



**MINISTRY OF LABOUR AND SOCIAL PROTECTION  
STATE DEPARTMENT FOR SOCIAL PROTECTION AND  
SENIOR CITIZEN AFFAIRS**

**NATIONAL ASSISTANCE TRUST FUND  
FOR VICTIMS OF TRAFFICKING IN  
PERSONS**

**TRUST FUND GUIDELINES FOR ASSISTING  
VICTIMS OF TRAFFICKING IN PERSONS**

**2023**



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**2023**

## FOREWORD

The Counter Trafficking in Persons Act, 2010 defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, for the purpose of exploitation, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

Trafficking in Persons is a crime and an illegal business that has negative effects on the country and the individual, and whose consequences are most directly felt by the victim. Victims suffer a wide range of physical and psychological problems, including injury and post-traumatic stress disorders.

Countering Trafficking in Persons is based on four pillars; Prevention, Protection, Prosecution and Partnership. The Guidelines for Assisting Victims of Trafficking in Persons contribute to the Protection pillar, which underscores the rights of victims to access services for their recovery and reintegration.

The National Assistance Trust Fund for Victims of Trafficking in Persons is established under Sect. 22 of the Counter Trafficking in Persons Act, 2010. The Fund is mandated to assist victims through return to and from Kenya, reintegration, provision of shelter, basic needs, medical care, legal assistance and any other assistance required by the victim. The assistance aims to restore victim's dignity thus propelling them to contribute to the social and economic development of the country.

The Board of Trustees of the National Assistance Trust Fund has developed these guidelines as a mechanism for administration of the Fund to facilitate assistance to victims.

It is envisaged that the implementation of these Guidelines will enhance direct assistance by the Trust Fund to victims of trafficking in persons by meeting their immediate and mid-term needs in a comprehensive manner, to facilitate their recovery, empowerment and reintegration.



Florence Bore  
**Cabinet Secretary**  
**Ministry of Labour and Social Protection**

## **PREAMBLE**

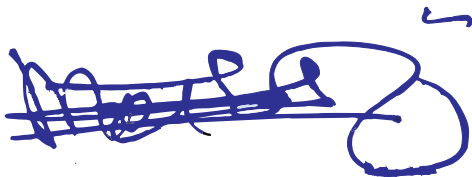
The *Guidelines for Assisting Victims of Trafficking in Persons* have been developed to provide criteria for support to victims through the National Assistance Trust Fund for Victims of Trafficking in Persons.

The needs of victims of trafficking in persons are often complex and require a comprehensive approach. The Counter Trafficking in Persons Act (2010) establishes the Fund, which is administered by a Board of Trustees to assist victims of trafficking in persons.

The Guidelines provide a criterion on eligibility for disbursement of funds and other assistance to individual applicants and organizations, taking into consideration victims' basic human rights.

The Guidelines also provide a mechanism for monitoring and reporting of the utilization of the disbursed funds. This is to ensure efficiency and effectiveness, in line with the Counter Trafficking in Persons Act (2010), Public Finance Management Act (2012), and Public Procurement and Disposal Act (2015).

I am confident that these Guidelines will provide the necessary direction to the Board of Trustees, to ensure prudent management of the Fund.



Joseph Mogosi Motari, MBS

**Principal Secretary**

**State Department for Social Protection & Senior Citizen Affairs**

## ACKNOWLEDGEMENT

The *Guidelines for Assisting Victims of Trafficking in Persons* were developed through the concerted effort of the relevant units in the State Department for Social Protection and Senior Citizen Affairs, under the coordination of the Counter Trafficking in Persons (CTiP) Secretariat.

The Board of Trustees of the National Assistance Trust Fund acknowledges Hon. Florence Bore, the Cabinet Secretary, Ministry of Labour and Social Protection and Mr. Joseph Motari, the Principal Secretary, State Department for Social Protection & Senior Citizen Affairs, for their support and guidance throughout the Guidelines development process.

