

(23 October 2015 - to date)

## PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS ACT 7 OF 2013

*Government Notice 544 in Government Gazette 36715 dated 29 July 2013. Commencement date: 9 August 2015 - except sections 15, 16 and 31(2)(b)(ii) [Proc. No. 32, Gazette No. 39078 dated 7 August 2015]*

## REGULATIONS UNDER SECTION 43(3) OF THE PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS ACT (ACT NO. 7 OF 2013)

*Government Notice R1006 in Government Gazette 39318 dated 23 October 2015.*

*Commencement date: 23 October 2015.*

The Minister of Social Development has, under section 43(3) of the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013), made the regulations in the Schedule.

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## ANNEXURE A

**1. Definitions**

In these regulations, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and, unless the context indicates otherwise —

**“Designated social worker”** has the meaning ascribed to it in section 1 of the Children’s Act, 2005 (Act No. 38 of 2005), and includes the social worker appointed to handle the case of the particular victim of trafficking;

**“Director-General”** means the Director-General of the Department responsible for the administration of social development; and

**“Minister”** means the cabinet member responsible for the administration of social development.

## 2. Assessment of a child suspected of being a victim of trafficking

- (1) A provincial department of social development must ensure that an assessment is made whether a child referred to in section 18(5) of the Act is a victim of trafficking, after taking into account the information received from the South African Police Service as set out in a notification in terms of section 110(4)(b) or 152 of the Children's Act.
- (2) A provincial department of social development, receiving a child transferred by a police official in terms of section 18(4) or who has been referred by the prosecution in terms of section 22(2)(b) or who has been identified upon entry to the Republic in terms of section 33(b)(iv) of the Act, must—
  - (a) complete the details of the child victim in a dedicated register that corresponds substantially with Form 1 in PART 2.
  - (b) enter the details of the police official reporting the victim in a dedicated register;
  - (c) make an assessment of the report as provided for in section 110(5)(b) of the Children's Act;
  - (d) consider the presence of indicators of abuse contained in the Broad Risk Assessment Framework as provided for in regulation 35(2) of the General Regulations Regarding Children, 2010, and other indicators to guide decision-making in the provision of designated child protection services.
- (3) If the child is suspected of being a victim of trafficking, the provincial department of social development must refer the child to a designated social worker to conduct the investigation to establish whether or not the child is a victim of trafficking and in need of care and protection in terms of section 150 of the Children's Act.
- (4) The designated social worker must, in his or her investigation contemplated in sub regulation 3—
  - (a) establish the facts surrounding the circumstances giving rise to the child being trafficked;
  - (b) where the child's guardian or parent is identified, immediately notify such guardian or parent of the child victim, subject to considerations of safety and security of the child;
  - (c) if possible, evaluate the child's parental circumstances including parental characteristics, mental stability, maturity, physical or emotional impairment, substance and alcohol abuse, capabilities, temperament, employment status, level of support given to the child;
  - (d) if possible, evaluate the child's family circumstances, including family violence, inappropriate discipline, dependency, marital status;

- (e) evaluate the child's environmental circumstances, including poverty, homelessness, isolation, mobility of the parents;
  - (f) identify the level of risk that the child may be exposed to, including any gender related needs;
  - (g) identify actual and potential protective and supportive factors in the home and broader environment to minimise risk to the child; and
  - (h) decide on the appropriate protective measures or intervention as provided for in the Act.
- (5) the[sic] designated social worker referred to in sub regulation 4 must, based on the assessment and investigation, compile a report which is to be presented before the Children's Court within 90 days of investigation.
- (6) The Children's Court must make a determination on whether the child is in need of care and protection and issue an order placing a child in care within the Republic for the duration of the court order and a copy of the said order must be handed to the investigating police official and the prosecutor dealing with the matter.

### **3. Assessment of whether an adult person is a victim of trafficking**

A provincial department of social development must ensure that a social worker makes an assessment whether an adult person referred to in section 19(5) of the Act is a victim of trafficking, after taking into account the information received from the South African Police Service set out in a referral form that corresponds substantially with Form 2 in PART 2 by completing the assessment tool in a form that corresponds substantially with Form 3 in PART 2.

### **4. Letter of recognition to be issued to an adult person who has been found to be a victim of trafficking**

- (1) The provincial head must issue a letter of recognition, to an adult who has been found to be a victim of trafficking after an assessment referred to in regulation 3, in terms of section 19(10) of the Act in a form that corresponds substantially with Form 4 in PART 2.
- (2) The provincial department of social development must ensure that the letter of recognition is handed to the victim, and copies thereof handed to the investigating police official and prosecutor in the case.

### **5. Withdrawal of letter of recognition**

- (1) A provincial head must, if he or she intends to withdraw a letter of recognition as provided for in section 19(11) of the Act, forthwith in writing advise the victim of trafficking to whom the letter of recognition has been issued—
  - (a) of such intention and provide reasons for the intended withdrawal; and
  - (b) that the victim may submit representations to him or her, in writing, within 14 days of receipt of the letter by the provincial head of his or her intention to withdraw the letter of recognition.
- (2) A copy of the letter of intention to withdraw the letter of recognition must, within 24 hours of issue to the victim of trafficking, be handed to the accredited organisation and investigating police official, who may submit representations to the provincial head within 14 days of receipt of such a letter.
- (3) The provincial head must within 14 days after the expiry of the 14 day period referred to in sub regulation (2), take a decision regarding the withdrawal of the letter of recognition and advise the victim, accredited organisation and investigating police official in writing of his or her decision and provide reasons for such decision.

## **6. Appeals against decision of provincial head**

- (1) A person affected by the decision of the provincial head regarding the non-issue or withdrawal of a letter of recognition as provided for in section 20(1) of the Act and who wishes to lodge an appeal against that decision, must within 14 days of receipt of the decision, lodge an appeal in terms of section 20(1)(b) of the Act in a form that corresponds substantially with Form 5 in PART 2.
- (2) An appeal referred to in sub regulation (1)—
  - (a) must be lodged with the MEC of the province within which such decision was made;
  - (b) may be delivered by hand, post, fax or electronic mail and should there be a dispute regarding the delivery of such an appeal, the appellant will be required to produce proof of delivery of the appeal;
  - (c) must be accompanied by the documents required in Form 5 in PART 2; and
- (3) When lodging an appeal as provided for in sub regulation (1), such a person or a person acting on his or her behalf must also include a copy of the written reasons furnished by the provincial head for such decision.
- (4) The MEC of the province within which the appeal is lodged must, within 30 days upon receipt of the person's appeal, confirm or vary or set aside that decision.

- (5) In dealing with the appeal provided for in sub regulation (1), the MEC may require further information from the provincial head, victim, accredited organisation or investigating police official when considering such an appeal.
- (6) The MEC must, within 14 days of his or her decision contemplated in sub regulation (4), communicate in writing, with the person who lodged the appeal, of his or her decision and provide reasons for such decision.

## **7. Application for condonation for late appeal**

- (1) The MEC may, on good cause shown, condone the late application, for an appeal contemplated in sub regulation 6(1).
- (2) In deciding whether good cause has been shown for condonation, the MEC must take the following factors into consideration-
  - (a) the reason for the delay;
  - (b) whether it is in the interests of justice that condonation be granted; and
  - (c) if there are reasonable prospects of success.
- (3) An application for condonation provided for in sub regulation (1) must be in a form that corresponds substantially with Form 6 in PART 2.

