman's identity and confidentiality throughout the entire interview process – from the moment she is contacted to the time that details of her case are made public (if ever).
- (f) Obtain informed consent.  
Make certain that the suspected victim clearly understands the content and purpose of the interview, the intended use of the information, her right not to answer any of the questions, her right to terminate the interview at any time, and her right to put restrictions on how the information is to be used.
- (g) Listen to and respect the subject's assessment of her situation and risks to her safety.  
Recognize that each woman will have different concerns, and

that the way she views her concerns may be different from how others might assess them.

- (h) Do not re-traumatize the subject.  
Do not ask questions that might provoke an emotionally charged response. Be prepared to respond to a woman's distress and highlight her strengths.
- (i) Be prepared for emergency intervention.  
Be prepared to respond and take action if a woman says she is in imminent danger.
- (j) Put collected information to good use.  
Use information in a way that will benefit the subject or advance the development of good policies and interventions for trafficked women in general.

### **Special considerations when interviewing minors**

The following guidelines are recommended when interviewing minors (anyone under 18 years of age).<sup>6</sup>

- (a) Only staff trained in the special needs and rights of children should interview child victims. Wherever possible, child victims should be interviewed by staff of the same sex.
- (b) Find out as much as possible about the child's case prior to the interview and make clear and friendly introductions. Talking about something the child is familiar with helps to establish rapport.
- (c) Create a space that is safe and comfortable for conversation. Use toys, books and/or games to help build rapport.

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<sup>6</sup> IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (Geneva, 2007). Available at <https://publications.iom.int/books/iom-handbook-direct-assistance-victims-trafficking-0>.

- (d) Establish rapport by talking about or doing things that are not related to the trafficking experience. For example, play games with the child or discuss things that he or she is familiar with.
- (e) Dedicate adequate time for discussions and do not rush.
- (f) Keep the atmosphere simple and informal. Do not assume an interrogatory stance or press for responses if the child is uncomfortable.
- (g) Use appropriate and child-friendly language. Pick up terms that the child uses.
- (h) Explain things in a manner that the child can easily comprehend. Use visual aids whenever possible.
- (i) Questions should be adapted to take the child's age and mental capacity into consideration.
- (j) Begin with open-ended questions, allowing the child to give his or her own account. Avoid leading questions such as "Did the person (trafficker) abuse you?" Instead, use more open-ended questions such as, "What did the person (trafficker) do?"
- (k) Do not pursue and press for details if there are signs that the child has told all he or she knows. However, also bear in mind that children will leave information out if the right question is not asked and will give answers they believe the interviewer wants to hear.
- (l) The interview should take place in the presence of a parent. In case none of the parents is available or if they are suspected or confirmed to be involvement in the trafficking, conduct the interview in the presence of a trained guardian, psychologist or social worker.

- (m) Close the interview in a way that reassures the child that he or she has done well, and that you will be available whenever he or she needs to talk again.

### **3.2.3. Stage 3: Analysing additional evidence**

Any additional evidence available – including supporting documents and materials provided by the suspected victim – must be used to confirm the story and determine whether he or she has indeed been trafficked. Such evidence includes the suspected victim's passport and other travel documents, flight tickets and employment contract.

### **3.2.4. Stage 4: Decision on victim status**

An analysis of the trafficking indicators, the results of the interview and any additional evidence, taken together, helps in deciding whether the subject is a trafficking victim, thus:

Indicators + Interview + Additional evidence → DECISION

In Zimbabwe, decision-making is done by more than one agency using the case management system to make the identification process more accurate and transparent.

### Case study 2: Tracey

Tracey, 24 years old, responds to an advertisement for domestic workers in Kuwait. Upon arrival in Kuwait, she signs a two-year contract with her employer. The amount that she is being paid (as indicated in her contract) is different from what she was promised, but she takes the job anyway. She works long hours but is paid her dues every month. At the end of her two-year contract, she returns to Zimbabwe. She hears that other women trafficked to Kuwait have received reintegration assistance and

she approaches the Department of Social Welfare in hopes of receiving the same.

