



MINIMUM STANDARDS IN PROVISION OF SERVICE TO VICTIMS OF HUMAN TRAFFICKING

HANOI, NOVEMBER 2011



MINIMUM STANDARDS IN PROVISION OF SERVICES TO VICTIMS OF HUMAN TRAFFICKING

(English Translation)

HANOI, NOVEMBER 2011

These draft Minimum Standards are the product of cooperation between the Ministry of Labor, Invalids and Social Affairs, Department of Social Evils Prevention and The Asia Foundation within the U.S Agency for International Development (USAID) sponsored *Preventing Human Trafficking and Protecting Victims in The Mekong Delta* project.

MINISTRY OF LABOR, INVALIDS AND SOCIAL AFFAIRS

MINIMUM STANDARDS IN PROVISION OF SERVICES TO VICTIMS OF HUMAN TRAFFICKING

I. MINIMUM STANDARDS IN PROTECTING THE LEGITIMATE RIGHTS AND INTERESTS OF VICTIMS

1. Standards to ensure the safety, health, and dignity of victims without bias or discrimination:

- a) Victim support centers (shelters and social welfare centers) and relevant authorities must ensure the safety and health of victims at their places of work, study, and residence during the reintegration process.
- b) Direct support staff must assess the physical, mental and psychological situation of the victims in order to ensure their safety.
- c) Direct support staff must provide guidance to victims, their families, and other concerned parties about the issue of ensuring safety and health for victims, including children.
- d) Within their duties and responsibilities, victim support centers and staff must behave properly and respect victims' dignity and right to support.

2. Standards on ensuring victims' right to support services:

- a) Within their assigned duties and tasks, victim support centers and staff are responsible for providing assistance to victims in order to ensure their access to support services.
- b) Victim support centers must develop appropriate procedures and assign staff to support victims while taking into account victims' gender and sexuality.
- c) During the support process, direct support staff must regularly consult victims and assess their physical and mental situation as well as other factors to ensure their access to appropriate and effective support services.
- d) Victim support centers must choose personnel with a degree of professionalism as well as appropriate qualifications and skills to work with victims.

3. Standards on ensuring confidentiality of victims' personal information:

- a) The disclosure of information about victims must be carefully considered, selective, and must respect ethical codes. Disseminated information must not negatively affect victims' reintegration.
- b) Victims' personal information must not be shared without their consent. If their personal information is shared, victims must be fully informed of the content and the recipient as well as the purpose of the dissemination.
- c) Victims' files must be kept in a safe place, with access only by direct support staff.
- d) For child victims, consent of both the child and his/her guardian or legal representative must be obtained before disseminating personal information.

4. Standards on ensuring transparency in providing information on available support services:

- a) Victims or their relatives must be provided with information on available support services and the reintegration process. For victims with physical disadvantages which affect their access to information, favorable conditions must be arranged so that they can understand all verbal or written information.
- b) For child victims, direct support staff must decide the amount of information to expose him/her to as well as the proper method of exposure, taking into account the victim's age and anticipated psychological impact.
- c) Victims must be provided with sufficient information on any issues related to them. Victims' opinions and views on those issues must be considered during the support process.
- d) Direct support staff must create favorable conditions for victims to obtain information on and monitor their reintegration process.

5. Standards on protecting freedoms of victims:

- a) Foreign victims have the right to humane treatment and to repatriation to their home countries, while taking their security into consideration.
- b) Victim support centers and staff must provide comprehensive information to victims in a clear manner while reserving the right to make decisions based on that information for the victims themselves.

c) For victims with physical and mental disadvantages, support centers and staff must consult experts and victims' relatives prior to making decisions that will affect the victims.

c) Child victims have the right to express their point of view and their decisions. These decisions should be acted upon if it will help ensure their security, safety and health.

II. MINIMUM STANDARDS IN DELIVERING SERVICES AT SHELTERS/SOCIAL WELFARE CENTERS

1. Standards in receiving and interviewing victims:

a) The reception and interview of victims must comply with relevant legal and policy provisions.

b) Shelters/social welfare centers (support centers) must provide a safe and friendly environment. Direct support staff must be of appropriate gender, age range, nationality, and other relevant factors. There must be no discrimination toward victims based on nationality, ethnicity, religion, social status, gender, or sexuality.

c) Direct support staff must provide clear instructions and explanations to victims about the layout, regulations, and other necessary information about the reception/support centers. They must discuss victims' issues in a positive manner.

d) All interviewers must practice empathy and apply a victim-centered approach. At any time during the course of the interview, victims have the right to designate a staff member from whom to receive support.

e) Victim identification interviews must only be carried out after the most important health and psychological recovery services have been provided to victims.

2. Standards in victim identification:

a) Authorities/agencies responsible for victim identification must cooperate and share information with victim support centers to ensure that victim identification processes are carried out in compliance with existing regulations.

b) Victim support centers and staff must comply with related laws and policies on victim identification. They must ensure a friendly and safe environment during the identification interview.

c) The victim identification process must always be accompanied care for the victim. With support from shelters/social welfare centers, victims' most essential needs must be met.

d) Victims who are of an uncertain age but are suspected to be children must be treated as such. The victim identification interview process must always comply with the best interests of the child.

