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THE OFFICIAL GAZETTE 17TH MAY, 2025
LEGAL SUPPLEMENT — B

GUYANA No. 4 of 2025

# REGULATIONS

**Made Under**

**THE COMBATING OF TRAFFICKING IN PERSONS ACT**

**(Act No. 7 of 2023)**

**IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 55 OF THE COMBATING OF TRAFFICKING IN PERSONS ACT 2023, I MAKE THE FOLLOWING REGULATIONS: -**

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## PART I
## PRELIMINARY

Citation.

1. These Regulations may be cited as the Combating of Trafficking in Persons Regulations 2025.

Interpretation.

2. In these Regulations-

"assistance" means a tailored combination of services with the goal of helping victims to re-establish their overall physical, psychological, mental and social well-being;

"beneficiary" means an identified victim who is in receipt of assistance and services under these Regulations;

"case manager" means the person, working within the context of a shelter, and non-governmental organisation, the Counter-Trafficking Unit, Childcare and Protection Agency or other government agency, assigned to take the lead in developing intervention plans, coordinating services to and implementing protection and assistance to presumed or declared victims, and working within a multi-disciplinary team of professionals;

"child victims" means victims who are under the age of eighteen years;

"crisis intervention" means the provision of immediate and short-term medical and psychological care in order to assist presumed victims in a crisis situation to restore equilibrium to their biological and psychosocial functioning, and to minimise the potential for long-term psychological trauma, and may be accessed at any stage of the recovery process;

"cultural mediators" mean persons who foster mutual understanding and inter-cultural competence by ensuring effective communication between victims and the staff of agencies and organisations mandated to work with them;

"detection" means the action of noticing possible elements of trafficking in persons by any person, including medical professionals, teachers, migration officials and neighbours who shall refer the person to the relevant authorities for formal identification, and includes the measures taken to search for and rescue presumed victims;

"direct assistance" means the point of identification with the provision of immediate medical care, shelter including support for rehabilitation, recovery and reintegration;

"family tracing" means the process, of searching for a child's primary legal or usual caregivers and other family members, and includes reunification with parents or other persons;

"identification" means the formal process of declaring a person to be a victim by the relevant authorities after analysis of information regarding a presumed trafficking and existing indicators of the crime in order for the victim to access special assistance and protection pursuant to the Act;

"identified victim" means a person who has been formally identified by the relevant authorities as a victim;

"Individual Assistance Plan" or "the Plan" means a plan which contemplates comprehensive longer-term assistance, until the victim has been successfully reintegrated into society, and may contain elements of crisis intervention, rehabilitation and

reintegration assistance as defined in these Regulations;

"informed consent" means any freely given, specific, informed and unambiguous indication of the victim's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her and includes any expression of consent given by-

(a)the legal representative of the victim;

(b)in the case of a person who by reason of a mental illness is unable to act, the nominated representative of the person appointed pursuant to the Mental Health Protection and Promotion Act 2022;

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(c)in the case of a child, the parent or guardian of the child; or

(d) any person to whom the victim delegates, in writing, the right to give or withhold consent to the processing;

"Ministry" means the Ministry responsible for human services and social security;

"multi-disciplinary team" means a group of service providers representing a diverse array of professions and specialists, including social workers, shelter staff, psychologists, child protection authorities, lawyers, interpreters and cultural mediators;

"need-to-know" means a reference to disclosure of information on a need-to-know basis and can be disclosed internally within an organisation and externally to other organisations only to such persons who need the information;

"presumed victim" means any person whose circumstances indicate that

the person may have been trafficked, but no final determination has been made;

"psychosocial assistance" includes any action that meets the psychological and social needs of individuals, families and communities;

"referral" means the act of directing a person to a consultation or for additional assistance with the overall aim of ensuring the protection and assistance of victims and the prevention and prosecution of offences under the Act;

"reflection period" means the period of time in which a presumed victim is referred for services and counselling, without having to make an immediate statement to the police;

"refouled" means the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution;

"rehabilitation" means the process of restoring someone to health and to normal life through comprehensive support;

"reintegration" means the process of transitioning from a situation in which a victim is unable to integrate and function as a member of society to one in which the victim controls and directs their own life, including re-gaining economic independence;

"reunification" means the process of bringing together the child victim and family or previous caregiver for the purpose of establishing or re-establishing long-term care;

"re-victimisation" means behaviours and attitudes of law enforcement, social service providers and those charged with the protection

and care of the victim, that can traumatise victims;

"screening" means the process by which trained social service providers assess the individualised needs of victims;

"secondary traumatisation" means the stress and other symptoms resulting from helping or having close contact with a traumatised or suffering person, with symptoms including intrusive thoughts, chronic fatigue, sadness, anger, poor concentration, second guessing, detachment, emotional exhaustion, fearfulness, shame, physical illness and may result in burnout, causing turnover among staff, as well as a decline in the quality of care provided;

"shelter" means both short and long-term accommodation, including transit shelters and non-shelter accommodations, such as houses, apartments, hotel rooms, rooms in medical facilities and churches which provide housing, protection and assistance to victims;

"shelter provider" means an agency, whether governmental or non-governmental, that provides and manages shelter or residential care facilities;

"unaccompanied child" means a child who has been separated from both parents and other relatives and is not being cared for by any adult who is legally responsible for doing so;

"verification" means the process of establishing the validity of relationships and confirming the willingness of the child and the family member to be reunited.

## PART II

## FRAMEWORK TO COMBAT TRAFFICKING IN PERSONS

Coordination on trafficking in persons.

3. (1) The Minister responsible for human services and social security and the Minister responsible for home affairs shall develop terms of reference to enable the Ministerial Task Force to effectively implement its functions and activities set out in Part VI of the Act and the terms of reference shall include provisions dealing with-

(a) the purpose and activities of the Ministerial Task Force;

(b) meetings of the Ministerial Task Force;

(c) the secretariat of the Ministerial Task Force; and

(d) the working methods for the development and implementation of the National Plan for the Prevention and Response to Trafficking.

(2) The Unit shall be the main coordinator and key implementing agency for protection services to victims with primary responsibility for providing immediate emergency accommodation, medical services, food, and other direct assistance services, as well as services to support long term recovery.

(3) The Unit shall co-ordinate its work closely with the Trafficking in Persons Unit of the Guyana Police Force to minimise the number of interviews a victim undertakes to access services, and to provide psychosocial support to the victim while law enforcement procedures are being undertaken.

Coordination between the Unit and the Guyana

4. The Unit shall coordinate with the Trafficking in Persons Unit of the Guyana Police Force to-

(a) provide shelter for victims to support rescue

Police Force.

operations;

(b) arrange for transportation to and from police interviews and to court; and

(c) ensure that there are Memoranda of Understanding between the Ministry and non-governmental organisations and other residential services providers to provide support to victims.

Proper protection.

5. The Unit, in ensuring proper protection, shall coordinate accommodation, medical services, educational services, counselling, work, legal representation, immigration proceedings and services for return and reintegration.

Use of Standard Operating Procedures on identification.

6. (1) The Unit shall utilise Standard Operating Procedures on identification which provide systematic guidelines for the detection and screening of potential victims and to aid in the determination of those identified as victims and the determination of the services that they may receive.

(2) In order to streamline the identification process and ensure adequate protection of the rights of victims-

(a) formal identification should be restricted to the Trafficking in Persons Unit of the Guyana Police Force and the Unit, which may involve other actors in the formal identification process as necessary, such as childcare service providers, interpreters and cultural mediators, and immigration authorities;

(b) the identification process shall emphasise respect for the views and concerns of victims,

protection of their rights, voluntariness and rights of presumed victims as the identification process functions as an integral part of victims' protection; and

(c) before formal identification can be done, the victim shall be detected, and the detection reported to the Trafficking in Persons Unit of the Guyana Police Force or the Unit for rescue operations to be conducted.

Detection.

7. A person who detects that a person is a victim shall report their observation to the Guyana Police Force or the Unit.

Rescue operations.

8. (1) In accordance with subregulations (2) and (3), the police shall identify victims by conducting rescue operations on locations suspected of harbouring victims and intercepting vessels and vehicles which the police suspect are transporting victims.

(2) The police shall incorporate proactive law enforcement measures, specialised protection and assistance for victims into rescue operations including ensuring the presence of specialised staff to separate presumed victims from their traffickers, and to relocate them to a temporary, safe location where they can be informed of their rights and where their basic needs can be provided.

(3) The Unit shall ensure that potential victims are given a reflection period of up to ten days, which period may be extended, before the victim decides whether he or she will accept services or participate in legal proceedings.

Identification of persons as victims.

9. (1) The process of formal identification shall begin after detection has been made and reported to the Trafficking in Persons Unit of the Guyana Police Force or the Unit.

(2) The entity to which the report was made shall be responsible for effecting collaboration with any other relevant entity.

(3) The identification of a presumed victim shall allow the victim's immediate access to assistance, irrespective of the first entity to come in contact with the victim.

(4) Basic emergency services shall be provided to presumed victims by the relevant entity until identification is complete.

(5) The potential victim shall be declared a victim after identification has been made and shall be entitled to all the services prescribed by law to victims.

(6) The interview and screening process involved in identification shall be carefully conducted and detailed to ensure that all victims are properly identified, victims receive appropriate protection and support and to prevent victims from being refouled.

(7) The identification of victims shall occur in the normal exercise of the functions of service providers or in the day-to-day activities of members of the public and law enforcement may conduct proactive investigations, while social workers and non-governmental organisations may use outreach and free, accessible hotlines.