**Points for discussion**

- (a) Is this a case of human trafficking? Why do you say so?
- (b) How should the case be handled?



## Module 4. Direct Assistance

### Overview

Direct assistance to victims of trafficking (VoTs) includes shelter, medical assistance, mental health and psychosocial support, legal advice, and reintegration support, among others. Concrete guidelines for assisting VoTs, including through the conduct of referrals and follow-ups, are necessary in order to facilitate their journey towards recovery and reintegration into society.

### Objectives

By the end of this module, participants will be able to:

- (a) Link the abuses suffered by VoTs and their corresponding needs;
- (b) Understand the services required by VoTs;
- (c) Understand and apply principles and international guidelines for protecting and assisting trafficking victims.



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The trafficking cycle cannot be broken without attention to the rights and needs of those who have been trafficked. Appropriate protection and support should be extended to all trafficked persons without discrimination.

Recommended Principles on Human Rights and Human Trafficking, 2002  
(Office of the United Nations High Commissioner for Human Rights)

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#### 4.1. Understanding the needs of trafficked persons

VoTs often face various forms of abuse at the hands of traffickers, resulting in severe physical, health, psychological and social consequences. Beatings, starvation, isolation, violence, rape and other forms of sexual violence are often used to break victims physically, mentally and emotionally and force them to obey the trafficker's rules. Table 3 summarizes some of the abuses suffered by victims and their potential consequences.

Table 3. Victim control methods and their potential consequences<sup>7</sup>

| Control method or form of exploitation                     | Potential consequences for or effects on the victim  |
|--|--|
| Physical abuse, including sleep deprivation                | <ul style="list-style-type: none"> <li>• Physical health problems, including (but not limited to) bruises, cuts, burns, broken bones and exhaustion</li> <li>• Death in worst-case scenarios</li> </ul>  |
| Threats, intimidation and abuse                            | <ul style="list-style-type: none"> <li>• Mental health problems, including depression, suicidal thoughts and attempts, post-traumatic stress disorder, anxiety, hostility and flashbacks</li> </ul>  |
| Sexual abuse   | <ul style="list-style-type: none"> <li>• Sexually transmitted infections (including HIV and pelvic inflammatory disease)</li> <li>• Infertility, vaginal fistula, unwanted pregnancy or unsafe abortion</li> <li>• Depression</li> <li>• Social stigma</li> <li>• Family breakdown, which may lead to divorce or separation</li> </ul> |
| Substance misuse (e.g. alcohol and legal or illegal drugs) | <ul style="list-style-type: none"> <li>• Overdose</li> <li>• Substance dependency and addiction</li> </ul>   |
| Social restriction, manipulation and emotional abuse       | <ul style="list-style-type: none"> <li>• Psychological distress</li> <li>• Inability to access care</li> </ul>   |

<sup>7</sup> IOM, *Caring for Trafficked Persons: Guidance for Health Providers* (Geneva, 2009). Available at <https://publications.iom.int/books/caring-trafficked-persons-guidance-health-providers>.

| Control method or form of exploitation   | Potential consequences for or effects on the victim  |
|--|--|
| Economic exploitation, debt bondage and deceptive accounting   | <ul style="list-style-type: none"> <li>• Malnutrition</li> <li>• Poor hygiene</li> <li>• Renewal of debts</li> <li>• Risk-taking to repay debts</li> <li>• Insufficient funds to pay for care</li> <li>• Re-sale of women</li> <li>• No earnings from exploitative work</li> </ul> |
| Legal insecurity, forced illegal activities and confiscation of documents  | <ul style="list-style-type: none"> <li>• Restriction from or reluctance to access services, resulting in deterioration of health and exacerbation of condition</li> </ul>  |
| Occupational hazards, dangerous working conditions, long working hours, poor training or equipment, and exposure to chemical, bacterial or physical dangers  | <ul style="list-style-type: none"> <li>• Dehydration</li> <li>• Infections</li> <li>• Heat or cold overexposure</li> <li>• Physical and chemical injuries leading to, e.g. amputations, permanent organ damage and even death in worst-case scenarios</li> </ul>                   |
| Marginalization through structural and social barriers, including physical isolation, discrimination, language and cultural barriers, and difficult logistics (e.g. transport systems and administrative procedures) | <ul style="list-style-type: none"> <li>• Unattended injuries or infections</li> <li>• Debilitating conditions</li> <li>• Psychosocial health problems</li> <li>• Mistrust of others and social withdrawal</li> </ul>   |