## **8. Referral of illegal foreigner to Department of Home Affairs**

- (1) The provincial department of social development must as provided for in section 20(3) of the Act notify the Department of Home Affairs, within five working days after the expiry of 14 days within which a person may lodge an appeal or if the appeal is unsuccessful, of the referral of the illegal foreigner.
- (2) The notification referred to in sub regulation (1) must be in a Form that corresponds substantially with Form 14 in PART 2 and must contain the following—
  - (a) the full names of the person affected by the decision; and
  - (b) the reason within which such a referral is made; and
- (3) The Department of Home Affairs must inform the provincial department of social development of the particulars and the whereabouts of the illegal foreigner referred to in sub regulation (1).

- (4) In the event of the appeal not being successful or the person fails to appeal within the required time period, the provincial head of the department of social development must write to Department of Home Affairs to deal with the person in terms of the Immigration Act.

**9. Application for accreditation of organisation to provide services to adult victims of trafficking**

- (1) Subject to the provisions of sub regulation (2), an application for the accreditation of an organisation to provide services to adult victims of trafficking must be lodged with the provincial head of the province within which the organisation is situated in a form that corresponds substantially with Form 7 in PART 2.
- (2) The provincial head must require the following information when considering the application referred to in sub regulation (1)—
- (a) The proposed process of screening, admission, care and support of an adult person—
- (i) suspected of being a victim of trafficking;
  - (ii) to whom a letter of recognition has been issued; or
  - (iii) as contemplated in section 19(12) of the Act;
- (b) what programs the organisation offer which is aimed at the—
- (i) provision of accommodation to adult victims of trafficking;
  - (ii) provision of counselling[*sic*] to adult victims of trafficking;
  - (iii) reintegration of adult victims of trafficking into their families and communities;
  - (iv) provision of rehabilitation and therapeutic services to adult victims of trafficking; and
  - (v) provision of education and skills development training to adult victims of trafficking;
- (c) what programmes are offered by the organisation to a child in the care of a victim of trafficking, as provided for in section 26(3) of the Act, which must include, at a minimum, a programme aimed at the reception, care and development of that child;
- (d) evidence that the organisation and the facilities therein are accessible in accordance with the norms and minimum standards as outlined in Annexure A;

- (e) evidence that the safety and protective environment of the organisation, health care and support, and recreational facilities of the organisation meet the norms and minimum standards as provided for in Annexure A;
  - (f) evidence that the organisation complies with the norms and minimum standards to accommodate victims as provided for in Annexure A;
  - (g) evidence that the organisation has the ability to provide a safe environment for children; proper care for sick children; and safe storage of anything that may be harmful to children.
- (3) The provincial head may, upon receipt of an application referred to in sub regulation (1) request such other information as he or she may deem necessary for the finalisation of the application.
- (4)
- (a) The provincial head must in writing, direct any official employed by the department, to conduct an inspection of the organisation prior to accreditation in order to ensure compliance with the norms and minimum standards as provided for in Annexure A and to submit a written report on the outcome of the inspection to the provincial head within fourteen (14) days of such inspection.
  - (b) Wherever possible, the official conducting the inspection must be accompanied by, a health care provider who is an employee of the Department of Health assigned with the responsibility to inspect facilities for compliance with health services.
- (5) The provincial head must within fourteen (14) days after receipt of the report referred to in sub regulation (4)(a), submit the application form, all supporting documents and his or her recommendation to the Director-General, who must consider the application within thirty (30) days of receipt of the documents.
- (6) If the Director-General approves the application, a certificate of accreditation that corresponds substantially with Form 8 in PART 2, must be signed by the Director-General and handed to the accredited organisation.
- (7) If the Director-General does not approve the application—
- (a) he or she must in writing advise the organisation in question and provide reasons for his or her decision; and
  - (b) the organisation affected by the decision not to approve the application for accreditation to provide services to adult victims of trafficking in terms of regulation 9(7) may, within 14 days of being informed of that decision, lodge an appeal in a form that corresponds substantially with Form 5 in PART 2 to the relevant MEC;

- (c) the MEC must, within 30 days of the appeal being lodged, finalise the appeal in the prescribed manner.
- (8) The original accreditation certificate must be—
- (a) displayed in a prominent place clearly visible to the public on the premises and the residents of the organisation; and
  - (b) maintained in such a state that it can be produced undamaged and in a legible condition.
- (9) The accredited organisation must at least six months before the expiry of the certificate of accreditation, submit an application for the renewal of its accreditation on a form that corresponds substantially with Form 9 in PART 2, where after the provisions of this regulation apply.
- (10) An accredited organisation must be visited, monitored and evaluated annually by officials from the Department of Social Development responsible for the accreditation of organisations to ensure continuous compliance with the norms and minimum standards as provided for in Annexure A.
- (11) The provincial department of social development must annually submit a list of accredited organisations to the National Department of Social Development.

#### **10. Arrangements prior to closure of or withdrawal of services by accredited organisation**

- (1) The manager of an accredited organisation who intends to close an accredited organisation or to withdraw from providing services to victims of trafficking, must notify the provincial department of social development at least three months in advance, and in a form that substantially correspond with Form 10 in PART 2, of his or her intention to close that organisation or to withdraw from providing services to victims of trafficking, in order to allow the provincial department of social development to find an alternative accredited organisation to provide the required services to the victims of trafficking.
- (2) The manager of the accredited organisation must together with the notification referred to in sub regulation (1) furnish the provincial department of social development with details regarding when he intends to cease to operate to provide sufficient time to the provincial head to find suitable place in terms of regulation 10(3).
- (3) The provincial head must upon receipt of the notice referred to in sub regulation (1), acknowledge receipt in a form that corresponds substantially with Form 11 and must consult with other accredited organisations in the same province to make arrangements for the continued accommodation of the victims involved.

- (4) The Director-General must, upon the written request of the provincial head withdraw the certificate on the date the organisation is closed or withdraws its services.

#### **11. Removal of accredited organisation**

- (1) If the provincial head has reason to believe that, after an accredited organisation has been issued with a certificate of accreditation—
  - (a) it is necessary to eliminate the risk of harm, abuse, health hazard or death of victims of trafficking; or
  - (b) the accredited organisation no longer complies with the norms and minimum standards as provided for in Annexure A, and after having given that organisation a reasonable period to rectify the conditions at that organisation or to comply with such norms and standards, he or she may give that organisation written notice of one month of his or her intention to remove it from the accreditation register.
- (2) The accredited organisation may submit written representations to the provincial head within 14 days of receipt of the notification referred to in sub regulation (1).
- (3) The provincial head must submit all supporting documents regarding the intended removal of an accredited organisation, together with his or her recommendation to the Director-General within 14 days after the expiry of the 14 day-period referred to in sub regulation (2).
- (4) The Director-General must within 14 days of receipt of the documents referred to in sub regulation (3), take a decision regarding the removal of the accredited organisation and in writing advise the accredited organisation of such decision and the reasons for the decision.
- (5) The Director-General may upon the recommendation of the provincial head, immediately remove the organisation from the accreditation register if extraordinary circumstances necessitate such immediate removal.
- (6) The accredited organisation in question must immediately after having been advised that it has been removed from the accreditation register, hand over its certificate of accreditation to the provincial head.
- (7) In the event a decision is made in terms of sub regulation (5) and the organisation hands over a certificate in terms of sub regulation (6), the provincial head must immediately provide alternative accommodation to the affected beneficiaries.