Procedures for identification.

10. (1) Victims' rights and needs, including the right to information, privacy, protection, assistance and non-discrimination shall

be recognised by the Unit, the Trafficking in Persons Unit of the Guyana Police Force and any other relevant person or authority during the identification process.

(2) Identification shall primarily take place through the interview of presumed victims and the utilisation of relevant information and appropriate indicators.

(3) The process of identification shall begin from the point of first contact where all information and observations made about the presumed victim's situation provides the background for what is to be explored and expanded in the follow up interviews to establish identification using the appropriate screening forms and interview procedures as set out in the Standard Operating Procedures for the Investigation and Prosecution of Trafficking in Persons Offences in Guyana.

(4) Notwithstanding the identification process indicating that the presumed victim does not meet the criteria to be declared a victim, the police, Unit and other relevant persons or authorities shall determine if the person needs other protection or assistance as a person's arrival to the place where he or she was rescued may so indicate.

(5) The interview or meeting with the presumed victim shall be concluded sensitively with regard for the situation of victims, without discrimination or judgment.

Specific procedures for the identification

11. (1) Law enforcement authorities in consultation with the Director of Public Prosecutions, including other appropriate authorities, shall take all steps necessary to identify victims, and such identification

process.

shall utilise the procedures and forms, as appropriate, set out in these Regulations.

(2) Upon the identification of a presumed victim, the law enforcement officer shall refer the victim for a medical assessment to determine whether any necessary, urgent medical treatment is needed.

(3) A law enforcement officer who receives a complaint or otherwise identifies a presumed victim, shall immediately contact the Unit to register the case.

(4) Victims shall not be transferred to police stations, interviewed, or required to make a statement to law enforcement until after the reflection period has expired, unless the victim requests to do so immediately or otherwise.

(5) A victim shall not, under any circumstances, be held in immigration facilities or other forms of detention.

(6) The identity of the person who files the complaint to the police reporting the alleged trafficking in persons shall be kept confidential.

(7) If the victim is a foreign national or non-native English speaker, the police, the Unit or the Ministry responsible for home affairs shall contact an interpreter who can communicate in a language the victim understands, and where necessary a cultural mediator shall be contacted.

(8) A female police officer shall work with female victims, whenever possible.

(9) Questions to determine the presumed victim's freedom of movement shall be asked, including whether threats of harm were experienced by the interviewee.

(10)(a) A law enforcement officer shall, verbally and in writing, inform the presumed victim of his or her rights in a language that he or she understands.

(b) Victims shall be informed of their right to-

(i) access shelter, basic necessities, social benefit and medical care;

(ii) basic counselling and psychological assistance;

(iii) protection, privacy and confidentiality;

(iv) a reflection period prior to deciding on whether to cooperate with law enforcement or to receive reintegration and other types of assistance;

(v) legal information;

(vi) refuse the transfer of information already collected to another organisation when a referral is planned;

(vii) immigration assistance in the form of visas, temporary residence and a work permit in accordance with the Immigration Act and provided that they comply with reasonable requests for assistance in investigation or prosecution of trafficking in persons' cases;

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(viii) consular assistance, in the case of foreign nationals; and

(ix) return to their country of origin or lawful residence.

(11) All interviews shall be coordinated and implemented with the Unit and, where the victim is a child, with the Childcare and Protection Agency.

(12) The interview under subregulation (13) shall be conducted by a Unit officer or a Trafficking in Persons Unit of the Guyana Police Force officer trained to interview persons in a trauma-informed way.

(13) The interview to determine identification should be a joint process with the police and the Unit, and where necessary, in the presence of a support person, interpreter or cultural mediator.

(14) Victim statements shall only be taken if provided voluntarily, based on informed consent.

(15) Upon the adult victim's consent, the police shall take all statements of the victim and any witnesses and record the complaint in detail.

(16) At the end of the interview, the interviewer shall confirm with the victim the key elements of the information conveyed by the victim and allow the victim to correct any misunderstandings or to clarify any specific point.

(17) Victims shall be interviewed in locations that are private, and all documentation and statements provided by the victim during the interview, shall be kept confidential.

(18) Nothing in this regulation shall be construed as preventing an adult victim from submitting their own written statement.

Agency to represent children.

12. (1) The Agency shall ensure that there is a parent or legal guardian present to act on behalf of a child victim.

(2) Experts shall ascertain the correct age of a child, where necessary.

(3) The relationship between adults and a child victim shall be clearly established prior to a child victim being interviewed.

(4) All unaccompanied children shall be immediately referred to the Agency.

(5) The Unit in collaboration with the Agency shall be responsible for locating a child victim's parents or legal guardian and deciding on a possible reunification after expert investigation and risk assessment have been carried out.

(6) The prevailing factor in any determination related to presumed child victims shall be relevant factors, including the child's-

(a) safety and health, educational and development needs;

(b) geographic and social environment; and

(c) where possible, views and wishes.

(7) Child victims shall be immediately referred for any urgent medical care irrespective of the written consent of the parent or legal guardian, and the referral to and provision for all non-emergency medical care shall require the prior written consent of the child's parent,

legal guardian or appointed guardian, where appropriate.

(8) A child victim shall be taken to a safe and comfortable location for the interview using facilities already set up for interviewing children, such as interview rooms connected to the Sexual Offences Court or Child Advocacy Centres.

(9) The Agency, in collaboration with the Unit, shall appoint a social worker to act on behalf of a child victim and make a further determination on whether a legal guardian shall be appointed for the child victim where the parents of the child victim are not available or are deemed unsafe.

(10) Child victims shall be questioned in a manner that respects their dignity and capacity and interpreters or cultural mediators shall be provided where needed and the Agency may advise on questioning being done by a forensic interviewer with experience interviewing children.

## PART III
## PROVISION OF DIRECT ASSISTANCE TO VICTIMS

Direct assistance.

13. (1) The officers of the Unit and the Agency, as well as non-governmental organisations which collaborate with the Unit and other service providers who work directly with victims to provide care and support, shall be responsible for providing direct assistance to and referrals for victims.

(2) Direct assistance shall commence from the point of identification with the provision of immediate medical care, shelter and additional support through rehabilitation, recovery and integration.

(3) Direct assistance shall be coordinated by the Unit using an assessment of the needs of the victim as well as the capabilities of the specific beneficiary.

(4) Where the victim is in a shelter, the needs assessment may be delegated to the shelter providers who shall report the needs assessment to the social worker of the Unit assigned to the victim.

Referrals.

First Schedule

14. (1) Referrals shall conform to the National Referral Mechanism and shall be made on Form I as set out in the First Schedule.

(2) Where appropriate, a social worker of the Unit shall make a referral of a suspected trafficking victim to another agency in order for services to be provided.

(3) Where the needs assessment is done by the shelter provided or by another agency which has first contact with the victim, that agency shall immediately make a referral to the Unit to co-ordinate services that the victim needs.

(4) A social worker of the Unit shall be assigned as case worker for the victim.

(5) A referral of services by a shelter provider shall be first sanctioned, in writing, by the Unit.

(6) Informed consent of the victim shall be obtained before services are referred and delivered, and in the case of a child victim, a social worker of the Agency shall have joint case management responsibility with the assigned social worker of the Unit.

Procedures for direct assistance and referral.

15. (1) The procedures set out in this regulation shall be employed when a presumed or confirmed victim has been referred to receive services.

(2)A risk assessment shall be conducted by the relevant entities for each victim as soon as possible after a victim's identification and shall be continually updated and shall cover the physical security of the victim, their families and service or care providers.

(3)A risk assessment shall identify-

(a) who is potentially at risk;

(b) what the risk is and the consequences if there is a breach of security;

(c) the level of risk; and

(d) the planned response to address the risk.

(4) On-going risk assessments shall also be conducted with respect to any potential threats to the physical security of the multi-disciplinary team working with the victim.

(5) A risk assessment shall prioritise a comprehensive evaluation of possible risks to the victim and all persons involved in support of the victim.

(6) In a case of a child victim, the risk assessment shall address whether any family members were involved in any part of the trafficking process.

Form 1
Second Schedule

(7) A risk assessment shall be recorded in Form 1 as set out in the Second Schedule.

Levels of risk.

16. The levels of risk shall be categorised as follows-

(a) low, where the risk is not considered to likely occur;

(b) medium, where the risk is more likely than not to occur; or

(c) high, where the risk is most likely to occur.

Risk assessment to be kept confidential.

17. The risk assessment shall be kept confidential and only shared on a need-to-know basis with persons and agencies approved by the Director of Social Services.

Components of a needs assessment.

18. The needs assessment shall be done simultaneously with the risk assessment and shall contain information gathered by an interviewer on health, psychosocial needs, skills training, legal status, work, education and other services.

Needs assessment for child victim.

19. (1) In the conduct of a needs assessment for a child victim, that child victim's views and concerns shall be obtained and taken into account in light of that child victim's age and maturity.

Form 2
Second Schedule

(2) The needs assessment shall be documented on Form 2 as set out in the Second Schedule.

Reflection period and informed consent to services.

20. (1) The Unit or non-governmental organisation that first contacted the presumed victim or to which the presumed victim was referred shall explain to the presumed victim that he or she-

(a) has a right to an initial reflection period of ten days and that this period may be extended if the mental state of the presumed victim warrants it; and

(b) has the right not to avail himself or herself of the reflection period and can decide with regards to law enforcement cooperation and the receipt of services prior to the termination of the reflection period.