Special thanks to team of staff of the State Department Finance and Accounts units represented by Kennedy Okeyo and Justus Mwanthi respectively for their invaluable input to the development of this document.

We also extend our gratitude to Mr. Shem Nyakutu, the Secretary, Directorate of Children's Services and the Directors of the various departments within the Directorate for their inputs that enriched this document.

I also acknowledge the invaluable contribution and advice given by the Counter Trafficking in Persons Advisory Committee members in the development of the Guidelines.

Finally, I acknowledge the Counter Trafficking in Persons Secretariat for working tirelessly and spearheading the guidelines development process. The team comprised of Marygorret Mogaka, Mary Mbuga, Ruth Njuguna, Mercy Karanja, Pauline Muya, Lilian Sellah Barasa, Derrick Cheburet and Agnes Birgen.

The Board reaffirms its commitment to its statutory role of administering the Fund for the benefit of Victims of Trafficking in Persons.



Kellen Karanu, HSC

**Chairperson**

**National Assistance Trust Fund for Victims of Trafficking in Persons**

## ACRONYMS

AC	Advisory Committee
CSEM	Child Sexual Exploitation Material
CTiP	Counter Trafficking in Persons
DCS	Directorate of Children's Services
MDAs	Ministries, Departments, Agencies
MoU	Memorandum of Understanding
NATF	National Assistance Trust Fund
NCCS	National Council for Children's Services
NCRC	National Crime Research Centre
NGO	Non-Governmental Organization
NPA	National Plan of Action
NRM	National Referral Mechanism
OSEC	Online Sexual Exploitation of Children
PFM	Public Finance Management Act
PPD	Public Procurement & Disposal Act
TiP	Trafficking in Persons
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of Trafficking
WPA	Witness Protection Agency

## OPERATIONAL DEFINITION OF TERMS

**Board:** Board of Trustees for the National Assistance Trust Fund for Victims of Trafficking in Persons established under Section 22 of the Counter Trafficking in Persons Act (2010).

**Competent Authority:** any institution, organization or person that has legally and professionally delegated or invested authority, capacity and power including to perform identification, protection, assistance and rehabilitation to Victims of Trafficking in Persons.

**Non-Governmental Organization:** non-profit organization that operates independently of any government and whose purposes are to address social or political issues. It is organized at local, national, or international levels and driven by common interests.

**Presumed Victim:** a person who is perceived to be a victim of trafficking subject to confirmation through a victim identification and screening process.

**Reintegration:** the process of recovery, economic and social inclusion following a trafficking experience.

**Repatriation:** the process of returning a person to their place/country of origin or residence.

**Resettlement:** the process of relocation and reintegration of Victims of Trafficking (VoTs) into another geographical area and environment.

**Restitution:** A payment or some other form of compensation that is given to make up for loss, damage or injury that has been caused to Victims of Trafficking.

**Secretary to the Board:** Head of CTiP Secretariat.

**Trafficking in Persons:** The recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. (CTiP Act, 2010).

**Trust Fund:** National Assistance Trust fund for Victims of Trafficking in Persons established under Section 22 of CTiP Act, 2010.

**Victims Assistance Programmes:** programmes that provide comprehensive strength-based services for victims to heal, access justice and to have safe and empowered lives.

**Victim Empowerment:** An approach to facilitate access to a range of services for Victims of Trafficking who have suffered harm, trauma and or material loss through violence, crime, human accident, natural disaster and or through social economic conditions as a result of trafficking.

**Victim of Trafficking (VoT):** A person who is being or has been trafficked as defined in Section 3 of the CTiP Act.



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## **1. INTRODUCTION**

### **1.1 Background**

Trafficking in Persons is defined in the Counter Trafficking in Persons Act, 2010 Section 3, as the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

Trafficking in Persons, also known as human trafficking, is a global phenomenon, which has adverse impact at international, regional and national levels. It is closely interlinked with human rights violations, forced labour, migration, gender imbalance, child labour, poverty and social exclusion.