## 4.2. Basic principles of protection and direct assistance<sup>8</sup>

The following key principles, based on relevant human rights principles and the Palermo Protocol, should guide all assistance and protection measures, including shelter activities, undertaken by an assistance provider, including service delivery organizations.

<sup>8</sup> IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking*.

#### **4.2.1. Respect for and protection of human rights**

As trafficking constitutes a serious human rights violation and often leads to further violations of the rights of victims, all assistance and protection efforts should strive to restore victims' rights and prevent further violations. Human rights underpin all aspects of humanitarian work. Assistance providers, including service delivery organizations, should take care to respect the basic human rights of all assisted victims, as expressed in global and regional human rights instruments. VoTs should be made aware of their rights and responsibilities under these instruments.

#### **4.2.2. Informed consent**

All assistance provided to VoTs should proceed based on their full and informed consent. From a victim's initial admission to the delivery of relevant assistance, up until the victim's full reinsertion into society, it is incumbent upon service delivery organizations and their partner organizations to explain relevant actions, policies and procedures in a way that the victim understands before seeking consent to any proposal or action. In the case of a child victim, his or her guardian should be consulted on all matters and consent to any action intended to be taken.

#### **4.2.3. Non-discrimination**

Services to victims should be provided without discrimination based on gender or sexual orientation, age, disability, race or ethnicity, social class, religion, language, political belief or any other status. Service delivery organizations should also take care that partner organizations and organizations to which victims are referred to observe the same obligations to trafficking victims.

#### **4.2.4. Confidentiality and right to privacy**

All information and communication regarding VoTs must be treated with due regard for their right to confidentiality and privacy. Service delivery organizations should ensure that staff handle all victim data responsibly, collecting and sharing information within the limits of the “need to know” principle and with the victim’s informed consent. It is fundamental that staff understand that by breaching confidentiality and privacy of the victim, their lives and the lives of others may be put at risk.

#### **4.2.5. Self-determination and participation**

In recognition of the right and need of victims to make their own informed choices and decisions, staff of service delivery organizations should encourage them to participate as much as possible in any decision-making concerning them. Staff should strive to work with victims towards the restoration of their self-respect and autonomy and to strengthen their confidence to assume responsibility for themselves and regain control over their lives and their future.

#### **4.2.6. Individualized treatment and care**

While recognizing that trafficking victims share several common experiences and circumstances, staff should also acknowledge the individuality of each, factoring in his or her gender, age, culture, personality and experiences before, during and after the trafficking experience, and, to the extent possible, provide personalized care and assistance. Throughout the assistance process, staff should strive to provide protection, assistance and support measures that are most appropriate to the unique needs and circumstances of each victim.

#### **4.2.7. Comprehensive continuum of care**

A holistic approach to aid the recovery of trafficking victims offers a comprehensive continuum of care services in accordance with victims' physical, psychological and social conditions. To ensure appropriate and quality assistance, and that as many of the victims' needs as possible are met, service delivery organizations should consider collaborating with other experienced assistance providers and establishing cooperation agreements and referral mechanisms regarding the provision of appropriate and comprehensive services.

#### **4.2.8. Equitable distribution of resources**

Service delivery organizations should strive to distribute and provide all services, materials and resources equitably and according to the needs of victims. Service delivery organization staff should keep in mind other services that might be available for victims and assist them in accessing all available resources and services, including those provided by non-governmental, intergovernmental and State organizations.

#### **4.2.9. Best interests of the child**

All assistance and protection provided to children should be based on the principle that the best interests of the child will always be the paramount consideration.