(2) During the reflection period victims or presumed victims shall-

(a) not be interviewed, and the forensic interview shall be delayed unless it is safe and appropriate for it to be conducted and with appropriate psychosocial support; and

(b) have the opportunity to communicate with, and receive visits from family and friends, and shall have the right to communicate with a lawyer.

(3) The Unit or non-governmental organisation shall explain to victims and presumed victims their right to shelter or other accommodation and where that victim or presumed victim has declined accommodation or the right to a reflection period, the Unit or non-governmental organisation shall explain to victims and presumed victims, in a clear and detailed manner, their rights and full range of services.

(4) Victims and presumed victims who choose to reside in a shelter or other accommodation shall be provided with detailed information by the shelter manager or assigned staff on their rights, access to services and shelter rules, accompanied by an information packet.

(5) An interpreter or cultural mediator who speaks a language the victim or presumed victim understands shall be made available to provide information to foreign and indigenous victims and presumed victims.

(6) (a) Upon explanation of the services available, the informed consent of the victim or presumed victim shall be obtained in writing, in the form as set out in the Third Schedule.

Third Schedule.

(b) The requirement of informed consent shall also extend to children, to whom, services shall be explained and from whom agreement shall also be obtained, as much as possible prior to the delivery of services.

(7) Adult victims and presumed victims shall have the right to decide to leave services or decline services at any time.

Information required to be explained.

21. (1) A case worker shall explain to victims and presumed victims their rights and the conditions and procedures for cooperating with the competent law enforcement authorities.

(2) In addition to subregulation (1), procedures concerning the victim's and presumed victim's participation in criminal proceedings, shall be explained to him or her, including-

(a) information on the potential length of the proceedings;
(b) the right to legal information and legal representation;
(c) victims' immunity from prosecution for trafficking-related crimes;

(d) the obligation to testify;

(e) the right to present their views and concerns at an appropriate stage of the proceedings, including the right to make a victim impact statement;

(f) the existence of special protection measures such as hearings in private and the option to testify via video;

(g) the right to an interpreter;

(h) security risks, the right to privacy and confidentiality and the availability of witness protection options; and

(i) compensation possibilities.

Safe accommodation.

22. (1) During the reflection period, the victim or presumed victim shall be provided with safe accommodation in a shelter or other appropriate places.

(2) During the reflection period and the period of receipt of assistance, victims or presumed victims shall be accommodated in an accredited shelter, or any other suitable accommodation, including the victim's or presumed victim's own residence or the residence of another person.

(3) A non-governmental organisation which detects and reports a potential victim shall provide the victim with all the necessary information concerning accommodation options.

(4) Where the victim or presumed victim is staying in a shelter accommodation, the shelter professional on duty shall receive the victim or presumed victim and provide the victim or presumed victim

with the information and rules pertaining to residence, in a comfortable and private room.

(5) Where the victim or presumed victim was referred by another non-governmental organisation, a representative of the referring organisation shall be present at the victim's or presumed victim's first meeting upon arrival at the shelter.

(6) Where the victim or presumed victim is a non-national, non-native English speaker or member of an indigenous community, an interpreter or cultural mediator shall be present.

(7) Victims or presumed victims shall not be housed in detention facilities and detained within shelter accommodations.

(8) Where appropriate, the victim or presumed victim shall be allowed to make the decision to stay in the shelter or a non-residential accommodation, if it is assessed to be a safe option.

(9) The victim's or presumed victim's consent to services provided during the reflection period shall include the consent to the accommodation services being provided and acceptance of related rules.

(10) Victims or presumed victims, subject to adequate security arrangements, shall have the opportunity to communicate with, and receive visits from, family and friends, and the reasons for disallowing such communication shall be detailed in writing in the risk assessment.

(11) In accordance with the principle of family unity,

siblings shall be kept together as well as children with their parents or legal guardians unless it has been determined that it is not safe or appropriate to do so.

The Individual Assistance Plan.

23. (1) Direct assistance provided shall fit into an Individual Assistance Plan that is tailored to each victim and includes the victim's evolving needs, concerns as well as the services that will be provided to support rehabilitation.

(2) The Unit, in consultation with a multi-disciplinary team, shall draft the Plan based on the assessed needs and the decisions agreed upon with the victim, as well as on the safety plan resulting from the risk assessment.

(3) The multi-disciplinary team shall comprise of child welfare experts from the Agency, persons with expertise in gender affairs, interpreters and cultural mediators.

(4) The Plan shall focus on crisis prevention and rehabilitation, and possible reintegration assistance shall be noted and integrated into the Plan or communicated to the service providers of the country of origin for victims who are non-nationals.

(5) The age, gender, ethnicity, special needs of the victim and the views of diverse members of the multi-disciplinary team shall be considered when developing the Plan.

(6) The Plan shall at the outset list the agreed upon basic services that have been or are to be provided during the reflection period, or in the interim period prior to the voluntary return of a non-national victim.

(7) All victims shall receive a basic complement of services regardless of their decision to cooperate with legal proceedings.

(8) The minimum services to be provided to a victim shall include-

(a) an immediate and comprehensive medical examination of the victim's physical, psychological and any psychiatric needs with a registered medical centre or a registered medical practitioner;

(b) age verification and family tracing;

(c) shelter or other suitable accommodation arrangements; and

(d) any other appropriate services.

Monitoring of Individual Assistance Plan.

24. All Plans shall be monitored by the Unit's social worker or case worker during implementation, and the social worker or case worker shall ensure that appropriate case management protocols are followed, in particular, where components of case management are delegated to non-governmental organisations or shelters or other agencies or service providers.

Case management.

25. The case management responsibilities of the Unit social worker or case manager shall include-

(a) providing information to the beneficiary on the opportunities and rules of rendering assistance, including hard copies of information materials;

(b) developing the Plan in cooperation with the multi-disciplinary team and the victim;

(c) making referrals to the Unit and other organisations and institutions providing needed

services;

(d) establishing contact with a range of specialists, governmental authorities, social services, medical personnel, teachers, employment agencies and specialised non-governmental organisations for the purpose of rendering services to meet the individual needs of the victim in line with the Plan;

(e) making appointments for the provision of protection and assistance for the beneficiaries;

(f) monitoring the quality of services rendered with due consideration of the victim's views and concerns;

(g) assessing and analysing the efficacy of measures for the recovery of the physical and mental health of the victim, in light of the victim's situation and personal circumstances;

(h) ensuring the provision of childcare assistance in cases where victims have children or where the victim is a child;

(i) accompanying the victim to court;

(j) providing assistance, where there is no risk of danger, in getting in touch with family, in case where presumed victims wish to do so;

(k) advocating for the victims' interests and protection in collaboration with other agencies and institutions such as the police, municipalities, consular sections of embassies, with a view towards preventing re-victimisation;

(l) assisting in obtaining lost or confiscated

identity documents;

(m) organising the victim's safe return to the country of origin;

(n) meeting at, or accompanying, both Guyanese and foreign nationals to airport terminals, shipping ports or railway and bus stations for the purpose of their returning home;

(o) providing emotional support and crisis intervention; and

(p) responding to immediate needs, and ensuring referrals for urgent medical care, including psychological or psychiatric services.

Case closure.

26. (1) The Unit shall ensure that a victim is prepared for the impending closure of direct assistance and reintegration.

(2) A victim shall continue to receive direct assistance services until the rehabilitation goals set out in the Plan have been met, and where the victim decides to return home or refuses to cooperate in any criminal prosecution, some services may end before full rehabilitation is achieved.

(3) A case shall only be closed when the Unit is confident that the victim's safety and well-being are secure and that there are good prospects for self-determination on the part of the victim.

(4) A victim shall be informed and prepared for the closure of the victim's case in a sensitive manner, and where the case involves a child victim, the child victim and their family shall be informed and prepared.

(5) All documentation on the case shall be retained by the case worker in the event that the case needs to be reopened.

(6) The case worker shall ensure that all appropriate measures are taken to protect and confidentially store all case information, especially personal information pertaining to a victim or a witness.

Monitoring and evaluation of services.

27. (1) The monitoring and evaluation of the assistance process shall be undertaken by a sub-committee of the Ministerial Task Force responsible for protection and reintegration.

(2)The monitoring and evaluation of the assistance provided to trafficking victims shall be integrated into the framework of service provision.

(3)In accordance with subregulation (2)-

(a) monitoring shall be focused on the process of rendering assistance for the implementation of services and activities; and

(b) evaluation shall be concentrated on the overall results of the assistance and indicators of effectiveness.

(4)The Ministerial Task Force may establish specific indicators for the evaluation of the quality of services being provided to victims, to assess complaints, to have evaluation reports prepared and determine from all data provided, what additional training, resources or policy changes are needed.

(5)All shelters and places of residence that house victims

shall prominently display flyers, posters or other informational material displaying a hotline number for complaints.

Additional special procedures for child victims.

28. (1) The social worker from the Agency appointed to the child victim during the identification process shall continue to do the assessment and coordinate direct assistance services and processes.

(2) The Unit shall collaborate with the Agency to ensure that the Plan developed for child victims is in the best interest of child victims, and where possible and appropriate, maintains connection to parents or siblings who are also receiving direct assistance.