3. Standards on psychological counseling:

a) Psychological counseling must be carried out by trained personnel as soon as victims are received at support centers.

b) Direct support staff must apply professional skills, knowledge, and behavior to create a positive relationships with victims. They should ensure that victims are in a stable and healthy condition with unimpeded concentration during the process of psychological counseling. They should observe the victim's condition carefully, maintain a friendly relationship, build trust with the victim, and immediately provide crisis intervention when necessary.

4. Standards on evaluation of the reintegration process:

a) Direct support staff and service providers must carry out their own assessment of the quality of service provided to victims based on this set of minimum standards.

b) Risk assessments for victims' return to their families and communities must be carried out as soon as possible to identify the feasibility of victims' reintegration into their home communities.

c) The result of the assessment must be used to identify suitable and effective means of support to victims and must be used as inputs while developing the reintegration plan.

d) A separate assessment should be carried out for each child victim in order to have an appropriate plan for each case.

5. Standards on reintegration planning:

a) Victim support centers and staff must ensure that the development of the reintegration plan in general and case management plan in particular is an on-going process. Victims must be encouraged to actively participate in the development of their own reintegration plans.

b) Case management plans must be developed based on the outcomes of the assessment and available resources as well as the abilities, aspirations, and strengths of victims in order to develop a suitable and effective plan.

c) All actions included in reintegration plans must focus on the needs of victims, and victims must be consulted and informed on a regular basis about these actions.

d) Reintegration plans must be developed with the participation of all related service providers and must be regularly checked and updated to adapt to any changes.

e) Reintegration plans must include details on purposes, challenges, procedures, time frame and service providers. This information must be saved in the victim's file.

6. Standards on service referral:

a) Direct support staff must provide a contact list of service providers to victims. This list must be updated regularly.

b) Before referring victims to other services, direct support staff must carefully assess the recovery situation of victims and if necessary must refer to expert advice in order to make the most appropriate and safe decision.

c) The process of referral must respect victims' opinions and requirements.

d) When referring a victim to another service, support staff must provide the recipient with all information related to this victim.

e) In all cases, referral service must be done carefully in order to provide victims with most the most suitable and effective support.

7. Standards on support for reintegration:

a) Reintegration into the community is the final goal of the support process provided to victims, and depends on victims' decisions. A victim can choose to reintegrate into his/her family or into a new family or new community.

b) The reintegration process will only be started after the completion of proper assessment of the victim's situation as well as the location of reintegration. A regular assessment/evaluation must be carried out to ensure the safety of the victim's prospective place of residence.

c) For child victims, support centers and staff must ensure that victims will be able to continue their study based on their educational situation.

8. Standards on monitoring, evaluation, and closure of support to victims:

- a) Case workers must link victims to available services and must have a plan to regularly contact local authorities at the location of reintegration in order to obtain information concerning victims' lives. Case workers must regularly update victims' information from his/her family and community to monitor the case and prioritize to help victims solve their problems or overcome their difficulties.
- b) Consideration in carrying out reintegration monitoring visits must be based on the needs and situation of victims. The frequency of visits can be changed according to the actual needs of victims.
- c) Before closing a case, victim support centers must try to ensure that victims' health situation has improved, that their psychological condition is stable, and that they are confident in their families and communities. An assessment of victims' economic prospects as well as potential for discrimination and other difficulties in their family and community should be made available in order to best address these issues.
- d) If no contact with victims can be made, case workers must take necessary measures in order to contact victim's family or other service providers before closing a case.
- e) Direct support staff must provide relevant information on victims' recovery during their stay at support centers to their family and related agencies when required to do so.

III. STANDARDS ON REQUIREMENTS FOR DIRECT SUPPORT STAFF:

1. Standards on requirements for the head of shelters/social welfare centers:

- a) Heads of support centers must ensure the availability of appropriate facilities and infrastructure as regulated by existing laws and policies.
- b) The recruitment of direct support staff at shelters/social welfare centers must include an assessment of the ability, qualification, moral status and judicial profile of the candidate.
- b) Victim support centers must regularly exchange information with direct support staff to deal with possible stress and other psychological impacts that may result from their work. Victim support centers must have supporting policies aimed at reducing stress for staff and increasing the effectiveness of service delivery.

2. Standards on requirements for direct support staff:

a) Direct support staff must gather sufficient and accurate information concerning victims in order to gain good insight into the case and a good understanding of the victim's needs.

b) Direct support staff must thoroughly study the recovery process of victims and the provisions of related laws and policies to come up with the most effective support plan for each victim. The process of service delivery should be specific, easy to understand, easy to apply, feasible, economic, and suitable to each victim's awareness and abilities. It should also ensure victims' physical and psychological safety.

c) Direct support staff must maintain an appropriate level of independence and be objective during the delivery of support services to victims.