### **4.3. Services and assistance to victims of trafficking**

The needs of trafficking victims, each addressed by a corresponding service, are classified as immediate (usually emergency), medium-term or long-term needs (Table 4). Victims have different protection needs and priorities, and it is crucial to include the individual in any decision-making process regarding the assistance or service to be offered. Comprehensive services, which include medical and mental health care, legal assistance, safety planning and housing, can support a trafficking survivor's recovery and ability to transition successfully to a new life.

Table 4. Immediate, medium- and long-term needs of victims of trafficking

| Immediate needs  | Medium-term needs   | Long-term needs  |
|--|---|--|
| <ul style="list-style-type: none"> <li>• Safe and secure temporary shelter</li> <li>• Food, water and clothing</li> <li>• Emergency medical treatment</li> <li>• Appointment of a guardian (for minors)</li> </ul> | <ul style="list-style-type: none"> <li>• Medical care</li> <li>• Psychosocial support (including counselling and trauma therapy)</li> <li>• Accommodation and housing</li> <li>• Vocational training, re-training and life skills</li> <li>• Family tracing</li> <li>• Legal assistance and representation</li> </ul> | <ul style="list-style-type: none"> <li>• Continuation of immediate and medium-term needs</li> <li>• Livelihood opportunities</li> <li>• Access to the labour market</li> <li>• Access to education and school (for minors)</li> <li>• Reintegration</li> </ul> |

#### 4.3.1. Shelter

Access to safe and secure accommodation is an urgent need for VoTs. The Trafficking in Persons Act gives mandate to the Ministry of Public Service, Labour and Social Welfare to establish VoT centres, which must be registered with the Government and operate according to the country's laws (Annex 2 outlines the standards for these shelters). There are, however, non-State actors involved in the provision of safe shelter, although not specifically targeted at VoTs. Most of these centres are for children and women (victims of gender-based violence). Shelters should be able to offer comprehensive assistance packages: in addition to food and shelter, VoTs need medical, psychosocial and legal support to facilitate their recovery.

#### 4.3.2. Medical assistance

VoTs may be experiencing health problems due to the ill treatment and exploitation to which they have been subjected during the trafficking process. Such health problems include HIV/AIDS and other sexually transmitted infections, malnutrition, physical injury and disability. Access to a clinic or hospital should therefore be considered a priority.

### **4.3.3. Counselling**

Survivors of human trafficking have often endured a degree of trauma significant enough to leave lasting psychological and physical effects. Some experience depression or post-traumatic stress disorder or may have suicidal ideation. To appropriately support survivors, counselling should only be provided by adequately trained personnel with an in-depth understanding of trafficking and the exceptional abuses it involves. Only counsellors specifically trained to work with children should be engaged to work with child VoTs.

### **4.3.4. Financial assistance**

Several kinds of financial assistance or grants may be available to VoTs for their reintegration, depending on the programme(s) of the organizations involved. It is important to explain to victims the differences between the different kinds of such grants, clarifying their specific purposes and identifying which among them the victims are eligible for.

### **4.3.5. Legal assistance**

Following appropriate action to address victims' immediate needs, they should be informed of available legal options as soon as possible, including civil and criminal legal proceedings. VoTs need to be informed of the possibility to cooperate with law enforcement agencies, the possibility of acting as witnesses in criminal proceedings, the legal options available for their protection if they act as witnesses and the possibility of pressing civil charges against their traffickers for the restitution of their belongings and compensation for any harm and injuries suffered.

### **4.3.6. Education assistance**

Some VoTs have not completed their education, which further reduces their chances of finding work. Helping VoTs complete their education should be considered a priority whenever possible. In cooperation with national authorities, the receiving service delivery organization



or assistance provider can facilitate the victim's reinsertion into the education system and/or provide financial support for his or her education. Educational facilities located in the vicinity of the victim's place of residence are to be preferred regarding any educational reinsertion deemed necessary as part of the reintegration plan.