Globally men, women and children are trafficked across international borders or within their domestic jurisdictions for purposes of forced labour, domestic servitude, sexual exploitation, harvesting of body organs, forced military conscription and other unsavoury practices. The crime generally takes place in dangerous and degrading conditions and involves a range of human rights violations and abuses. Inherent in trafficking are such forms of severe exploitation as abduction, incarceration, rape, sexual enslavement, enforced prostitution, forced labour, removal of organs, physical beatings, starvation, and the deprivation of medical treatment.

### **1.2 Government Efforts to Combat Trafficking in Persons.**

#### **1.2.1 Policy, Legal, Institutional and Administrative interventions**

The Government of Kenya acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), Supplementing the United Nations Convention against Transnational Organized Crime on 5th January 2005.

The Counter Trafficking in Persons Act was enacted on 13th September 2010. The Act domesticates Kenya's obligations under the United Nations Convention against Transnational Organized Crime, particularly the Trafficking Protocol. It provides for offences relating to trafficking in persons and a system on victim assistance. In 2015, the Cabinet Secretary gazetted the first National Assistance Trust Fund Board of Directors. Further, to effectively implement the Act and specifically the Trust Fund, in September

2020, the Cabinet Secretary gazetted the National Assistance Trust Fund Regulations, (2020).

The Act also establishes the Counter Trafficking in Persons Advisory Committee under Section 19, to advise the Cabinet Secretary on interagency activities for combating trafficking and the implementation of preventive, protective and rehabilitative programs for victims of trafficking (VoTs). The Committee has been in place since 2013.

The Government also developed and implemented two National Plans of Action (NPA) - 2013-2017 and 2023 – 2027 - to combat Trafficking in Persons. In 2016, the National Referral Mechanism (NRM) for Assisting Victims of Trafficking in Persons Guidelines were developed. The guidelines provide a system of identification, referral, holistic support and assistance based on the gender, age, specific needs and reintegration of victims of trafficking in Kenya.

Section 22 and Section 24 of CTiP Act, 2010 provide for the establishment and membership of the Board of Trustees for the National Assistance Trust Fund (NATF) for Victims of Trafficking in Persons. The Fund is managed under the Ministry of Labour and Social Protection, State Department for Social Protection & Senior Citizen Affairs. The Directorate of Children's Services (DCS) provides Secretariat to both the Counter Trafficking in Persons Advisory Committee (AC) and the NATF.

According to the CTiP Act, the Fund is financed through appropriation by Parliament; proceeds of crime confiscated from or forfeited by perpetrators of trafficking in persons; income generated by investments made by the Board of Trustees; and any donation received by the Board. So far, the main source of funding has been allocation from the National Treasury.

The Board provides assistance to victims for repatriation, resettlement, reintegration, provision of basic needs, psychosocial support, legal assistance and other forms of assistance they may require.

### **1.3 Rationale**

Since the gazettelement of the first Board of Trustees for The National Assistance Trust Fund for Victims of Trafficking in 2015, the Board has faced challenges in the disbursement of funds for direct assistance to victims of trafficking. One of the key challenges has been lack of a structured mechanism to provide assistance to victims of trafficking. These guidelines were developed to address this challenge by providing operational procedures to be followed in the disbursement and utilization of the funds. They are also

intended to create uniformity in provision of services and assistance to victims of trafficking.

The guidelines are in line with the provisions of the Public Finance Management Act and the principles of prudence and accountability in the utilization of public resources.

## **1.4 Objectives**

### **1.4.1 Overall Objective**

To provide a mechanism for disbursement and utilization of the National Assistance Trust Fund for Victims of Trafficking in persons.

### **1.4.2 Specific Objectives**

1. To provide a procedure for determining the beneficiaries and the nature of assistance.
2. To provide criteria for the disbursement of funds to assist victims of trafficking.
3. To provide procedures for monitoring and reporting on funds disbursement and utilization.