(3) The Agency's social worker shall be present at all medical services being provided to child victims and where parents or guardians are not available or unwilling to sign consent for services deemed necessary for the child victim's well-being, the Agency social worker shall make an application for guardian *ad litem* to be appointed by the court who can so act to support long term rehabilitation services.

(4) The Agency's social worker shall provide the requisite consent for emergency medical treatment until guardian *ad litem* is appointed.

(5) Notwithstanding the child victim's inability to provide consent, the services shall be explained to the child victim in a language and manner that the child victim understands, and the child victim's agreement to the provision of the services shall be documented by the social worker.

(6) The Agency shall provide a private, child-friendly environment for providing information to child victims on their rights and the services available to them.

(7) Cases involving child victims shall be monitored by the Ministerial Task Force and the Agency and treated as high priority cases, with regular reviews with a view to the early resolution of such cases and the determination of residency for child victims.

(8) Institutionalisation of child victims shall be avoided and where possible, long term placement solutions for child victims shall include placement with foster families and extended family members.

(9) Confidentiality and protecting the identity and rights of the child victim shall be the highest priority and any limitations on consent shall be explained to the child victim at the beginning of the conversation.

## PART IV
## ASSISTED VOLUNTARY RETURN AND REINTEGRATION

Victim motivation and decision.

29. (1) All services for assisted voluntary return shall originate in the victim's free, uninfluenced and unforced choice to return, resettle or reintegrate and the victim's right to receive services shall be given effect.

(2) The victim shall be provided with sufficient information about the options, procedures and timelines attached to the services set out in this Part to enable the victim to make informed decisions about those services.

(3) State agents or other stakeholders shall not return any victim to situations where the victim would be in danger or face harm but shall make plans for the safe return of victims.

(4) All services that will be needed for return shall be discussed with the victim and included in the Individual Assistance Plan and family contact and other supportive relationships shall be catered for, except where there is risk or danger of re-victimisation on so doing, particularly in relation to a child victim.

(5) All known risks and concerns shall be discussed with the victim.

(6) Where a victim decides to remain in Guyana, that victim may be assisted in accordance with section 28 of the Act and the provisions of this Part.

Options for temporary stay, return or resettlement.

30. After the reflection period has terminated or has been declined by a victim, the victim shall decide whether to-

(a) remain in Guyana, commence appropriate immigration proceedings, and cooperate with law enforcement in the investigation and prosecution of the traffickers;

(b) subject to availability of approved funding, voluntarily return to the victim's country of origin, and possibly cooperate with law enforcement remotely; or

(c) subject to availability of approved funding, seek protection.

Procedures for temporary stay.

31. (1) At the time of rescue, the Unit shall enquire of immigration authorities to verify the immigration status of all victims that have been rescued and placed in transitional facilities.

(2) Where the victim is an undocumented migrant, the Unit shall liaise with the Ministers responsible for home affairs and foreign affairs to ensure that the victim is issued appropriate documents to prevent the victim's immigration status from becoming irregular during the reflection period while the victim is in transitional housing.

(3) Upon receiving the victim's informed consent to cooperate with law enforcement and after the reflection period, the case worker or social worker from the Unit shall contact the Ministries responsible for home affairs and foreign affairs to formally request a temporary permit to stay in Guyana for the victim and any dependent children.

Extensions of visas and work permits.

32. (1) The Unit shall coordinate with the Ministries responsible for home affairs and foreign affairs to request, periodically, any extensions of any temporary visas or permits already provided to ensure that the victim's extensions of stay status does not become irregular during the course of criminal proceedings that the victim will participate in or until other arrangements can be made for the victim's safe return.

(2) In addition to the assistance provided for in subregulation (1), where the victim agrees to participate in criminal proceedings, the Unit shall coordinate with the Ministries responsible for home affairs and foreign affairs for provision of any required work permits.

Procedures for residency.

33. Where a victim indicates a preference for residency in Guyana, the Unit shall engage the Ministers responsible for home affairs and foreign affairs on behalf of the victim.

Procedures for voluntary return.

34. (1) Voluntary return shall be properly documented and arranged.

(2) Victims choosing to voluntarily return to their country of origin shall sign a voluntary return declaration form after being informed of the process, including what information will be shared and with whom in their country of origin.

(3) Every effort shall be made to protect the victim's confidentiality regarding their trafficking experience, and the Unit may collaborate with International Organisation for Migration for possible assistance through its Assisted Voluntary Return and Reintegration programme in fulfilling the steps for voluntary return.

(4) Identified non-national victims who choose the reflection period shall remain eligible for pre-departure assistance during the period it takes to arrange their return.

(5) The victim's health, well-being and security issues shall be prioritised when arranging their return to the country of origin.

(6) The Unit, in collaboration with protection agencies in the country where the victim will be returned, shall develop a reintegration plan to foster the continuation of medical and other services which began during the period of direct assistance to the victim.

(7) The reintegration plan shall provide for a receiving agency that will receive the victim upon arrival in the country of return and assist with continued rehabilitation and recovery.

(8) The victim shall be medically examined to determine-

(a) if there are any health problems which would

impede safe travel or cause medical support to be required during travel;

(b) the level of arrival assistance needed by the victim upon the victim's return; and

(c) whether the victim should remain in Guyana temporarily because the victim suffers from any medical condition that cannot be treated in the country of origin.

(9) The victim shall be provided with information on their right to voluntary return, the process of voluntary return as well as the options for temporary stay and conditions that may apply.

(10) The Unit shall provide the victim with-

(a) contact information for the victim's embassy or consulate and facilitate telephone calls and visits; and

(b) information on-

(i) the estimated length of the pre-departure period;

(ii) the transportation arrangements;

(iii) the name and contact of the receiving organisation as well as relevant telephone numbers; and

(iv) the assistance the victim will receive in the country of return.

(11) The victim shall provide informed written consent to the reintegration plan, including the transportation arrangements.

(12) The Unit shall collaborate with the Ministries responsible for home affairs and foreign affairs, non-governmental organisations, the Agency, the relevant embassies and consulates and the Trafficking in Persons Unit of the Guyana Police Force to conduct a risk assessment prior to departure.

(13) The risk assessment shall determine-

(a) if there are other risks that would preclude the victim's safety and voluntary return;
(b) whether the victim fears persecution upon return;
(c) any risk to safety for the victim while remaining in Guyana until departure and during transit; and
(d) what measures, which shall form part of the reintegration plan, need to be taken to address any identified risks.

(14) The reintegration plan shall become an addendum to the Plan and show the result of the pre-departure risk assessment, the name and contact of the receiving agency and the services to be provided upon arrival to their country of origin.

(15) Every attempt shall be made to ensure that safe accommodation is secured for the victim on arrival in the victim's country of origin.

Procedures for travel visas, documentation and travel grants.

35. (1) Where the victim does not have travel documentation, the Ministries responsible for home affairs and foreign affairs shall liaise with the embassy or consulate of the victim's country of origin in order

to secure the necessary travel documents.

(2) Consular or embassy staff shall agree to issue upon request the travel documents or other authorisation as may be necessary to enable the victim to travel to and re-enter its territory.

(3) Embassy and consular staff shall not be contacted if the victim expresses a fear of a risk of persecution or a threat to their life or liberty.

(4) A minimum amount of information shall be provided by the Ministries responsible for home affairs and foreign affairs to embassy staff and consular officers for the purposes of obtaining the necessary documentation in order to ensure confidentiality and minimise potential risks of compromise of information that may put the victim in danger.

(5) Exchanges with consular and embassy staff and the Ministries responsible for home affairs and foreign affairs shall be coordinated with the case worker or social worker from the Unit, who can provide additional information pertaining to the victim.

(6) Where material assistance is required for a victim's return, sufficient resources shall be provided to cover the costs of travel, meals and the victim's needs during the journey, as far as can be facilitated by the Government and the embassy or consulate of the country of origin.

(7) Travel shall be pre-arranged for the victim and, where possible, box meals provided, rather than cash disbursement.

(8) Travel arrangement assistance shall be provided by the

embassy or consulate of the country of origin and the Unit.

(9) Travel arrangements shall ensure that the victim arrives on a weekday and as early in the day as possible.

(10) Victims shall travel by air, and where this is not possible, travel by other methods shall have a minimal number of transit points.

(11) All necessary identification and travel documentation and all other necessary documentation, including vaccinations, that the victim will need upon arrival to clear border points and be released to the receiving agency, shall be secured and provided to the victim prior to departure.

Procedures for notification of agencies in the country of return.

36. (1) Subject to any confidentiality requirements, the Ministries responsible for home affairs and foreign affairs shall develop cooperation and coordination mechanisms with other countries to allow information to be maintained by service providers in the country of origin to coordinate the return process of victims and to avoid security risks.

(2) To facilitate the sharing of information contemplated by subregulation (1), the following types of notifications between service providers shall be employed-

(a) notification of request for assistance by the referring organisation in Guyana;

(b) confirmation of request for assistance by the receiving organisation in the country of origin;

(c) reintegration assistance request by the referring organisation in Guyana;

(d) reintegration assistance confirmation by the

receiving organisation in the country of origin;

(e) post-departure confirmation by the referring organisation in Guyana; and

(f) arrival confirmation by the receiving organisation in the country of origin.

(3) All notifications pursuant to subregulation (2) shall be communicated by encrypted messaging and secured telephone lines for security purposes.