#### **12. Admission of victim of trafficking to accredited organisation**

- (1) The following information must be shared with the victim by the manager of the accredited organization:
  - (a) Security measures and the victim's role and responsibility to protect the other victims at the organisation;
  - (b) house rules of such organisation which must contain information about the organisation such as:
    - (i) levels of services provided;
    - (ii) services rendered by such organisation;
    - (ii) type of accommodation;  
*(Publisher's note – Repetition of the numbering of item (ii) as published in the original Gazette)*
    - (iii) types of other services to be provided such as meals, clothes, toiletries, nursing services, laundry services, bed linen and towels and cleaning services.
  - (c) a copy of the weekly programme; and
  - (d) a copy of the complaints procedure.
- (2) The manager of the accredited organisation must notify the provincial department of social development of the admission of a victim of trafficking within 48 hours of such admission.
- (3) An accredited organisation which provides care and accommodates a victim, must keep a comprehensive record of each victim, and which must contain the following information-
  - (a) the names and surname and identity number of the victim;
  - (b) the residential address and contact numbers of the victim before being accommodated as well as the country of origin;
  - (c) the medical condition of the victim;
  - (d) particulars and details of medical treatment of such victim;
  - (e) details of hospitals, clinics and medical practitioners attending to the victim;
  - (f) particulars of next of kin or other relatives of the victim;

- (g) details of the referral person or agency; and
- (h) details on the case as observed and experienced by the referral person or agency.

### **13. Financial assistance to accredited organisations**

- (a) An accredited organisation may apply to the provincial department of social development for financial assistance as provided for in section 24(2)(b) of the Act.
- (b) The application will be considered subject to, the availability of funds, and the policy on financial awards to nonprofit organisation of the provincial department of social development taking into account the following circumstances:
  - (i) if the organisation can demonstrate through the submission of a business plan that they require funding to provide for services to victims of trafficking and failure to obtain such funding may lead to financial strain to the organisation;
  - (ii) upon submission of a cash flow projection for a period of three (3) years; and
  - (iii) upon submission of a business plan.

*(Publisher's note – Omission of numbering of regulation 13(1) as published in the original Gazette)*

- (2) When making an application in terms of sub regulation (1), an accredited organisation must, provide the following details:
  - (a) The particulars of the accredited organisation;
  - (b) the physical and postal address of the accredited organisation;
  - (c) the type of programmes and services in the accredited organisation in respect of which the application is made;
  - (d) the number of male and female adults that will be accommodated in the accredited organisation in respect of which the application is made;
  - (e) the number of male and female children accompanying an adult victim that will be accommodated in the accredited organisation in respect of which the application is made;
  - (f) the qualifications, skills and experience of the staff employed to provide care to different types of victims in the accredited organisation; and

- (g) a description of the contents of the programmes and services to be offered, including the aims and objectives.
- (3) An application referred to in sub regulation (1) must be accompanied by the following additional documents:
- (a) A costed business plan containing—
    - (i) the business hours of the accredited organisation;
    - (ii) the organisational structure;
    - (iii) the fee structure;
    - (iv) the daily programme for nine weeks;
    - (v) the staff composition and contact details;
    - (vi) the disciplinary policy;
    - (vii) the weekly food menu;
  - (b) the constitution of the accredited organisation which must contain the following information:
    - (i) the name of the organisation;
    - (ii) the types of programmes and services to be provided;
    - (iii) the composition, powers, duties and contact details of the management of the organisation;
    - (iv) the powers, obligations and undertaking of management to delegate all authority with regard to care, behavior management and development of victims in the organisation, where applicable;
    - (v) the procedure for amending the constitution; and
    - (vi) a commitment from the management to ensure compliance with the norms and minimum standards provided for in Annexure A for providing services to victims of trafficking;
  - (c) an original copy of the approved building plans or a copy of the building plans that have been submitted for approval if the approval of the building plans is still under consideration;

- (d) an emergency plan;
  - (e) clearance certificates to the effect that the names of the organisation and staff members working in the organisation and the name of any employee do not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders issued by the Director-General and the Director-General: Justice and Constitutional Development, respectively; and
  - (f) a health certificate issued by the local municipality in whose area the organisation is to operate, confirming compliance with the structural health requirements of that municipality.
- (4) The provincial department of social development may provide guidance and administrative support to accredited organisations in completing a form, or linking the organisation with other relevant departments applying for a health permit.
- (5) If the provincial head has approved or rejected an application for financial assistance, he or she must notify the accredited organisation in writing of his or her decision, and if the application is rejected, furnish the organisation with written reasons for such rejection.
- (6) An accredited organisation which is affected by the rejection of an application for financial assistance, may, lodge an appeal against such decision within 14 days of receipt of the decision in a form that corresponds substantially with Form 5 in PART 2.
- (7) If the accredited organisation which receives financial assistance ceases to comply with the accreditation requirements, norms and minimum standards, conditions or directives issued in writing by the provincial head, such provincial head may, after giving the organization notice to comply, take the steps necessary to recover from that accredited organisation, any portion of or the total amount of the financial assistance paid to that organisation.

#### **14. Developmental quality assurance process in respect of each accredited organisation**

- (1)
- (a) A developmental quality assurance process referred to in section 24(5) of the Act must be conducted by a quality assurance panel appointed by the Minister.
  - (b) The panel must consist of not less than three and not more than seven members and at least one member must be a person from an organisation that is independent from organisations providing services to victims of trafficking.
  - (c) The members of the panel must have knowledge and experience relating to trafficking programmes and children's issues pertaining to development, care and protection of children.

- (d) An official employed by the State may be appointed as a member of the panel.
  - (e) The panel must determine its own procedures having regard to sound administrative practices and just administrative action.
- (2) In conducting the developmental quality assurance process the panel must—
- (a) give the accredited organisation reasonable notice of the intention to conduct the developmental quality assurance;
  - (b) hold a preliminary meeting with the management and relevant staff of the accredited organisation to discuss the objective of the developmental quality assurance, the methods, mechanisms and criteria which will be used in the process;
  - (c) invite the accredited organisation to submit any written evidence on self-review and recommendations;
  - (d) receive oral evidence where necessary and consider and assess the evidence received;
  - (e) begin fieldwork which must include site-visits and interviews with the victims who are attending or who have attended the trafficking programmes;
  - (f) prepare a preliminary report which must contain the proposed findings and recommendations supported by reasons for the findings;
  - (g) give the accredited organisation an opportunity to respond to the preliminary report;
  - (h) consider the response, if any, of the accredited organisation on the preliminary report; and
  - (i) compile a final report.
- (3) The preliminary and final report must—
- (a) provide sufficient information so as to enable the accredited organisation and the Minister to understand its conclusions and findings;
  - (b) state the information that was considered;
  - (c) explain how the panel arrived at the conclusions and its findings;
  - (d) include the sources of the information;

- (e) in a logical manner reflect the recommendations made, if any;
  - (f) motivate any recommendation made in an appropriate manner, pursuant to the information that was available and considered; and
  - (g) indicate, in the case of conflicting information, which information was relied upon and the reasons therefor.
- (4)
- (a) The panel must submit the final report to the Minister to be dealt with in terms of the policy framework and system referred to in section 40 of the Act.
  - (b) A copy of the final report must be submitted to the accredited organisation.
- (5) A development quality assurance process must be conducted in respect of each accredited organisation at least once a year or upon receipt of a complaint.

#### **15. Norms and minimum standards for accredited organisations**

Every accredited organisation must adhere to the norms and minimum standards as provided for in Annexure A.

#### **16. The manner in which information on victims of trafficking must be collected**

An accredited organisation must on a quarterly basis, in a form that corresponds substantially with Form 12 in PART 2, collect the information referred to in section 25(4)(a) of the Act.