## **2. VICTIM ASSISTANCE**

### **2.1 Forms of Assistance to Victims of Trafficking in Persons**

NATF provides assistance directly to individual victims or through organizations that provide the following services:

- i. Victim return to and from Kenya;
- ii. Resettlement;
- iii. Re-integration;
- iv. Shelter and other basic needs;
- iv. Psychosocial support;
- v. Appropriate medical assistance;
- vi. Legal assistance or legal information, including information on the relevant judicial and administrative proceedings; or
- vii. Any other necessary assistance the victim may require; and
- viii. Such other purposes the Advisory Committee may recommend.

### **2.2. Who can apply for assistance?**

The following may apply for assistance from the Fund:

- i. An individual who is a victim of trafficking

- ii. A person known to the victim of trafficking.
- iii. A law enforcement officer or any other government officer
- iv. Non-governmental organization working in the CTiP sector (CSOs, FBOs).

### **2.3 An individual application**

An individual who considers himself/herself as a VoT or who knows such a person may apply by duly filling in the application form, and attaching the requisite supporting documents. The form can be obtained from the CTiP Secretariat offices or the Ministry of Labour and Social Protection website (Form 1).

### **2.4 Application by a law enforcement officer or any other government officer**

A law enforcement officer or any other government officer handling the case of a presumed victim of trafficking may apply for assistance for the victim from the Fund. The application should be done through a letter from the Agency's authorized officer, and should be accompanied by duly filled Vulnerability Assessment Form (Form 2) for each presumed victim.

### **2.5 Non-Governmental Organizations (CSOs, FBOs)**

Organizations dealing with victims of trafficking may apply for assistance for the victims through responding to the Call for Proposals that is issued periodically by the Trust Fund.

Organizations may be supported on need basis for emergency rescues for cases referred in line with the National Referral Mechanism for Assisting Victims of Trafficking Guidelines.

The Trust Fund may, on its own motion, identify an organization to collaborate with in repatriation, resettlement, rehabilitation and reintegration of victims.

### **2.6 Procedure for Victim assistance**

The following procedure applies to individuals and organizations. For organizations, the Trust Fund will publish a call for proposals.

1. Submission of a formal request for assistance by the victim or organization. The following documents should be attached to the application form:

- i. Initial Risk Assessment
- ii. Screening Form
- iii. Consent Form
- iv. Referral Form
- v. Court case file number (where applicable)
- vi. Court order (where applicable)
- vii. Medical reports
- viii. Stamped Passport/ travel documents (where applicable)
- ix. Other identification documents (where applicable)
- x. Relevant receipts.

2. Identification of VoT: A presumed victim who has been assessed may be reassessed by the CTiP Secretariat for confirmation.

### **3. PROCEDURE AND ELIGIBILITY FOR APPLICATIONS BY INDIVIDUALS**

This chapter outlines the mandatory requirements for individual applications and the supporting documents required.

#### **3.1 Procedure for Individual Applicant**

The individual applicant should fill a standardized application form (Form 1 Individual Application Form), and attach the completed screening and consent forms, and all other relevant documents.

Children of 13 years and above depending on their evolving capacity will fill and sign an Assent form before receiving assistance, but a child who is not capable of filling the form should be assisted by a competent person(s). In addition to the assent form, the parents of the child or social worker or authorized person will sign a consent form for the child.

Once the application is received at the CTiP Secretariat, it is serialized, recorded in a register and an acknowledgement of receipt issued to the applicant for follow up purposes.

Once the individual is determined to be a VoT, the case will be presented by the Secretary to the Board of Trustees for consideration.

**(Form 1-Individual Application Form)**

**(Form 2-Child Assent Form)**

#### **3.2 Eligibility Criteria for Individual Applicants:**

In order to be eligible, an individual applicant must:



- i. Be a proven victim of trafficking, through the National Referral Mechanism screening process/ vulnerability assessment form.
- ii. The VoT can be a Kenyan citizen or a non- Kenyan national in Kenya.