(4) The case worker, governmental authority or non-governmental organisation service provider shall forward the following information to the service provider or International Organisation for Migration in the country of origin as part of the notification for request for assistance-

(a) any bio-data as may be needed without disclosing that the person is a victim;

(b) date of birth and place of residence in the country of origin;

(c) health and psychological status of the victim;

(d) safety and risk assessment;

(e) a short overview of the type of assistance required;

(f) recommendations or guidelines for the development of a reintegration plan in the country of origin;

(g) projected date and time of departure, if any; and

(h) type and means of transport for the victim.

(5) The information provided in the request for assistance

notification shall enable the receiving organisation to determine if the victim is eligible for assistance.

(6) The receiving organisation shall notify the referring organisation of the victim's eligibility for assistance, and if the victim is ineligible for assistance, the receiving organisation shall provide a referral to another service provider.

(7) Ineligibility for assistance, or the lack of assistance, in the country of origin shall constitute a factor when deciding upon the victim's return or the timing of the return.

(8) Where possible, the Unit shall confirm that psychosocial support shall be provided to the victim in the country of return.

Procedures for complementary protection.

37. (1) Where a victim is fearful of returning to their country of origin because of victimisation or persecution, that victim shall be provided with protection from the risks of re-victimisation or persecution.

(2) Emergency protection may be offered to the victim until a decision can be made about the victim's long-term status, including extension of visas or permits.

Procedures for return of victims.

38. Where the victim will be referred to another agency or returned to their country of origin or last place of residence, the procedures for return in these Regulations shall be followed, including securing travel documents, conducting risk assessment, providing safe accommodation and access to rehabilitative services in the receiving country.

Procedures for return of Guyanese nationals identified in-country.

39. (1) Guyanese nationals who have declined the receipt of assistance in the community they are living, or whose assistance has concluded, shall be returned to their home community, if their security situation permits.

(2) Where possible, coordination of the return of a victim to their home community within Guyana shall be done by the Unit, and any agency that is notified of the impending return of a victim to their home community, especially where the victim has declined services, shall immediately notify the Unit.

(3) Where possible, victims shall be referred to service providers or non-governmental organisations in their communities, and although services are provided by other service providers, a social worker shall be appointed to the victim to supervise the coordination of services and provide any necessary follow up to secure legal documents or to initiate legal proceedings.

(4) Ongoing communication between the Unit and the referring and receiving non-governmental organisations or other service providers in the victim's home community shall be undertaken to coordinate travel and to facilitate arrival assistance, upon the consent of the victim to the receipt of arrival assistance.

(5) Prior to the victim's return to their home community, a risk assessment shall be done to identify any potential safety risks, risks of isolation, risks of re-victimisation, discrimination or risks of re-exploitation that the victim may face if returned to their home community.

(6) The Unit and other collaborating agencies shall ensure

that there will be safe accommodation for the victim in their home community.

(7) The Unit case worker or social worker shall accompany the victims in return to their home communities.

(8) Victims shall be given a reflection period of one month living in a safe home or shelter receiving medical and psychosocial assessment and initiation of counselling before being encouraged to return to their families or homes.

(9) All potential risks, including the risks of discrimination and isolation, shall be discussed with the victim, and plans for the mitigation of the risks shall be developed with the victim.

(10) Follow-up care and support shall be provided to the victim upon their return to their home community to ensure smooth reintegration.

(11) Where there are difficulties with the reintegration process and the victim needs to be relocated to another community or provided with further assistance and support to become self-sufficient, additional services shall be provided.

Procedures for the return of Guyanese national identified overseas.

40. (1) Guyanese victims identified abroad shall be brought to the attention of national authorities in cooperation with consular officers and the Ministry responsible for foreign affairs.

(2) The Ministry responsible for foreign affairs shall contact the Unit to register the victim for data collection purposes.

(3) The Ministries responsible for foreign affairs and

home affairs shall ensure the provision of necessary national identification and travel documentation.

(4) The Unit shall be the point of contact for communications pertaining to requests for assistance and reintegration from authorities and service provider organisations abroad, as well as for receiving victims upon their return to Guyana.

(5) The Unit shall provide all relevant information required by the foreign authorities to facilitate the return of the victim to Guyana.

(6) Victims identified abroad shall have the same right to a reflection period as a victim in Guyana before deciding whether to make a statement to cooperate with law enforcement authorities in Guyana.

(7) Upon the victim's arrival in Guyana, the victim shall receive direct assistance services for emergency medical care, safe accommodation, risk assessment, psychosocial support, material assistance and other support that will be needed.

Challenges to rehabilitation and reintegration.

41. (1) The Unit and social worker or case worker shall be continuously cognisant of the importance of identifying factors which may negatively influence the process during the conduct of a risk assessment and while developing a plan to reintegrate victims, any identified factors shall be addressed.

(2) Factors to be addressed shall include the capacities and motivation of the beneficiary or victim, assistance provided by the victim's close environment, and the preparedness of the receiving

environment, both local and wider society.

(3) Restitution may be used as a positive factor to assist the victim in long-term recovery.

Restitution to be explained.

42. The Unit shall, through a case worker or social worker, ensure that victims are advised of the importance of participating in legal proceedings so that victims can receive restitution where possible to assist with long term recovery.

Monitoring and evaluation of assisted voluntary return and reintegration.

43. (1) The monitoring and evaluation shall focus on monitoring the implementation of the list of rendered services and the objectives of the assistance and reintegration process.

(2) Monitoring of case management activity by the case worker or social worker from the Unit who is supervising the return and reintegration shall be ongoing, and that case worker or social worker shall monitor the implementation of services delivery.

(3) The Unit shall collect data on issues impacting reintegration for victims that may be useful to the Ministerial Task Force in guiding and developing policies in this area.

(4) The Ministerial Task Force shall conduct external evaluation which include collecting feedback from victims who have received services to document their experiences and to monitor the coverage of services for continued policy and planning needs.

(5) The Ministerial Task Force shall address complaints made by victims either to them directly or to the Unit or the Trafficking in Persons Unit of the Guyana Police Force as part of ongoing

monitoring.

(6) The Ministerial Task Force shall widely publish throughout Guyana hotlines and the applicable complaint procedures for persons to make complaints to the relevant authorities and these hotlines and procedures shall be placed in a prominent place in all shelters and service providers.

Additional special procedures for child victims.

44. (1) The case worker or social worker from the Agency appointed to the child victim during identification and who has been coordinating the delivery of direct assistance services shall also be required to supervise the child victim.

(2) The child victim's decision of remaining temporarily or applying for residency in Guyana for the purposes of cooperating with law enforcement, or returning to their country of origin to seek complementary protection, shall be made with the consent of the parent or appointed legal guardian in cooperation with the Agency and the Unit.

(3) Child victims shall express their views and concerns, which shall be fully considered in accordance with their age and maturity.

(4) For an unaccompanied or separated child victim, appropriate lawful actions by the Ministry responsible for home affairs to allow for local integration shall be considered if return to the country of origin is impossible on either legal or factual grounds.

(5) Child victims who are at risk of being re-trafficked shall not be returned to their country of origin unless it is in their best interests and appropriate measures for their protection have been taken

by the Agency in collaboration with the relevant authorities in their country of origin.

(6) The Agency, in collaboration with the Unit, shall conduct a needs assessment for all child victims to determine the victim's nationality, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs.

(7) The needs assessment shall also assess the level and availability of family support mechanisms available to support return and reintegration for the child victim.

(8) The needs assessment, being part of family tracing, shall be conducted after the risk assessment is completed in order to connect separated child victims with parents or guardians where it is deemed safe.

(9) The Agency case worker or social worker, in collaboration with the Unit, shall undertake an assessment of the reintegration support mechanisms for child victims in the country of origin.

(10) The assessment provided under subregulation (9) shall include contact with non-governmental organisation service providers and the institutions responsible for social welfare assistance.

(11) Child victims shall be escorted on the return to their country of origin, by a parent, legal guardian or by staff from the Agency, preferably, the social worker who has had continuous contact with the child.

## PART V
## PROCEDURES FOR OPERATING SHELTERS

Application of regulations to residential facilities and shelters.

45. (1) This Part shall be applicable to all residential care facilities in Guyana which provide residential or shelter services.

(2) The procedures set out in this Part are the basic standards for all shelters in Guyana and are in addition to any other existing procedures and protocols that govern the operation of shelters and residential facilities.

Options to be given to victim on shelter or residential services.

46. The decision of being accommodated in the shelter or accepting residential services shall be made by the victim, but appropriate information on the options and conditions attached to each shall be explained to the victim.

Principles for the provision of residential service.

47. (1) All facilities providing residential care to victims shall be registered with the Unit and shall enter into a Memorandum of Understanding with the Ministry and Unit detailing their cooperation.

(2) A facility providing residential care to victims shall keep confidential victim information and protect the privacy of the victim at all times.

(3)Residential and shelter services shall-

(a) contribute to the protection of, and assistance to, victims in line with international standards; and

(b) ensure the safety and security of victims of trafficking at all times.

(4)Residence in shelters and participation in assistance programs shall be voluntary, on the basis of the victim's informed consent.

(5)The provision of emergency shelter or emergency residential services shall not be made contingent on the willingness of the victims to give evidence in criminal proceedings.

(6)Access to shelter shall be provided equally to all victims, without discrimination on any ground and consideration shall be given to the gender, ethnicity, language barriers and age of the victim.

(7)Non-governmental organisations providing residential services to victims shall coordinate services with the Unit to prevent duplication, re-victimisation and to ensure the victim has full information on their options.

Residential facilities for children.