#### **17. Plan to address needs of victim of trafficking**

An accredited organisation must as soon as a victim of trafficking has been issued with a letter of recognition, draw up a plan referred to in section 28(2) of the Act to address the needs of that victim of trafficking in a form that corresponds substantially with Form 13 in PART 2.

#### **18. Return of adult victim of trafficking within Republic**

- (1) An accredited organisation must, in consultation with the provincial department of social development, make an assessment of the place from where the victim has been trafficked to ascertain the safety of the victim, the possibility of being trafficked again in the event he is returned back to that place.

- (2) An accredited organisation must, after the assessment referred to in sub regulation (1) and if satisfied about the safety of the victim and that there is no possibility that the victim might be harmed, killed or trafficked again, inform the department of social development of the outcome of such an assessment.
- (3) The department of social development must, upon receipt of the outcome of the assessment from the accredited organisation:
- (a) determine the distance between the accredited organisation and the place where the victim is to be transported;
  - (b) ascertain the cost of transporting such a victim based on the mode of transportation; and
  - (c) ascertain whether or not such a victim has financial means to travel between the distance referred to in paragraph (a).
- (4)
- (a) The department of social development must, after consulting the accredited organisation and assessing the financial means of the victim, determine whether the victim does have the financial means to travel from the accredited organisation to the place from where the victim was trafficked.
  - (b) Where the victim is found to have the financial means to travel, the department of social development must, in consultation with the accredited organisation, arrange transport to be paid by the victim.
  - (c) Where the victim is found not to have the financial means to travel, the department of social development must, in consultation with the accredited organisation, provide transport for the victim to the place from where the victim was trafficked.

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***(Please note that copies of the above forms will be provided upon request. Kindly refer to our website for our contact details.)***

## ANNEXURE A

### **NORMS AND MINIMUM STANDARDS FOR ACCREDITED ORGANIZATIONS RENDERING SERVICES TO VICTIMS OF TRAFFICKING IN TERMS OF SECTION 25 OF THE PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS ACT, 2013 (ACT NO: 7 OF 2013)**

Issued by the Department of Social Development

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0001

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AUGUST 2015

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NORM 3:	Victims of trafficking must have access to and receive adequate health care
NORM 4:	Provision of separate toilet facilities
NORM 5:	Provision of privacy in rooms
NORM 6:	Victims' information must be treated with strictest Confidentiality
NORM 7:	An enabling environment for children must be created
NORM 8:	Provision of proper care for sick children
NORM 9:	Safe storage of anything that may be harmful to adult victims and children
NORM 10:	An organization providing accommodation must provide counselling services to victims of trafficking
NORM 11:	All victims to be reintegrated into their families and Communities
NORM 12:	Provision of Rehabilitation Programme to victims
NORM 13:	Provision of education and skills development training for victims
NORM 14:	Parents with children are accommodated
NORM 15:	Organisations must provide accommodation for all victims
NORM 16:	Victims' rights to a hygienic and safe kitchen are upheld
NORM 17:	Preparation and provision of food must take place under safe and hygienic conditions
NORM 18:	Provision made for recreational and multipurpose activities
NORM 19:	Administrative office must be available in the organization
NORM 20:	Assets secured and well managed
NORM 21:	Human resources must be adequately managed

## **NORMS AND MINIMUM STANDARDS FOR ACCREDITED ORGANISATIONS THAT ACCOMMODATE VICTIMS OF TRAFFICKING**

### **1. Introduction**

The Norms and Minimum Standards are the prescripts for accredited organisations in terms of section 25 of the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013) ("Act"). The Norms and Minimum Standards are in place as a measure to promote the rights of victims of trafficking. All accredited organisations must comply with the requirements of the Act.

Every accredited organisation providing care, support and protection services to victims of trafficking must ensure that measures are in place to promote the rights of the victims as outlined in the Service Charter for Victims of Crime in South African ("Victims' Charter").

Although the service providers, their *[sic]* employees and volunteers are required to assist victims of trafficking, it must be taken into cognisance that the victims are not required to accept these services, if they do not need them, and may at any point in time decline the offers.

However it should be noted that once a crime has been reported to the South African Police Service ("SAPS") and a case docket has been opened, the National Instructions for SAPS, the National

Prosecuting Authority Policy Directives, the Directors-General of the Departments of Home Affairs, Labour and Social Development, are compelled to comply in the execution of their functions and adhere to specific procedures that should be adhered to in relation to the Act.

**2. Victims have the following rights according to the Victims' Charter:**

<b>Rights of Victims</b>	<b>Corresponding duty of service provider</b>
The right to be treated with fairness and with respect for your dignity	To treat victims with fairness and respect for their culture, dignity, privacy.
The right to offer information	To listen to, receive and record information as provided by victims.
The right to receive information	To provide relevant information to victims
The right to protection	To instil a sense of security in victims.
The right to assistance	To assist victims and take into account their basic and personal needs.
The right to restitution	To inform and refer the victims accordingly if this need should be met.
The right to compensation	

**3. Requirements: Service providers have a duty to ensure that they meet all the requirements of the Act to render services to adult victims of trafficking**

Service providers must meet all the requirements of the Act in order to render services to adult victims of trafficking. Every service provider must ensure that measures are in place to promote and protect the rights of victims in an organisation and must display the following documentation of the organisation in a prominent place clearly visible to the public on the premises of the organisation; and must be maintained in such a state that it can be produced undamaged and in a legible condition:

- (a) Certificate as an accredited organization;
- (b) non-Profit Organization registration certificate
- (c) vision and Mission of the Organization;
- (d) complaints procedure for the Organization;
- (e) contact details of the Organizations;
- (f) contact details of the national and relevant provincial departments of Social Development (where applicable Health and Social Development);

- (g) telephone numbers of toll-free help-lines and emergency services;
- (h) the Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013 and its Regulations;
- (i) the Service Charter for Victims of Crime and violence in South Africa;
- (j) staff Emergency Evacuation Procedures in terms of the Occupational Health and Safety Act; and
- (k) organisational Procedure Manual

A victim must be encouraged to report any violation of his or her rights to any relevant existing structure which includes the Organisation; the Manager; the Department of Social Development; SAPS; the South African Human Rights Commission, Local Authorities and the South African Council for Social Service Professions and other relevant professional bodies.

#### 4. NORMS, STANDARDS, OUTCOMES AND PROGRAMME PRACTICES

<b>4.1. Norm 1: An organisation must be accredited</b>	
4.1.1.	Standard: Certificate of accreditation must be available and displayed
4.1.2.	Outcome: Organisations are accredited to accommodate victims of trafficking
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider should be granted with an accreditation certificate to render services to victims of trafficking.
(b)	Service provider should ensure that a valid accreditation certificate of the organisation is publicly displayed in the reception or in the administration area.
<b>4.2. Norm 2. Service providers must ensure the victims' safety and security in the organisation.</b>	
4.2.1.	Standard: Secured environment in which victims are protected from physical, social and emotional harm or threat of harm.
4.2.2.	Outcome: Victims are safe and secured in the organisation.
<b>PROGRAMME PRACTICES:</b>	
(a)	<u>Controlled access to facility:</u> Service provider should ensure that the organisation have Close Circuit Television System ("CCTV") Cameras and alarm system which are in a good working condition.
(b)	<u>Appointment of competent staff members:</u> Service provider should ensure that security staff members are orientated in the maintenance