### **3.3 Documents for Individual Applicant**

The following documents are submitted in the application:

- i. Duly filled application form
- ii. Consent/ Assent Form
- iii. Screening Form
- iv. Court case file number/court order (where applicable)
- v. Identification and /or travel documents (where applicable)
- vi. Relevant receipts
- vii. Other relevant documents

## **4. PROCEDURE AND ELIGIBILITY OF APPLICATIONS BY LAW ENFORCEMENT AND OTHER GOVERNMENT OFFICERS.**

### **4.1 Procedure for Applications by Law Enforcement and other Government Officers**

A law enforcement officer or other government officer may make an application for assistance on behalf of a victim of trafficking in persons.

The application shall be made by letter to the Secretary of the Trust Fund through their respective agency's authorized officer. A duly filled Vulnerability Form (Form 2) for each of the victim must be attached to the letter.

### **4.2 Eligibility criteria for applications through Law Enforcement and other Government Officers.**

In order to be eligible for an application lodged by a law enforcement or other government official, the individual must:

- i. Be a proven victim of trafficking through the National Referral Mechanism screening process / vulnerability assessment form.
- ii. The victim can be a Kenyan national or a non-Kenyan in Kenya.

The following documents are submitted in the application:

- i. Duly filled application form
- ii. Consent/ Assent Form
- iii. Screening Form
- iv. Court case file number/court order (where applicable)
- v. Identification and /or travel documents (where applicable)

- vi. Relevant receipts
- vii. Other relevant documents

## **5. PROCEDURE AND ELIGIBILITY FOR APPLICATIONS BY NON-GOVERNMENTAL ORGANIZATIONS**

### **5.1 Procedure for Non- Governmental Organization applicants.**

Calls for proposals for NGOs to submit applications for assistance to victims of trafficking shall be made through advertisements on the Ministry of Labour and Social Protection website, newspapers (MyGov), and/or posted on county or sub-county offices notice boards. The organizations are required to submit their application forms, proposals and all required documents within the given deadline.

Once the application is received at the CTiP Secretariat, it will be serialized, recorded in a register and an acknowledgement receipt issued to the applicant. The Secretary to the Board will present the applications and proposals to the Board of Trustees for consideration.

### **5.2 Eligibility Criteria for Non-Governmental Organization applicants.**

To apply for assistance from the Fund, a non-governmental organization must:

- i. Be dully registered in Kenya and operational for a period of not less than three (3) years.
- ii. Organizations specifically providing shelter to children must be registered with the National Council for Children's Services (NCCS).
- iii. Be directly providing assistance to victims of trafficking in persons and not acting as an intermediary.
- iv. Show proof of current support to victims of trafficking, by submitting the screening, assessment and referral forms to the CTiP Secretariat.
- v. Demonstrate prior experience of at least two (2) years implementing activities in assistance to victims of trafficking in persons.
- vi. Have audited books of accounts for not less than (3) years in the name of the organization.
- vii. Have a proper and established operational management structure.
- viii. Have a minimum of three (3) employees with relevant qualifications to provide direct assistance to victims.
- ix. Demonstrate collaboration with CTiP Secretariat and/or other stakeholders or be listed as service provider in the National Referral Mechanism.

- x. Sign an MOU on victim support with the Trust Fund.
  - xi. Have clear individualized Care Plans for the VoTs in line with the NRM.
  - xii. Have an approach that values diversity among the victims and considers special needs e.g. persons with disabilities, expectant girls/ women /nursing mothers.
  - xiii. Have proof of sufficient infrastructure to take care of victims of trafficking.
- Assistance for subsequent years will be based on performance and compliance with reporting requirements.