#### **4.3.7. Vocational training**

Service delivery organizations should assist victims in setting realistic employment goals commensurate with their abilities, skills and education level, and the employment opportunities available to them. All efforts should then be made to provide vocational training necessary to realize such goals. Vocational training is an important element to be included in reintegration plans since it helps ensure the sustainability of the social reintegration of VoTs by increasing their chances of gainful employment, as well as their confidence and general life skills. Vocational training should be voluntary, teach the necessary skills to find employment, and be offered on a case-by-case basis, in accordance with a comprehensive reintegration assessment.

#### **4.3.8. Income-generating activities**

Adult VoTs typically face immediate economic hardship on their return home, due to the harsh economic conditions in their home country and/or their lack of professional and practical skills. Economic hardship may be linked to depression and other psychological problems, as well as the social stigmatization that VoTs sometimes suffer. Such difficulties heighten the risk of renewed trafficking, as returning victims find themselves confronted with the same problems that induced them to leave in the first place. Income-generating activities and grants for the creation of microenterprises can be an effective means to increase victims' independence and self-reliance. Small income-generating activities can help in this regard by strengthening victims' self-confidence and autonomy, aside from augmenting the family income.

#### **4.3.9. Return assistance**

VoTs may be given the option of voluntary, safe and dignified return to their home country. This applies to Zimbabwean citizens trafficked to other countries and nationals of other countries identified in Zimbabwe. Assistance providers in the destination country should collaborate with available social assistance services in the home country to ensure that returning victims can continue their psychosocial recovery upon return and be supported in their attempt to resume their lives and seek new opportunities.

#### **4.4. Victim referral**

Responding to the needs of VoTs requires cooperation among all players in both public (State actors) and private (non-State actors) sectors, as no one organization can fully meet these needs. Inter-agency cooperation ensures a coordinated approach and a comprehensive response mechanism. The Zimbabwean Government has put in place the National Referral Mechanism for Vulnerable Migrants, which covers VoTs. Any organization that comes across a case outside its mandate or capacity must refer it to the appropriate assistance provider along the continuum of care. Where a referral is made for a follow-up service(s), the receiving organization should make every effort to communicate the status and well-being of the victim to the referring organization. All agencies that are part of the referral mechanism must adhere to the principles governing the protection of VoTs, as discussed in previous sections.

#### **4.5. Monitoring of reintegration**

Regular contact should be maintained with returned victims both for their security and for monitoring to ensure their effective reintegration. Trained partner organizations working near the victim's residence may be able to provide not only direct assistance to victims, but also prepare

and implement the reintegration plan and conduct the reintegration assessment. Monitoring of the reintegration process is indispensable in measuring verifiable indicators of the success of the reintegration programme.

Monitoring reports should be completed for each victim assisted within the month during the first three months of the reintegration monitoring process. This should be followed by at least two additional three-month reports during the remainder of the monitoring period. Monitoring of victims for a period exceeding one year should be avoided (except for minors, for whom monitoring can be done until the age of majority), as this could add to victims' stigmatization and be counterproductive to the reintegration process and the normalization of their situation.

#### **4.6. Reporting and information-sharing**

All cases of trafficking must be reported and captured in the central database housed at the Ministry of Home Affairs. Protection cases must be reported to the Ministry of Public Service, Labour and Social Welfare, which acts as chair of the Protection Cluster, for presentation to the Anti-Trafficking Inter-Ministerial Committee.

##### **Case study 1: Tamia**

Tamia is a 28-year-old married mother of two who is trafficked to South Africa for sexual exploitation. The traffickers gang-rape her before selling her to a brothel owner. She is introduced to drugs and alcohol and locked up in a room where clients come and have sex with her without protection. She is beaten if she refuses to have sex or asks clients to use protection. Tamia does not receive any share of her clients' payments, which the brothel owner takes on her behalf. A year down the line, Tamia contracts

a sexually transmitted infection and clients begin complaining to the brothel owner. Realizing that she is no longer profitable, the brothel owner chases her away. She is picked up by law enforcement officers and deported back to Zimbabwe. Her husband hears what happened to her and is not eager to receive her back home. Shunned by her husband and rejected by her family, Tamia feels isolated and helpless. Depressed, she attempts to commit suicide twice. Tamia is brought to the attention of your organization, which is an assistance provider.