<b>4.2.</b>	<b>Norm 2. Service providers must ensure the victims' safety and security in the organisation.</b>
	of control measures in the organisation.
(c)	<p><u>Action plan for emergencies:</u></p> <p>Service provider should ensure that an emergency action plan with relevant contact details are displayed and regularly updated.</p> <ul style="list-style-type: none"> <li>❖ All emergency numbers of SAPS; Crime Stop; HAWKS, hospitals; fire fighters; clinics; staff on duty; and toll-free help lines should be displayed on the wall next to the phone.</li> <li>❖ Policies and procedures for dealing with structural and environmental emergencies and disasters should be in place.</li> </ul>
(d)	Service provider should ensure that an emergency plan of when the organisation is attacked is in place
(e)	Service provider should ensure that staff members are provided with panic buttons for the use in emergencies. The safety of the staff members is of utmost importance.
(f)	Service provider should ensure that the organisation has an emergency generator or backup plan (e.g. candles, gas, coals, etc) that is functional and serviced regularly.
(g)	<p>Service provider to ensure that the organisation provides emergency water supply through borehole, reservoir, tanks (e.g Jojo) or others.</p> <ul style="list-style-type: none"> <li>❖ Open drains are covered for the security of children.</li> </ul>
(h)	<p><u>Evacuation plan:</u></p> <p>Service provider should ensure that an evacuation plan is displayed. Staff and victims to be trained on the plan and regular drills are done to familiarise and prepare the staff member and the victims in case of emergency.</p>
(i)	Service provider should ensure that an evacuation chair is available and ready for when there is a need
(j)	Service provider should ensure that an organisation has an emergency exit
(k)	<p><u>Fire extinguisher:</u></p> <p>Service provider should ensure that the fire extinguisher is in place as per the requirements of Occupational Health and Safety Act and it is serviced according to the manufacturer's instructions.</p> <ul style="list-style-type: none"> <li>❖ Demonstration on how to use it must be done to both victims and staff on a regular basis</li> </ul>
(l)	Service provider should ensure that windows and doors are adequately protected to ensure the safety of victims
(m)	Service provider should ensure that the structure is safe and weatherproof
(n)	<p><u>Visitors</u></p> <p>Service provider should ensure that all visitors to the organisation (excluding other service providers such as government officials; monitoring and evaluation committee and others), make an appointment prior to the visit and sign the visitors register.</p> <p>The register must reflect the following: name; identity number; home address; person visited and relationship with that person; phone number; time in and time out as well as the</p>

<b>4.2. Norm 2. Service providers must ensure the victims' safety and security in the organisation.</b>	
	signature. The visitor should present an identity document for his or her identification.
(o)	Service provider should ensure that all visitors are screened / searched before entering the organisation.
(p)	Service provider should ensure that all victims are screened / searched on their return to the organisation.
(q)	<u>Vehicle logbook and transportation:</u> Service provider should ensure that the logbook for the vehicle is available and ready to be completed when the service provider wants to use the vehicle.
(r)	Service provider should ensure that victims at risk are transported by SAPS to various service providers in case of risk situations for instance to the Department of Home Affairs; Embassies; courts; hospitals; clinics, etc.).
(s)	<u>General safety:</u> Service provider should ensure non-slippery and non-shining flooring surfaces. All carpets should be suitably and safely secured.
(t)	Service provider should ensure that all victims and staff members who leave the premises sign a daily register (i.e. time out and time in).
(u)	Service provider should ensure that it is safe outside the organisation free from sharp garden tools or garden equipment and dangerous objects. ❖ The dangerous and sharp objects must be stored and locked up after utilisation.
(v)	Service provider should ensure that outside and inside premises are maintained to a reasonable standard
(w)	Service providers should ensure that pools are safe and covered, fire exits and extinguishers are clearly marked.
(x)	<u>Refuse disposal services:</u> Service provider should ensure that all refuse disposal services at premises are disposed according to municipality regulations
	Service providers should ensure that waste disposal methods are:
	❖ Safe and covered
	❖ Kept out of reach of victims and their children
	❖ Disinfected regularly
	❖ Neat and free of waste and obstructions at all times
	❖ The occupier of premises on which industrial waste is generated, must until such time as the waste is removed from the premises, ensure that the waste is stored in the waste containers or bulk containers delivered to the premises by the Municipality
(x)	Service providers should ensure that there is a pest control service available to the organisation as and when required
(y)	Service providers shall inform the victims about the witness protection measures

*(Publisher's note – Duplication of (x) as published in the original Gazette)*

<b>4.3. NORM 3. Victims of trafficking must have access to and receive adequate health care</b>
4.3.1. STANDARD: Health care policy for the organisation in place
4.3.2. OUTCOME: Victims have access to adequate health care
<b>PRAGRAMME[sic] PRACTICES:</b>
(a) Service provider must ensure that medical examination forms part of admission criteria
(b) The service provider must ensure that medical screening for STI, pregnancy, drug testing and other health related problems are in place within 24 hours after the arrival of the victim
(c) Service provider must ensure that information on accessibility to primary health care services is displayed
(d) Service provider must ensure that detoxification services is accessible for the victims
(e) Service provider must ensure that a first aid kit is readily available, maintained and the staff must be trained on how to administer first aid. The first aid kit must always be adequately stocked.
(f) Service provider must ensure that medicine, cleaning substances and any dangerous substances are kept in separate locked cupboards and are administered by trained staff
(g) Service provider must ensure that primary health care for pregnant mothers and children including mobile clinics are accessible and provided
(h) Service provider must ensure that transport is available for victims to hospitals, clinics, etc
(i) Service provider must ensure that access to Medical services is available 24 hours
(j) Service provider must ensure that designated sick bay are provided for victims who are sick

<b>4.4. NORM 4. Provision of separate toilets facilities</b>
4.4.1 STANDARD: Provision of separate toilets facilities for both genders are clean and in good working condition
4.4.2 OUTCOME: Victims experience privacy and hygienic toilets facilities in the organisation
<b>PROGRAMME PRACTICES:</b>
(a) Service provider must ensure that one [1] toilet for at least every eight [8] residents of each gender are available
(b) Service provider must ensure that where no washing basins are available, one suitable container must be made available for 15 victims
(c) Service provider must ensure that female facilities are equipped with sanitary disposal [sic] bins
(d) Service provider must ensure that toilet facilities for victims with special needs accommodate wheel chairs and other relevant equipment
(e) Service provider must ensure that buildings have ramps and hand rails to facilitate access for people with special needs
(f) Service providers that cannot accommodate victims with special needs, must have a arrangement with another accredited facility where they can refer them accordingly

<b>4.4. NORM 4. Provision of separate toilets facilities</b>	
(g)	Service provider must ensure that a urinal be provided in the toilet complex where a facility is developed to be used by more than six male victims
(h)	Service provider must ensure that the toilet roll holder is placed in easy reach of the user of the toilet – the roll holder may not be placed towards the back of the person sitting in the toilet
(i)	Service provider must ensure that the facilities are furnished with non-slippery, non-shining flooring and easy to clean surfaces
(j)	Service provider must ensure that the toilet area is well ventilated
(k)	<u>Toilet for staff and visitors</u> Service provider must ensure that hand wash basin is supplied with constant warm and cold water. Toilets must be clean and accessible
(l)	Service provider must provide separate toilet facilities for males and females. There must also be separate male and female toilets for staff and visitors.