48. (1) Residential facilities shall be identified for housing family groupings where victims are rescued with children or where child victims have been rescued, and special residential arrangements shall be made for shelters and residential facilities with a special focus on children.

(2) Child victims shall be housed in child friendly facilities with adequate supervision and nurturing care.

Scope of services.

49. (1) In addition to providing accommodation, the range of services to be provided to victims within shelters shall include-

(a)meals;

(b)basic material needs;

(c)appointments for medical care;

(d)legal counselling;

(e)psychosocial assistance and specialised counselling;

(f) reintegration assistance including-

(i) family mediation;

(ii) education and school reinsertion;

(iii)vocational training; and

(g)any other form of assistance considered necessary.

(2) The Unit and the relevant non-governmental organisation shall coordinate the care of victims with other service providers to ensure that the applicable services provided in subregulation (1) is given effect.

Standards for facilities.

50. (1) Shelters that provide accommodation and other services for victims shall maintain the following facilities-

(a) kitchen and dining area;

(b) group living area;

(c) bathroom facilities;

(d) sleeping facilities for victims;

(e) private counselling room;

(f) office for shelter staff;

(g) laundry facilities;

(h) outdoor recreation area;

(i) first-aid kit; and

(j) storage space.

(2) Notwithstanding subregulation (1), victims may be housed temporarily in shelters without the full range of facilitates and where there is concern for safety or health of victims, the Unit shall

require the non-governmental organisation or residential care provider to provide a written plan and commitment to address these concerns.

(3) The Unit shall inspect shelters and other residential facilities before placing victims there and shall maintain routine inspections of facilities in which victims are placed.

(4) All victims placed in facilitates shall be advised of their right to share concerns about the services that they receive, and all residential care facilities shall have a mechanism for victims to make direct or anonymous complaints.

Shelter security.

51. (1) All shelters shall have full-time security to ensure the safety of both residents and staff and may include the presence of private well-vetted 24-hour security personnel, or alternatively, contingency security arrangements with the nearest local police station, for the use of alarms.

(2) A formal, written risk assessment for the facility shall be undertaken and periodically updated, at least twice yearly, and this may be done with the assistance of a security specialist.

(3) The requirement provided in subregulation (2) shall be a term of any Memorandum of Understanding between the Ministry and a non-governmental organisation.

(4) Each shelter shall have a comprehensive fire safety and evacuation plan that is reviewed and approved by the Guyana Fire Service.

(5) Shelters shall establish strict rules governing visits in

order to protect the identity and confidentiality of victims and staff, and the location of the shelter and these rules shall include the following -

(a) limits concerning the maximum number of visitors allowed to the shelter at any one time;

(b) that visits shall be pre-arranged by appointment, and requests for visits shall be approved only after assessing the potential for negative psychological consequences to residents;

(c) that visitors are to be accompanied by a staff member when accessing the shelter at all times;

(d) that visitors shall be allowed to speak with victims only with the victim's expressed consent and with the approval of the shelter's counsellor or the victim's case manager, and only in the presence of shelter staff;

(e) that visitors are not permitted to bring cameras or recording equipment, including cellular phones, to shelter premises; and

(f) any permitted contact with trusted members of the media shall follow any rules made pursuant to this regulation.

(6) For other accommodation, risk assessments shall be conducted of the area, and the specific house or apartment and such

assessment shall consider access and exit, and existing means of communication in case of an emergency.

Victim security.

52. (1) When placing a victim in a shelter or other residential facility, the Unit shall conduct a security and safety assessment to ensure the victim's security, including the victim's physical security, and the potential threat of re-traumatisation.

(2)The overall impact of the security and safety assessment on security decisions to be made concerning victims shall be discussed with the victims so that they understand the limitations and restrictions that are being implemented to ensure their safety.

(3)Information concerning victims shall not be shared over the telephone, except with approved personnel, and shall only be shared on a need-to-know basis.

(4) Victims shall be accompanied by case workers or social workers of the Agency or Unit or other persons approved by the Unit from the non-governmental organisation to potentially sensitive appointments, including to appointments with medical, police or legal personnel.

(5) The Unit shall, every three months, prepare a written risk assessment for each victim.

(6) Any limitations that will be placed on the victim's freedom of movement when the victim is admitted to a shelter facility shall be documented in the victim's risk assessment and in the Individual Assistance Plan with these plans forming part of the victim's file.

(7) A victim's risk assessment, and any limitations on freedom of movement, shall be reviewed monthly by the Unit or the multi-disciplinary team responsible for the victim's Individual Assistance Plan.

(8) The multi-disciplinary team shall conduct interviews with victims to record any complaints regarding the limitations placed on a victim's freedom of movement, which shall be documented in the reviews of the Individual Assistant Plan along with recommendations for addressing the complaints.

(9) The Unit shall review the Individual Assistance Plans every three months with input from the Ministerial Task Force's Protection and Regulations Sub-committee, as appropriate, as part of the monitoring and evaluation oversight, with specific attention to complaints of violations of rights identified and to assess whether the steps taken to address the violations are adequate and appropriate.

(10) Victims who agree to be housed in a shelter or residential facility shall be required to sign a document indicating their agreement to comply with the rules of the shelter or residential facility for the duration of the victims' stay.

(11) Exceptions may be made for the use of personal devices on a case-by-case basis, at the discretion of the case manager, to provide for limited use of personal devices to contact family members.

(12) Restricted use of personal devices, and the possibility of family visits, shall depend on the individualised risk assessment, including such factors as the form of trafficking, the age and emotional needs of the victim, whether the victim's family members were involved

in the trafficking and whether the victim experienced other forms of family abuse, among other factors.

Staff security.

53. (1) Risk assessments conducted for the shelter or residential care facility shall include a component for risk assessment for staff and volunteers and be routinely reviewed.

(2) Personal information, including names, addresses or telephone numbers of staff shall not be shared with anyone outside of shelter staff members, and staff shall not share personal information such as addresses, private telephone numbers and social media contact with victims.

(3)The Unit shall facilitate periodic training for shelter staff on first aid, basic security and secondary traumatisation and security protocols, gender sensitivity, racial, ethnic and cultural bias.

(4)The shelter manager shall ensure that all confidential and personal records and documents related to staff members and volunteers are kept secure.

Staffing positions and functions.

54. (1) The staff of the shelter shall be determined by the number and profiles of the victims housed and by the range of services offered on-site, with each shelter maintaining at least three core employees to engage in the following functions-

(a) shelter management;

(b) supervision and general care of residents;

(c) counselling and psychological assistance to victims; and

(d) financial oversight and procurement.

(2) The shelter manager shall be responsible for the day-to-day operation of the shelter, including-

(a) staff supervision, including ongoing training and development, conducting weekly staff meetings to discuss individual cases;

(b) the provision of, or referral for, services to victims in accordance with their Individual Assistance Plan;

(c) managing shelter budgets;

(d) building maintenance and liaising with counter-trafficking partners;

(e) case coordination; and

(f) enforcing shelter rules.

(3) Shelter attendants shall-

(a) keep the environment clean;

(b) be on the premises at night; and

(c) be able to respond to emergency situations.

(4) Counselling and psychological assistance shall be provided by staff members trained in social work, counselling or as psychologists and their duties shall include-

(a) shelter orientations;

(b) making referrals for services;

(c) accompanying victims to appointments;

(d) monitoring cases;

(e) making departure of reception arrangements for victims in-transit from destination countries to countries of origin; and

(f) engaging in follow-up monitoring for

reintegrating victims.

(5) Each shelter shall maintain written policies and procedures regarding procurement, collection, storage, use and disposal of shelter records and any data related to residents and staff.

(6) All staff members shall undergo basic training on trafficking in persons, including the law, victims' rights and guidelines for interventions to support rehabilitation and reintegration, including crisis intervention, secondary traumatisation and basic counselling.

Intake procedures.

55. (1) Subject to subregulation (2), the Unit social worker or case worker shall coordinate with the shelter managers to ensure advance preparations for the arrival of the victim at the shelter or residential care facility and provide basic information about the health status and background experiences of the victim to prevent the victim from being interviewed by the shelter staff.

(2) Where the victim has not been interviewed at the time of accommodation, an interview shall be conducted by the shelter with the Unit's social worker present to ascertain basic information.

(3) Where possible, staff shall conduct individual intakes in order to spend one-on-one time with the victim during intake.

(4) The interview conducted pursuant to subregulation (2) shall be primarily to establish trust, obtain consent to residential care and to provide information in a language the victim understands, on-

(a) the right to a reflection period;

(b) the victim's right and responsibilities within the shelter; and

(c) the provision of services and obtaining the victim's consent to the receipt of services.

(5) (a) Where appropriate, the victim shall receive an information packet setting out information mentioned in subregulation (4)(a) to (c) and the list of available services, meal plans, social assistance, counselling, legal information, medical services available, shelter rules and victim's rights and obligations.

(b) When the victim has settled into the shelter and emergency services have been provided, other information on long term care, options for work, education and family contact can be discussed for the development of the Plan.

(6) If a victim refuses to sign the shelter consent form and rules, the shelter manager, and the Unit social worker or case worker shall try to ascertain why the victim is reluctant to sign the consent form.

(7) (a)The willingness of the victim to sign the consent form and the rules shall not be a condition for admittance to the facility.

(b) If the victim is unwilling to remain in the facility, non-residential service options shall be explored or an alternative placement.

(8) Victims shall be informed of any conditions for receiving such assistance, and where appropriate, victims shall also be provided with referrals to other non-governmental service providers and inter-governmental bodies.