#### **Points for discussion**

- (a) What are the social, physical and medical consequences of the trafficking experience on Tamia?
- (b) What are her immediate needs?
- (c) What are her medium-term needs?
- (d) What are her long-term needs?
- (e) How best would you assist Tamia?

#### **Case study 2: Mpumalanga**

Mpumalanga is a 12-year old boy from a rural area in Zimbabwe. His mother, Mai Mposhe, is a widow with six children to care for, and with drought affecting much of the region, finding food to feed them all is an increasingly difficult task. As the eldest boy in the family, Mpumalanga feels responsible for his siblings and would like to help his mother feed them. Before the drought, he would occasionally do odd jobs for neighbours, but these days, no one has anything with which to pay him.

One day, Mai Mposhe meets a man, Ncube, who was looking for “strong boys” to work on farms in Botswana. When Mai Mposhe tells Ncube that she has a 12-year old son who is looking for work, Ncube offers her the equivalent of USD 50 for Mpumalanga’s services, promising that Mpumalanga would be fed and accommodated at his place of employment. The sum offered was a significant amount of money to Mai Mposhe that would enable her to feed her other children for some time. In addition, with the prospect of having someone else feeding her eldest son (thereby having fewer stomachs to feed herself), she agrees to the deal.

Although Mpumalanga is sad to leave his family, he is glad to be able to help his family through this way. Together with Ncube and four other boys, they hitch-hike for several days, often walking along the roadside and occasionally riding in the backs of trucks. Mpumalanga has no recollection of crossing a border, but eventually he and his travelling companions arrive at a farming area that has not been affected by drought. Ncube leads the boys along the edges of several large farms, occasionally negotiating with other men that he finds there. After receiving a sum equivalent to USD 80, he leaves Mpumalanga with a man named Godfrey.

Godfrey supervises many workers, some of whom are boys of Mpumalanga’s age. He makes sure that they all work very hard in the fields, with the working day starting before the sun rises, and ending after it sets. They are given no payments for their work, but are fed two meals a day, one in the morning and one in the evening. At night, the boys all sleep in a small room on a hard dirt floor, without mats or mattresses, with each one given

only a thin wool blanket. Mpumalanga is often hungry, cold and uncomfortable and frequently ill.

After many months, Mpumalanga is very tired of his living conditions and starts to feel homesick. He has no idea how to return home to his family, but he decides to leave the farm anyway, telling no one of his intention to do so.

Shortly after leaving the farm one night, he is apprehended by the police.

**Points for discussion**

- (a) What are the social, physical and medical consequences of the trafficking experience on Mpumalanga?
- (b) What are his immediate needs?
- (c) What are his medium-term needs?
- (d) What are his long-term needs?
- (e) How best would you assist him?

**ANNEX 1.****Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime****Preamble**

*The States Parties to this Protocol,*

*Declaring* that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

*Taking into account* the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

*Concerned* that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

*Recalling* General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a

comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,

*Convinced* that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

*Have agreed as follows:*

## **I. General provisions**

### **Article 1. Relation with the United Nations Convention against Transnational Organized Crime**

- (1) This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
- (2) The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.
- (3) The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

### **Article 2. Statement of purpose**

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.



### **Article 3. Use of terms**

For the purposes of this Protocol:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

### **Article 4. Scope of application**

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

## **Article 5. Criminalization**

- (1) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
- (2) Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
  - (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
  - (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
  - (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

## **II. Protection of VoTs in persons**

### **Article 6. Assistance to and protection of victims of trafficking in persons**

- (1) In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
- (2) Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
  - (a) Information on relevant court and administrative proceedings;
  - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

- (3) Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
  - (a) Appropriate housing;
  - (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
  - (c) Medical, psychological and material assistance; and
  - (d) Employment, educational and training opportunities.
- (4) Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
- (5) Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
- (6) Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