<b>4.5. NORM 5. Provision of privacy in rooms</b>	
4.5.1.	STANDARD: Rooms provide private space for victims
4.5.2.	OUTCOME: Victims experience privacy and sense of belonging
<b>PROGRAMME PRACTICES:</b>	
(a)	<u>Rooms:</u> Service providers must ensure that single room floor space will be according to minimum Local Government By-Laws requirement
(b)	Service providers must ensure that double room floor space will be according to minimum Local Government By-Laws requirements
(c)	Service providers must ensure that one victim is accommodated per bed and no sharing of beds are allowed.
(d)	Service providers must ensure that an organisation that accommodates victims with special needs are accessible and user friendly (all needs must be met if not, referral to another accredited [sic] organisation must take place)
(e)	Service providers must ensure that one family room /unit is available as and when required
(f)	<u>Bathrooms</u> Service providers must ensure that bathroom facilities provide the ratio of one [1] bath or shower to at least every eight [8] victims
(g)	Service providers must ensure that in the case of open plans, bathroom facilities for victims must be designed to provide privacy in showers, toilets and baths to be used by more than one person at a time
(h)	Service providers must ensure constant supply of hot and cold water to all baths and showers
(i)	Service provider must ensure that at least one [1] hand wash basin with constant hot and cold water supply is provided in each bathroom

<b>4.5. NORM 5. Provision of privacy in rooms</b>	
(j)	Service provider must ensure that bathroom walls is painted with a light durable, washable colour
(k)	Service providers must ensure that floors are non-slippery and non-shining surface.
(l)	Service providers must ensure that washing lines are provided outside living quarters for laundry

<b>4.6. NORM 6: Victims' information must be treated with strictest confidentiality</b>	
4.6.1.	STANDARD: Confidentiality of the victims to be respected at all times
4.6.2.	OUTCOME: Victims' information and whereabouts are protected
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that an organisation have a safe and lockable cabinet for files, information and personal belongings
(b)	Service provider must ensure that all information on intervention is confidential and all reports are locked in the safe
(c)	Service provider must ensure that the keys to the safe is kept by the Manager or the staff member on duty
(d)	Service provider must ensure that spare keys are accessible for managers in case there is a crisis and be signed in a register (taken and delivered back)
(e)	Service provider must ensure that all victims' reports are on the file.
(f)	Service provider must ensure that victim's cellphone is locked in the lockup locker or safe according to the organisation 's policy

<b>4.7. NORM 7. An enabling environment for children must be created</b>	
4.7.1.	STANDARD: An environment which is conducive and safe for children's wellbeing, growth and development
4.7.2.	OUTCOME: Children feel safe and at home in the organisation
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that an enabling environment is created for children's unconditional acceptance, treatment and interaction in the organisation
(b)	Service providers must ensure that compliance with the National Child Protection and Sexual Offences Register is maintained
(c)	Service provider must ensure that children's education is given first priority and if they are unable to render such service, to refer children accordingly

<b>4.8. NORM 8. Provision of proper care for sick children</b>	
4.8.1.	STANDARD: Immediate and appropriate health care services to child/ren be facilitated
4.8.2.	OUTCOME: Child/ren receive appropriate treatment and care

<b>4.8. NORM 8. Provision of proper care for sick children</b>	
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that staff members are able to identify sick children and make the necessary referrals
(b)	Service provider must ensure that policies and procedures relating to the health care of children in the organisation are in place. Policies to cover the following: <ul style="list-style-type: none"> <li>(i) Criteria for identifying sick children and or with chronic illnesses</li> <li>(ii) Safe keeping of all medication at the organisation</li> <li>(iii) Procedure for dealing with children who are sick</li> <li>(iv) Guidelines for preventing the spread of diseases at the organisation</li> <li>(v) Time frames for medical check-ups, by staff</li> </ul>
(c)	Service provider must ensure that after identifying children who are sick, the sickness or problem must be reported to the parent(s), caregiver or family as soon as possible
(d)	Service provider must ensure that in case of emergency, the child is taken to the nearest hospital or clinic for treatment
(e)	Service provider must ensure that a parent/ caregiver or guardian together with the housemother properly administrate the medication to the child according to the medical prescription
(f)	Service provider must ensure that a medical register is in place and properly managed
(g)	Service provider must ensure that updated records of each child's medical history including immunization programme is kept from the date of admission
(h)	Service provider must ensure that health incidents and accidents occurring at the facility are recorded and attended to
(i)	Service provider must ensure that a written consent form is signed by the parent, care giver or guardian in case of infectious diseases or HIV/AIDS status

<b>4.9. NORM 9. Safe storage of anything that may be harmful to adult victims and children</b>	
4.9.1.	STANDARD: All sharp, dangerous objects and household chemicals on the premises of the organisation be locked away and used under supervision of an adult
4.9.2.	OUTCOME: Adequate safe storage in place
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that any substances, tools, cleaning materials are safely stored, locked up and kept out of reach of children
(b)	Service provider must ensure that electrical plugs are covered
(c)	Service provider must ensure that equipment used is safe, clean and well maintained
(d)	Service provider must ensure that linen, furniture and suitcases are stored separately
(e)	Service provider must ensure that the store room provides shelves for chemicals and detergents
(f)	Service provider must ensure that the store room is locked at all times

<b>4.9. NORM 9. Safe storage of anything that may be harmful to adult victims and children</b>	
(g)	Service provider must ensure that lockable cabinets for medicine are available for the storage and medication is prescribed by a medical practitioner

<b>4.10. NORM 10: An organisation providing accommodation must provide counselling services to victims of trafficking</b>
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4.10.1. STANDARD: Psycho-social support services available and accessible to all victims
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4.10.2. OUTCOME: All victims have access to counselling
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<b>PROGRAMME PRACTICES:</b>
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(a)	Service providers must ensure that assessment to victims is conducted to determine their individual needs
(b)	Service providers must ensure that appropriate services are rendered to the victims in a non discriminatory and non-judgemental manner including but not limited to the following:
	❖ Trauma counselling
	❖ Psycho-social support
	❖ Group work
(c)	Service providers must ensure that counselling services are rendered by the service providers who have appropriate training, support and supervision to maximise their abilities and capacity to render such programmes.
(d)	Service providers must ensure that counselling services are rendered in a conducive environment to assist victims to use their strength-based approach while they are assisted to deal with trauma
(e)	Service provider must ensure that the best interest of the victims are served through a multidisciplinary approach
(f)	Service providers must ensure that the growth and development of victims are monitored and communicated to the victims
(g)	Service providers must ensure that secondary victimization and trauma are minimised
(h)	Service providers must ensure that counselling entails holistic approach that is sensitive to the linguistic, religious and cultural values of victims
(i)	Service provider must ensure that victims are informed of the therapeutic progress made since admission
(j)	Service provider must ensure that International Social Services (ISS) are utilized if the victims are from other countries

<b>4.11. NORM 11: All victims to be reintegrated into their families and or communities</b>
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4.11.1 STANDARD: Reintegration services prioritized
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4.11.2 OUTCOME: Victims be reunited with their families and or communities
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<b>PROGRAMME PRACTICES:</b>
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(a)	Service provider must ensure that all victims are reintegrated with their families and or
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<b>4.11. NORM 11: All victims to be reintegrated into their families and or communities</b>	
communities depending on the assessment report.	
(b)	Service provider must ensure that reintegration services are prioritized and in compliance with relevant policy and legislation
(c)	Service provider must ensure that after care services are rendered where possible and as per need
(d)	Service providers must develop an exit strategy for the victims