Procedures for urgent and crisis care.

56. (1) All shelter staff shall be trained to identify basic signs that a victim in care is trying to self-harm or may be at risk for harming others and shall have basic training on standard procedures on reporting to the shelter manager when these signs are observed.

(2) When a victim presents the need for urgent psychological care at any time during their stay at the shelter, a psychologist, psychiatrist or medical service provider shall be contacted immediately.

Psychosocial care and support.

57. (1) Individual and group counselling as core services shall be offered by shelters to provide mental health support and sessions shall be provided only by appropriately trained personnel.

(2) Where the victim is a child, counselling shall be provided by persons with specific training in working with child victims.

(3) Individual and group counselling sessions shall aim to assist victims in identifying their needs, goals and available resources and information and counselling may focus on-

(a) restoring emotional and physical well-being;
(b) personal and family safety;
(c) cooperation with law enforcement agencies; and
(d) contacting family members in countries or communities of origin.

Procedures for psychological and psychiatric

58. (1) Where the individual or group counselling indicate that victims need deeper psychological or psychiatric care, the shelter shall seek the advice of the Unit social worker or case worker and collaborate

care, medical services.

with them to provide the appropriate counselling for the victim.

(2) Service agreements with clinical psychologists and psychiatrists not employed by the shelter shall be established, either through the shelter or the Unit.

(3) The service agreement shall provide for the terms of service, standards of care, confidentiality and fee schedules.

(4) Every victim receiving residential care shall have a medical examination done at the time of admittance or soon after, and the outcome of that medical examination shall form the basis for any continuous medical treatment the victim may need.

(5) A treatment plan for issues identified shall be discussed with the victim with urgent medical needs being prioritised.

Confidentiality.

59. (1) Data protection shall be prioritised at all stages of the data processing cycle.

(2) All stakeholders involved in the data collection process shall receive training in data protection.

(3) Subsequent to the initial needs assessment, victims shall be informed of-

(a) the purpose of the collection of data about them;

(b) its uses; and

(c) their right to access the data.

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(4) Subject to the Data Protection Act 2023, personal data

shall not be disclosed without the victim's prior knowledge of its specific uses, and the victim's informed, written consent.

Procedures for departure from the shelter.

60. (1) The Unit social worker or case worker shall collaborate with the shelter manager to determine the steps to be taken when a victim leaves the shelter or residential care facility.

(2) The Unit social worker or case worker shall communicate specific departure procedures to be followed to ensure a safe and smooth transition for the victim and the shelter manager shall ensure that those procedures are followed.

(3) Departure procedures shall include any documents that need to be released to the victim, any other documents that the victim will need copies of and clothing and other personal items that the victim will be allowed to leave with.

(4) Other plans for the departure, including the transportation details, the date and time and the destination shall be discussed with the victim prior to departure and the counsellor shall have a preparation session with the victim prior to departure to help the victim work through any anxieties and concerns the victim may have about leaving or travelling.

(5) The Unit social worker or case worker shall be responsible for liaising with other service providers and government agencies to ensure that the victim secures the necessary identity and travel documents prior to their departure.

(6) The Unit social worker or case worker shall collaborate with the shelter manager to identify referrals for continued

delivery of services and for follow-up after the victim has left the shelter.

(7) Any files for victims who have departed the shelter shall be turned over to the Unit or, if agreed to be kept at the shelter, shall be stored in a secure location that is separate from general closed files.

(8) Where the victim has a pending court proceeding, the shelter manager shall inform the Unit, in writing, of the victim's departure from the shelter and provide the contact information, including the new address, for that victim.

Monitoring and evaluation of services. Fourth Schedule

61. A victim leaving a shelter shall be asked to provide an evaluation of the shelter facility on the Shelter Departure and Evaluation Form as set out in the Fourth Schedule and the evaluation shall be given to the Unit social worker or case worker and not be shared with the shelter.

Additional special procedures for child victims.

62. (1) The accommodation provided to child victims shall be arranged in cooperation with the Agency.

(2) An interpreter or cultural mediator shall be provided in all cases where the child is not fluent in English.

(3) Where child victims are separated from parents or caregivers, the reason for the separation and the length of the separation shall be explained to the child victim and all efforts shall be made to allow limited first contact with the parent, where possible.

(4) If the child victim is unaccompanied, the appropriate

embassy or consulate shall be contacted, and appropriate risk assessments done on the available information as to the likelihood of harm if reunited with parents.

(5) The Unit social worker or case worker and Agency social worker shall emphasise family connectedness and source shelters and residential care facilities that will allow family groupings instead of separating children from parents or siblings if those parents or siblings were not involved in the trafficking of the child victim.

(6) All services provided shall be age-appropriate and gender, culture and language sensitive and adjustments shall be made where a person has a disability.

(7) No medical examination shall be performed on a child victim without the consent of a parent or caregiver and where this is not possible, then with the consent of the legal guardian appointed for the child.

(8) Emergency medical screening and treatment shall be provided under the authority of the Director of the Agency, as needed.

(9) Child victims shall be consulted, and their views acknowledged according to their age and maturity, in the development of their Plan.

(10) Shelter rules shall be explained and translated in a child-friendly manner and copies of the rules, written in a child-friendly manner, shall be posted on walls at an appropriate height for children.

(11) Where appropriate and where available, the child victim's parents or caregivers shall be required to consent to the child

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being in the shelter, and in the absence of that, placement can be made by the Agency in accordance with the Protection of Children Act.

## PART VI
## INVESTIGATION

Victim-centred investigation.

63. (1) All investigations related to trafficking in persons shall be conducted by the Trafficking in Persons Unit of the Guyana Police Force.

(2) A victim-centred approach shall at all times be employed by police investigators in order to minimise re-traumatisation, to provide trafficking victims access to justice and support a thorough investigation.

Principles for victim-centred investigation.

64. Investigators shall adhere to the following principles when conducting investigations pursuant to the Act-

(a) the victim shall not be treated as an offender;
(b) the safety and welfare of the victim is the priority;
(c) evidence gathered shall only be used to prove the offence of trafficking in persons, other offences under the Act or any other criminal offence and shall not be used as a tool of re-victimisation;
(d) law enforcement shall provide assistance to victims within reasonable bounds;
(e) interviews shall only be conducted when necessary and in compliance with the minimum standards set out in these

Regulations;

(f) actions that may result in the stigmatisation of a victim or presumed victim shall be avoided; and

(g) investigations shall be conducted in a gender and age-sensitive manner.

Detection of trafficking in general.

65. Investigators shall be guided by the indicators of trafficking in persons, and shall act as provided for in the National Referral Mechanism established in the Act, and where necessary, any standing operating procedures.

Collaboration between the police and Unit.

66. Investigators and the Unit shall collaborate on matters of risk assessment planning and execution of related operations pertaining to suspected victims and be guided by any applicable standing operating procedure on investigation and prosecution.

Breach of confidentiality.

67. (1) Confidentiality shall be observed by investigators, personnel of the Unit and any other persons who may be involved in an investigation.

(2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars.

Conditions for interview of victim.

68. Investigators shall ensure that conditions for privacy, confidentiality, comfort and security of a victim are provided.

Interpreters and cultural mediators.

69. (1) Where necessary, investigators shall utilise interpreters and cultural mediators who are certified and have been screened to ensure that there is no conflict of interest on the part of that interpreter or

cultural mediator.

(2) Confirmation of the certification of an interpreter shall be determined by vetting of certificates in interpretation provided by the interpreter.

(3) An interpreter or cultural mediator shall be briefed by an investigator and, if necessary, also by a representative of the Unit on their roles and responsibilities and on trafficking in persons.

(4) An interpreter or cultural mediator shall sign a confidentiality agreement prior to participating in an investigation.

(5) An interpreter or cultural mediator shall, where deemed by an investigator to be necessary, receive training by the Director of Public Prosecutions on court procedure and their role in court proceedings.

(6) An interpreter or cultural mediator shall use best efforts to build trust and rapport with an alleged victim.

Obtaining full and informed consent of victim.

70. Investigators shall ensure that the informed consent of a victim or presumed victim is obtained as a priority, by providing all relevant information on the victim or presumed victim's role and responsibilities and explanation of the entire process from interview to court proceedings.

Conduct of investigation of trafficking of children.

71.(1) In interviews involving children, the welfare of the child shall be a paramount consideration and actions taken shall be in the best interests of the child.

(2) Interviews of children shall be conducted by an

interviewer specifically trained to work with children.

(3) A forensic interview shall not be done until the child is under the care of a trained counsellor or social worker of the Agency.

(4) Consent to conduct an interview of a child shall be obtained by investigators from the parent or legal guardian of that child and where there is no parent or legal guardian, consent may be obtained from the Agency.

## PART VII
## PROSECUTION

Rights of victim.

72. (1) In addition to the provisions of the Act, a victim or presumed victim shall be entitled to be briefed by the Unit or another relevant authority or person on the progress and outcome of their case and the criminal proceedings, including notification of bail granted to the defendant.

(2) The Unit shall arrange for any legal assistance a victim or presumed victim may need and this assistance may include securing custody or protection or recovery of property and assistance on civil proceedings for unpaid restitution.

(3) Where legal assistance is provided to a victim or presumed victim pursuant to subregulation (2), it shall be ensured that the relevant protocols related to continued protection of the victim or presumed victim, are observed.