#### **Article 7. Status of victims of trafficking in persons in receiving States**

- (1) In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

- (2) In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

### **Article 8. Repatriation of victims of trafficking in persons**

- (1) The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.
- (2) When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.
- (3) At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.
- (4) In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

- (5) This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.
- (6) This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

### **III. Prevention, cooperation and other measures**

#### **Article 9. Prevention of trafficking in persons**

- (1) States Parties shall establish comprehensive policies, programmes and other measures:
  - (a) To prevent and combat trafficking in persons; and
  - (b) To protect victims of trafficking in persons, especially women and children, from revictimization.
- (2) States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
- (3) Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
- (4) States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
- (5) States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to

discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

### **Article 10. Information exchange and training**

- (1) Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:
  - (a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;
  - (b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and
  - (c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.
- (2) States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with nongovernmental organizations, other relevant organizations and other elements of civil society.

- (3) A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

### **Article 11. Border measures**

- (1) Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.
- (2) Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.
- (3) Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.
- (4) Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.
- (5) Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.
- (6) Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control

agencies by, inter alia, establishing and maintaining direct channels of communication.

### **Article 12. Security and control of documents**

Each State Party shall take such measures as may be necessary, within available means:

- (a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- (b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

### **Article 13. Legitimacy and validity of documents**

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

## **IV. Final provisions**

### **Article 14. Saving clause**

- (1) Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.



- (2) The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

### **Article 15. Settlement of disputes**

- (1) States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.
- (2) Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
- (3) Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.
- (4) Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

**Article 16. Signature, ratification, acceptance, approval and accession**

- (1) This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
- (2) This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.
- (3) This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
- (4) This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

**Article 17. Entry into force**

- (1) This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
- (2) For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

**Article 18. Amendment**

- (1) After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

- (2) Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.
- (3) An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.
- (4) An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.
- (5) When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### **Article 19. Denunciation**

- (1) A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.
- (2) A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

**Article 20. Depositary and languages**

- (1) The Secretary-General of the United Nations is designated depositary of this Protocol.
- (2) The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness whereof, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

## ANNEX 2.

### Shelter Guidelines<sup>9</sup>

The health and safety of all residents and staff in any shelter are of the utmost importance. All shelters should provide a clean, safe and comfortable environment in secure and carefully planned surroundings. All shelter facilities and furnishing should be in good repair and in compliance with local health, fire, electricity and building codes.

#### **Premises, layout and features of the shelter facility**

The precise features of a shelter facility will depend on the availability of suitable premises, available funding and support for the shelter. However, most shelters should provide 24-hour service and include the following:

##### **Kitchen and dining area**

Food preparation and serving areas should be adequate to ensure safe food preparation and storage. Kitchens should contain appropriate cooking, serving and eating utensils.

##### **Group living area**

The shelter must have enough space for groups of residents to congregate and engage in activities.

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<sup>9</sup> IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking*.

**Bathroom facilities**

Toilets and washing and bathing facilities should be in good repair, clean and available in sufficient numbers. Shelter residents should be called upon to keep facilities clean.

**Sleeping facilities**

Shelter residents should have adequate sleeping spaces and their own beds (which should be kept in good repair), clean bed linens, and storage space for their clothing and personal belongings. Keeping in mind that many trafficking victims are often forced to make do with a minimum of comfort or even sleep on floors or doubled up in a room or bed with other victims, it is important not to duplicate this kind of environment in the shelter even for short periods. In case of emergencies, staff may decide that it is safe and appropriate to allow residents to sleep in cots or other appropriate alternative arrangements. Such alternatives should be used strictly on a short-term basis until more space becomes available at the shelter or suitable arrangements are made at an alternative location.

**Private counselling room**

At least one room at the shelter should be available at all times for private discussions and counselling sessions with shelter residents. Such interactions with victims reveal sensitive, confidential information that should not be overheard by other staff members or residents. It is therefore advisable for this room to be located away from common areas in the shelter.

**Office for shelter staff**

One room at the shelter should serve as an office for staff. This room could also be designed to serve as a sleeping or resting room for staff who may need to spend nights at the shelter.