<b>4.12. NORM 12: Provision of Rehabilitation Programme to victims</b>	
<b>4.12.1. STANDARD: Rehabilitation services available and accessible for all victims (Restoration and Healing)</b>	
<b>4.12.2. OUTCOME: Victims' psycho-social well-being are restored</b>	
<b>PROGRAMME PRACTICES:</b>	
(a)	Service providers must ensure that Social Workers are trained in the Restoration and Healing programme
(b)	Service provider must ensure that IDP cover the following needs:
	❖ Goals for victim
	❖ Preparation of an exit strategy
	❖ Victim protection programme
	❖ Support services
	❖ Behavior modification
	❖ Social networks
	❖ Other available resources
(c)	Service provider must ensure that each victim Individual Development Plan (IDP) reflects the situation analysis and progress according to intervention strategies and are regularly updated
(c)	Service providers must ensure that risk factors identified during assessment such as: Sense of belonging, rejection, discrimination, independence, generosity, mastering and others are addressed
(d)	Service providers must ensure that victims' IDP and Care Plan are regularly updated and available

*(Publisher's note – Duplication of (c) as published in the original Gazette)*

<b>4.13. NORM 13: Provision of education and skills development training for victims</b>	
<b>4.13.1. STANDARD: Victims empowered and equipped with the necessary skills</b>	
<b>4.13.2. OUTCOME: Empowered victims</b>	
<b>PROGRAMME PRACTICES:</b>	
(a)	Service providers must ensure that some of the following programmes are rendered:
	➤ Educational Programme

<b>4.13. NORM 13: Provision of education and skills development training for victims</b>	
	➤ Self Care
	➤ Life Skills Programme
	➤ Recreational activities
	➤ Computer Training
	➤ Income generating activities
	➤ Employment and economic empowerment projects and programmes
	➤ Arts and crafts projects
	➤ Awareness on human trafficking
	➤ Substance abuse
	➤ Physical and mental health
	➤ HIV / AIDS

<b>4.14. NORM 14: Parents with children are accommodated</b>	
4.14.1.	STANDARD: Reception, care and development of children are prioritized
4.14.2.	OUTCOME: The best interests of children are served
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that all children with an adult victims are referred to the Provincial Department of Social Development, designated Social worker or child protection organisation who must conduct a needs assessment to establish if the children is/are in need of care and protection (Children's Act 38 of 2005, section 150)
(b)	Service provider must ensure that the necessary and appropriate services according to the Individual Developmental Plan and Care Plan (medical/psycho-social aspects of the child) are rendered
(c)	Service provider must ensure that an Individual Developmental Plan (IDP) is developed for each child depending on the age of the child. IDP must consider the following:
	❖ Basic needs (such as a warm bed, food, clothes, toys, indoor and outdoor activities etc)
	❖ Cultural beliefs and needs
	❖ Educational needs
	❖ Religious beliefs
	❖ Social needs
	❖ Emotional needs
	❖ Disability and chronic needs
	❖ Medical needs
	❖ Recreational needs
	❖ Trauma debriefing
	❖ Play therapy
	❖ Individual counselling

<b>4.14. NORM 14: Parents with children are accommodated</b>	
	❖ Bereavement counselling
(d)	Service provider as well as parents must ensure that Children's Rights are upheld
(e)	Service providers must ensure that furniture and equipment for children are according to the children age cohorts
(f)	Service provider must ensure that the rights and responsibilities for children are displayed
(g)	Service provider must ensure that the environment is child friendly
(h)	Service provider must ensure that no practices that violate children's rights are allowed
(i)	Service provider must ensure that parents and child services including parenting plans, stress management, conflict resolution, positive communication and discipline, assertiveness and behaviour change are rendered
(j)	Service provider must strengthen children enable them to build healthy interpersonal relations
(k)	Service provider must ensure that children are appropriately referred to professional services. (psychologist, psychiatrist, speech therapist, etc)
(l)	Service providers must ensure that age appropriate information is shared with children such as child labour, child trafficking, commercial sexual exploitation and positive choices

<b>4.15. NORM 15. Organisations must provide accommodation for all victims</b>	
4.15.1	STANDARD: Accommodation for all victims available (24 hours a day)
4.15.2.	OUTCOME: All victims are accommodated
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that each an[sic] every victim who is certified to be an alleged victim of trafficking must have access to services rendered by accredited organisations
(b)	Service provider must ensure that an Admission Policy is aligned with accreditation process as stipulated in the Regulations of the Prevention and Combating of Trafficking In Persons Bill
(c)	Service provider must ensure that a conducive environment is created for the victims to feel at home and at ease.
(d)	Service provider must ensure that an intake form and register book are in place and completed in the pre-assessment and screening phase
(e)	Service provider must ensure that an assessment is conducted within 24 hours from admission and that the needs assessment is completed
(e)	Service provider will ensure that an Individual Developmental Plan (IDP), Care Plan and an Exit Strategy is developed for each victim
(f)	Service provider must ensure that high risk situations are identified and attended to
(g)	Service provider must ensure that a contract (agreement) between the organisation and the victim is signed on the duration of stay
(h)	Service provider must ensure that the house rules of the organisation are explained, understood and signed by the victim

<b>4.15. NORM 15. Organisations must provide accommodation for all victims</b>	
(i)	Service provider must ensure that the consent form for staying in the organisation is signed by the victim. Victim to receive a copy of the organisational policy
(k)	Service provider must ensure that the South African Police Service receives a notification form of the admission of the victim
(l)	Service provider must ensure that a temporary certificate, certifying that a victim is a victim of trafficking is issued by the Department of Home Affairs in the prescribed format
(m)	Service provider must ensure that important telephone numbers (emergencies) are displayed, visible and accessible to all victims in the organisation
(n)	Service providers must ensure that victims are protected from further abuse, neglect, ill-treatment and exploitation within the organisation
(o)	Service provider must ensure that all information on intervention is confidential and the victims files are kept in a safe
(p)	Service provider must ensure that complaint procedure is in place and it is clearly displayed and understood by the victims. Interpreters must be available in case a victim speaks a foreign language
<i>(Publisher's note – Duplication of (e) and omission of (j) as published in the original Gazette)</i>	
<b><u>Policy- adults with children</u></b>	
(a)	Service provider must ensure that parents with children take the responsibility for their children during their stay in the organisation
(b)	Service provider must ensure that victim is placed separately during contagious illness (measles, chicken pox, etc) own room ❖ Family rooms are preferable
(c)	Service provider must ensure that the parent (alleged victim) sign the indemnity form and the consent form for medical attention and procedures ❖ Children must receive proper health care services
(d)	Service provider must ensure that arrangements for the child to be transported to the local clinic, hospital, schools and therapeutic sessions are made and it must be under supervision of an adult ❖ Written consent to be made by parents for transportation
(e)	Service provider must ensure that the medical register is in compliance with the Health Care Standard of the organisation
(f)	Service provider must ensure that all children are under adult supervision at all times

<b>4.16. NORM 16. Victims' rights to a hygienic and safe kitchen are upheld</b>	
4.16.1.	STANDARD: Kitchen functional, well equipped and safe
4.16.2.	OUTCOME: The kitchen is clean and functional
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that the washing-up area is separate from the food preparation area

<b>4.16. NORM 16. Victims' rights to a hygienic and safe kitchen are upheld</b>	
(b)	Service provider must ensure that adequate and constant hot and cold water is supplied to all basins
(d)	Service provider must ensure smooth and even washable wall surfaces
(e)	Service provider must ensure that they have a fridge to store perishable food
(f)	Service provider must ensure that sufficient suitable storage space for crockery, cutlery and kitchen utensils are available ❖ Knives and other sharp utensils must be stored in a locked cupboard.
(g)	Service provider must ensure that the floor areas are according to local government By-Laws minimum requirements
(h)	Service provider must ensure that paraffin, gas and other electric appliances are kept out of reach of children
(i)	Service provider must ensure that cleaning materials are kept in clearly marked containers and out of reach of children
(j)	Service provider must ensure that equipment used must be safe, clean and well maintained
(k)	Service provider must ensure that separate storage for groceries and cleaning material are available
(l)	Service provider must ensure that the kitchen is well equipped with utensils
(n)	<u>Food preparation for babies</u> Service provider must ensure that the preparation of the food for the babies is prepared in an hygienic environment