(4) The Unit shall collaborate with the Director of Public Prosecutions to confirm court dates and to facilitate briefing of victims prior to court attendance and if necessary, an interpreter should be

present at the briefing meetings.

(5) The decision to remain for court proceedings or exit the process shall be that of a victim or presumed victim, and in the case of a child victim, that of the child victim's parent or legal guardian.

International co-operation.

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73. In instances where international co-operation and assistance will be beneficial to an investigation and prosecution of an offence under the Act, the Mutual Assistance in Criminal Matters Act shall be utilised as appropriate.

Recommendation of Director of Public Prosecutions on sentencing.

74. Subject to section 9 of the Act, the Director of Public Prosecutions shall be given the opportunity by the court to make a recommendation with respect to a sentence to be imposed on a defendant.

## PART VIII
## MISCELLANEOUS

Outreach work.

75. Effective outreach, establishment of contacts with victims and presumed victims and the communities or relevant sectors shall be done, while fostering confidence and trust of victims and presumed victims and the community.

Use of hotlines.

76. (1) The Ministry and the Unit shall establish emergency hotlines to facilitate information gathering and sharing, and for rescue and forward identification of victims by the police or the Unit.

(2) Hotlines staff shall be appropriately trained to work with victims and capable of communicating in English and, where necessary, other languages, particularly Spanish, Portuguese and

Indigenous languages.

(3) Hotlines staff shall directly activate responses within the Unit.

Procedure for restitution.

77. (1) Information related to restitution to, and compensation of a victim shall be presented to the court by a prosecutor or by counsel representing the victim.

(2) Evidence relating to justification for restitution shall be provided by affidavit sworn to by the victim and affidavits by any other witness as determined by the prosecutor or counsel to be relevant.

(3) An affidavit laid over with the court shall be accompanied by all supporting documentation, appropriately notarised or certified where necessary.

(4) It shall be the decision of the court to request cross-examination of a victim or other witness in relation to the affidavit laid over for restitution.

**FIRST SCHEDULE** **reg.14**

**FORM 1**

**REFERRAL FORM**

**MINISTRY OF HUMAN SERVICES AND SOCIAL SECURITY**
**COUNTER-TRAFFICKING IN PERSONS UNIT,**
**1 WATER & CORNHILL STREETS,**
**STABROEK,**
**227-4083, 623-5030, 624-0079(Espanol)**

_____

Date: _____

**DESTINATION AGENCY INFORMATION**
Agency/Department being addressed:

_____

Address:

_____

Addressee Information:

_____

**CLIENT PARTICULARS**
Name:

_____

(F) (M) (S)

Age: _____

D.O.B: _____

Ethnicity: _____

Address:

_____

Current Address:

_____

Directions to Address:

_____

Telephone Numbers:

_____

(H) (W) (C)

Place of Employment (if applicable):

_____

School attending (if applicable):

_____

Name of Contact Person: _____ Relation:

_____

Address of Contact Person:

_____

Telephone Number of Contact Person: _____

**CASE PARTICULARS**

Brief Background:

_____

_____

_____

_____

_____

_____

Action taken by Referring Agency:

_____

_____

_____

_____

_____

_____

Purpose/Reason for Referral:

**REFERRING AGENCY INFORMATION**

Name of Referring Officer: _____

Signature of Referring Officer: _____

Post of Referring Officer: _____

Date: _____

Name of Supervisor:

Signature of Supervisor: _____

.....

**Dispatch Information**

Agency/Department:

_____

Referral Received by:

_____

Signature: _____

Date: _____

**SECOND SCHEDULE** **reg. 15 (7)**

**FORM 1**

**RISK ASSESSMENT FORM**

**Ministry of Human Services and Social Security**

**Counter-Trafficking in Persons Unit**

**A. Personal details**

Name:_____

Age: Gender: Ethnicity:

Native tongue: Name of interpreter:

Case manager:_____

Case worker:_____

Names, titles and organizations of other professional participants:

_____
_____
_____
_____
_____
_____

**RISKS SAFETY CONCERNS:**

Physical Harm:_____

Threats:_____

Psychological:_____

Harassment:_____

Stalking:_____

Risks to Children or other Dependents:_____

Phone Safety:_____

Internet/Social Media Safety:_____

**CLIENT'S FEELINGS OF UNSAFETY:**

_____
_____
_____
_____
_____

**FORM 2** **reg. 19(2)**

## NEEDS ASSESSMENT FORM

**Ministry of Human Services and Social Security**

**Counter-Trafficking in Persons Unit**

**A. Personal details**

Name:_____

Age: Gender: Ethnicity:

Native tongue: Name of interpreter:

Case manager:_____

Case worker:_____

Names, titles and organizations of other professional participants:_____

_____

_____

_____

**B. Needs Identified:**

- Safety:_____
- Current Access to support and advice:_____
- Physical health:_____
- Mental health and emotional well-being:_____
- Housing:_____
- Legal options:_____

- Immigration status:_____
- Financial situation:_____
- Child Contact/Concerns:_____
- Employment, education and training:_____
- Interests:_____

Other:_____

**THIRD SCHEDULE** **reg. 20(6)(a)**

## CONSENT TO SERVICES FORM

**Ministry of Human Services and Social Security**
**Counter-Trafficking in Persons Unit**
**Consent to Services Form**

**NOTES:**

***Each individual*** *who is eligible and is being considered for services as a victim of trafficking must be able to understand the content of this form before signing. Please allow the individual to read the form (and ensure it is translated in a language understood by the applicant) and explain its meaning as well as its content before asking him/her to sign it.*

I, _____, hereby declare that the services that will be provided to me were explained to me as well as the conditions for such services being provided and that my information will be kept confidential and will only be disclosed to the agencies providing me services and only such information as they shall need.

I declare that my right to accept or refuse the services was explained to me as well as my right to information about my situation, my right to legal assistance, my right to medical care, accommodation, education, food, clothing, as well as information concerning my immigration status and permits that I will qualify if I choose to remain.

I hereby consent of my own free will to the following services (✓ the ones that apply):

Accommodation: ☐ Medical: ☐

Education: ☐ Food/Clothing: ☐

Counseling: ☐ Psychiatric care: ☐

Legal Assistance: ☐ Work: ☐

Immigration Status: ☐ Assisted Voluntary Return: ☐

Other (Please specify): ☐

_____

_____

I am the parent/caregiver of the following child(ren):

_____

_____

I hereby consent to them receiving the following services:

_____

_____

_____

_____

_____

**Signature:** _____

**Witnesses:** _____

_____

**Date:** _____

**FOURTH SCHEDULE** **reg. 61**

## SHELTER DEPARTURE AND EVALUATION FORM

**Ministry of Human Services and Social Security**
**Counter-Trafficking in Persons Unit**

This form is to be filled out anonymously, unless the beneficiary would like to be contacted about the opinions expressed herein.

**I hereby certify that I am departing the Shelter/Residential Care Facility**

_____ _____

**Signature** **Date**

**My Evaluation of the Shelter/Residential Care Facility is as follows:**

**Facilities**

Did you feel welcome when you arrived at the shelter?

Yes No

Overall, did you find that the shelter suited your needs?

Yes No

Please rate the facilities listed below:

| | Excellent | Good | OK | Poor |
|---|---|---|---|---|
| Bathroom | | | | |
| Kitchen | | | | |
| Your bedroom | | | | |
| Bedding and towels | | | | |
| Lounge/recreation area | | | | |
| Outdoor area | | | | |
| Heating/cooling | | | | |

| | | | | |
|---|---|---|---|---|
| Food storage/Refrigerator | | | | |

How safe did you feel at the shelter?

not safe at all 1 2 3 4 5 completely safe

Comments on how the shelter might be improved?

_____
_____
_____
_____

**Support services**

Overall, did the support provide help?

Yes No

Did you feel that your confidentiality was respected and maintained?

Yes No

Did you get the emotional support that you needed?

Yes No

Were you clear about the roles of the shelter staff?

Yes No

Do you have any comments or suggestions on how the support provided could be improved?

_____
_____
_____
_____

**Cultural appropriateness**

How culturally appropriate was the shelter?

Not appropriate at all 1 2 3 4 5 Highly appropriate

Do you have any comments on how the cultural appropriateness of the shelter can be improved?

_____
_____
_____
_____

**Children** (For adult residents with children)

Did your children feel welcome at the shelter?

Yes No

Do you feel that your children were offered enough support?

Yes No

Were you satisfied with the child support services offered?

Very satisfied 1 2 3 4 5 Very unsatisfied

Comments or suggestions on how to improve the support and services provided to children in the shelter.

_____
_____
_____
_____

Overall ratings

| | Poor | Average | Good | Excellent | Don't know |
|---|---|---|---|---|---|
| Non-discriminatory treatment and service provision | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Information on the services provided | | | | | |
| Information on eligibility criteria | | | | | |
| Inter-agency cooperation | | | | | |
| Competence of support staff | | | | | |
| Competence of management | | | | | |
| Follow-up of referrals | | | | | |
| Referrals to other relevant services | | | | | |
| Quality of services provided | | | | | |
| Overall facilities | | | | | |
| Respect for beneficiary confidentiality | | | | | |
| Respect for other beneficiary rights | | | | | |

Of the areas evaluated as low, what could be done to improve them?

_____

_____

_____

_____

Made this 13 day of May, 2025

Vindhya V Persaud

.....

**Hon. Dr. Vindhya Persaud, M.P.**

**Minister of Human Services and Social Security**