**Medical examination room**

Depending on the premises and whether medical assistance is available either on-site or off-site, the shelter might contain a medical examination room. It should be locked securely when the medical officer or physician is not present. It is especially critical that medicines remain locked in secure cabinets in this room. Each shelter should contain a first aid kit and related items, regardless of the presence of a dedicated medical examination room.

**Laundry and washing facilities**

Laundry and washing facilities should be available on the premises and their use free of charge.

**Recreation area**

Indoor and safe outdoor recreation space should be available, even if small.

**Storage space**

It is advisable for each shelter to have a designated storage room. Shelter supplies, items of personal hygiene, extra clothing for residents and other goods will require a fair amount of space, so it is best to store these items in one room. The following items are often needed and should be purchased, stored in a locked storage space, inventoried and made available upon request:

- (a) Cleaning supplies for the shelter;
- (b) Personal hygiene supplies for residents;
- (c) Extra clothing and footwear for residents (appropriate for the season);
- (d) Travel bags;
- (e) Other material goods.



### Maximum shelter capacity

The shelter's maximum capacity (total number of residents that can be safely accommodated) should be determined in consideration of the potential admission of additional residents. Local health and safety regulations, shelter staff supervisory capacity and resources, and the number of appropriate sleeping spaces inside the shelter will determine its maximum capacity. It is advisable for the service delivery organization and shelter staff to draw up a contingency plan in case the shelter reaches maximum capacity. The plan should specify alternative arrangements for secure placement and services for victims who cannot immediately be admitted to the shelter due to lack of space.

### Maintenance of the shelter facility

Each shelter should have a service agreement for routine and emergency maintenance and repairs. Because of the sensitive and confidential nature of the shelter, shelter staff must know in advance whom to contact for any maintenance work and related issues. The shelter should obtain an advance agreement for maintenance services from a service provider that can be relied on to respect the rules of the shelter. Service agreements should include provisions for maintenance and repairs concerning the following:

- (a) Physical structure of the building;
- (b) Utilities (including plumbing and electricity);
- (c) Furniture;
- (d) Equipment;
- (e) Motor vehicles (where applicable and available).

### **Sanitary conditions and services**

Each shelter should maintain standards of cleanliness and hygiene in line with local health regulations and practices. Shelter residents should cooperate and participate in the maintenance of the shelter and be responsible for keeping their sleeping spaces clean. Each shelter should assign and post cleaning responsibilities for staff and residents, along with other specific daily tasks. Shelter staff should be responsible for ensuring that standards of cleanliness and hygiene are observed throughout the shelter. Depending on the size of the shelter, the number of shelter residents and staff composition, it might be necessary to hire cleaners.

### **Shelter hours and admission policy**

Each shelter should establish and make known clear policies regarding its opening hours and admission of new residents. These policies should be established with and publicized among all relevant referral sources and other partner organizations. Admitting new residents at the shelter during normal working hours enables the staff to provide appropriate services to new residents while minimizing disruption of shelter activities and the residents' daily routines. However, there may be pressure to admit victims outside regular hours. Shelters should consider the impact on shelter residents when accepting admissions late at night. All efforts should be made to ensure that a new resident is comfortable while minimizing disruption to other residents.

Each shelter should establish a minimum notice period, to allow time to prepare for the admission of a new resident. This minimum notice period must take into account the time necessary to establish the victim's initial case file, conduct initial safety assessment, determine who conducts the first meeting with the victim and ensure the availability of any additional assistance providers, if they are needed.

## Security

To ensure the effective management of risk areas identified through the generic risk assessment process, appropriate standards and procedures for ensuring maximum security of residents and staff (therefore minimizing risk) must be developed and duly implemented. These standards and procedures pertain to the following:

- (a) Safety of shelter premises;
- (b) Safety of non-shelter accommodation;
- (c) Safety of shelter residents
- (d) Safety of shelter staff;
- (e) Visiting rules (including official visiting hours) and guidelines at the shelters;
- (f) Confidentiality of residents' information;
- (g) Administrative and documentary risks.



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