*(Publisher's note – Omission of (c) and (m) as published in the original Gazette)*

<b>4.17. NORM 17. Preparation and provision of food must take place under safe and hygienic conditions</b>	
4.17.1	STANDARD: Eating facilities and storages clean
4.17.2	OUTCOME: Healthy nutritious food provided
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that there is an adequate functional storage of raw and prepared food
(b)	Service provider must ensure that eating facilities are free of offensive smells
(c)	Service provider must ensure that food preparation is in accordance with the prescriptions of the Health Act and the By-laws of the municipality
(d)	Service providers must ensure that there is separate areas for food preparation, serving of food and cleaning up
(e)	Service providers must ensure that food must be stored in appropriate areas: ❖ Perishable food, in a cold storage ❖ Dry goods, in a dry storage
(f)	Service provider must ensure that there are three nutritious meals per day, transparent and displayed

<b>4.17. NORM 17. Preparation and provision of food must take place under safe and hygienic conditions</b>	
(e)	Service provider must ensure that special dietary needs in accordance with cultural, religious and medical needs of victims are available

*(Publisher's note – Incorrect numbering as published in the original Gazette)*

<b>4.18. NORM 18. Provision made for recreational and multipurpose activities</b>	
4.18.1.	STANDARD: Recreational facility is conducive
4.18.2.	OUTCOME: Recreational facility is available and can also be utilized for multipurpose activities

**PROGRAMME PRACTICES:**

(a)	Service provider must ensure that there is appropriate, suitable and safe heating system in the dining areas where it is very cold
(b)	Service provider must ensure that floors are covered, washable and non-slippery.
(c)	Service provider must ensure that the dining room is in a well ventilated area
(d)	Service provider must ensure that the furniture is comfortable and friendly for children and adults (couches, tables and chairs)
(e)	Service provider must ensure that a dining area with a minimum floor area of 1,5m <sup>2</sup> per resident with adequate passages and aisles in the dining area are according to the Local Government By-Laws
(f)	Service provider must ensure that the recreational facility is well designed and conducive for occupational therapy or other group activities
(g)	Service provider must ensure that the inhouse dining room have either curtains or blinds
(h)	Service providers must ensure that recreational facilities cater for victims with special needs

<b>4.19. NORM 19. Administrative office must be available in the organisation</b>	
4.19.1.	STANDARDS: A suitable and furnished administrative office on the premises
4.19.2.	OUTCOME: Administrative office well equipped and in place

**PROGRAMME PRACTICES:**

(a)	Service provider must ensure that the administrative office have a suitable, furnished office on the premises
(b)	Service provider must ensure that the phone at the organisation is always in a working condition
(c)	Service provider must ensure that the staff at the organisation have the record of all incidences
(d)	Service providers must ensure that there is a separate counselling[ <i>sic</i> ] room that is conducive and ensures privacy
(e)	Service provider shall inform victims about legal, medical, social, psychological services and other professional services available to them

<b>4.19. NORM 19. Administrative office must be available in the organisation</b>	
(f)	Service provider must ensure that there is a designated smoking area
(g)	Service provider must ensure that personal belongings of staff be secured in separate lockable cupboards
(h)	Service provider must ensure that all victims should sign an indemnity form before they are been transported to various service providers or destinations
(h)	Service provider must ensure that an appropriate filing system are in place pertaining to administration
(i)	Service provider shall inform victims of the outcomes of cases where necessary
(j)	Service provider must ensure that acceptable financial practices are adhered to according to Public Finance Management Act
(k)	Service provider must ensure that an annual budget is available
(l)	Service provider must ensure that financial reports are presented quarterly to the Department of Social Development.
(m)	Service provider must ensure that the official responsible for the financial management is adequately trained and qualified
(n)	Service provider must ensure that financial policy and delegation are approved by the Board of Management
(o)	Service provider must ensure that the payment of accounts and receipt of income is done in accordance with financial policy
(p)	Service provider must ensure that all external and internal audit reports are submitted and available
(q)	Service provider must ensure that monthly operational meetings / communications with staff take place and minutes are documented.
(r)	Service provider will ensure that the annual report and financial statements are submitted to the provincial head of the department of social development (health and social development where applicable) as well as to the National Department of Social Development, Directorate: Non-Profit Organisations
(s)	Service provider must ensure that finances are spent according to business plan.

*(Publisher's note – Duplication of (h) as published in the original Gazette)*

<b>4.20. NORM 20. Assets secured and well managed</b>	
4.20.1.	STANDARD: Organisational policy for assets management in place
4.20.2.	OUTCOME: Effective quality control, utilization and maintenance of assets
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that a maintenance service plan is approved by management
(b)	Service provider must ensure that an updated Asset Register is available and inventory list is signed
(c)	Service provider must ensure that assets are comprehensively bar-coded, secured and insured

<b>4.20. NORM 20. Assets secured and well managed</b>	
(d)	Service provider must ensure that regular monitoring of assets is performed and reported at meetings of the organisation by management
(e)	Service provider must ensure that evaluation procedures for assets are in place and reported to meetings of the organisation
(h)	Service provider must ensure that damaged assets are repaired and or replaced timeously subject to availability of funds
(i)	Service provider must ensure that the system for the disposal of damaged assets is in place

*(Publisher's note – Omission of (f) and (g) as published in the original Gazette)*

<b>4.21. NORM 21. Human resources must be adequately managed</b>	
4.21.1.	STANDARD: Human resource policy approved by organisation ensuring best practices
4.21.2.	Outcome: Well trained, skilled, motivated and dedicated staff
<b>PROGRAMME PRACTICES:</b>	
(a)	Service provider must ensure that the appropriate staff is in place
(b)	Service provider must ensure that all applicants should be checked against Part B of Child Protection Register <ul style="list-style-type: none"> <li>❖ No person whose name appears in Part B of the Child Protection Register may work with children</li> </ul>
(c)	Service provider must ensure that the Managers have training on the human trafficking issues
(e)	Service provider must ensure that the Manager is able to demonstrate management and administration skills and be registered with relevant professional body
(f)	Service provider must ensure that Social workers are trained on the phenomenon of human trafficking and the Restoration and Healing programme
(g)	Service provider must ensure that each staff member have a personal file including job description, Individual Development Plan, Workplan and other related matters
(h)	Service provider must ensure that contracts of the staff members includes agreement on Confidentiality, acknowledgement of the rights of victims, victims responsibilities and victims' rights as recipients of the service
(i)	Service provider must ensure that staff leave records e.g. leave, sick leave, family responsibility, are recorded punctually and maintained
(j)	Service provider must ensure that capacity building is undertaken on an ongoing basis
(k)	Service providers must ensure that staff members are trained on how to assist victims with special needs
(l)	Service provider must ensure that they meet the basic conditions of the Employment Equity Act, 1998 (Act No. 55 of 1998)
(m)	Service provider must ensure that the daily incident management register is regularly completed and handed over to shift workers
(n)	<u>Capacity building and training</u>

<b>4.21. NORM 21. Human resources must be adequately managed</b>	
	Service provider must ensure that all staff members are exposed to the accredited capacity building programmes
(o)	Service provider must ensure that an organisational programme plan is developed that includes formal and informal training

*(Publisher's note – Omission of (d) as published in the original Gazette)*