### **5.3 Documents for Proposals by Organizations**

The organization will be required to attach the following documents in its application, as proof of having met the qualification requirements:

- i. Certified copy of a valid certificate of registration.
- ii. Certified copy of registration certificate from NCCS for organizations providing shelter to children.
- iii. Duly signed proposal by an authorized official of the organization.
- iv. Screening Forms and Assessment forms.
- v. Referral Forms.
- vi. Periodic reports for the organization.
- vii. Audited books of accounts for the previous three (3) years.
- viii. Duly signed copies of minutes of the management body and attendance register for the last three meetings.
- ix. Organizational structure, constitution, valid certificate for good conduct for the employees and CVs for the management and staff providing services to victims.
- x. Evidence of communication between the organization and stakeholders (annual reports, letters, MOUs and referrals).
- xi. A copy of dully signed MOU.
- xii. Copy of duly signed Individual Care Plan for VoTs.
- xiii. Valid public health report (for organizations providing shelter).
- xiv. Organizations that had received assistance from the Fund previously must attach a report on performance and compliance with the reporting requirements.

### **5.4 Eligibility of Activity Cost for Organizations**

To be considered for assistance from the Fund, costs must be directly verifiable and traceable to the activities being implemented. Eligible costs should also comply with the principles of sound financial management, in particular value for money and cost-effectiveness.

Eligible direct costs should correspond to local market rates and may include:

- i. All activities listed as forms of assistance to VoTs in Section 2.1 of these Guidelines.
- ii. Cost of consumables and supplies necessary for the implementation of project activities;  
Administrative costs should not exceed 3% of the total proposal budget in accordance with Public Finance Management (PFM) Act.

Note: Those unable to access the forms or require further assistance should liaise with the County and Sub County Children's Officers for guidance.

### **5.5 Contributions in Kind**

These contributions are not considered as actual expenses and are not subject to reimbursement.

### **5.6 Reimbursement of Expenses**

Any reimbursement of expenses claimed by an organization shall be honoured if prior authority had been given by the Fund to incur the expenditure.

### **5.7 Emergency support**

i. Support on need basis shall apply in instances where emergency rescues are conducted and /or organizations receive more victims than their capacity`. In order to cater for the immediate needs of the victims, the organizations shall be supported by the Trust Fund through requests as indicated in Section 2.2 of these Guidelines. Victim referral for relevant services must be conducted in line with the National Referral Mechanism Guidelines for VoTs.

Note: Any request for support shall be through a formal letter and all relevant documents should be attached. Support will be considered based on the availability of funds.

ii. Victims requiring emergency medical attention will report their cases to the Secretariat for further processing to medical facilities identified by the Trust Fund.

iii. Victims with security concerns will have a Risk Assessment conducted by the Secretariat and immediately referred to the relevant agencies for protection. Victims who require protection from the Witness Protection Agency (WPA) will be linked to their services by the Secretariat.

iii. Victims shall be offered personalized care and assistance in line with the individual needs.

## **6. EXECUTION OF ASSISTANCE**

### **6.1 Receipt and Acknowledgement of Applications.**

Receipt and acknowledgement of all applications to the Trust Fund entails the following:

- i. The Secretary to the Board will receive and record all applications for assistance and acknowledge receipt within fourteen (14) working days.
- ii. The Secretary shall verify the documents, assess compliance with NRM screening tool, and request for more supporting documents/information where necessary.
- iii. The Secretary will communicate in writing to applicants who fail to meet the criteria within twenty-one (21) working days.
- iv. The Secretary shall present recommendations to the Board of Trustees for consideration and a report on any emergency support provided.

### **6.2. Consideration by the Board**

- i. The Board, upon deliberations of the applications presented by the Secretary, shall approve or disapprove the requests. In case of disapproval, the Board shall provide reasons.
- ii. The Secretary to the Board shall communicate to the applicants in writing the decision of the Board.

### **6.3 Execution of Agreement for Support.**

Following approval by the Board, all successful applicants shall be contacted by the Secretary to the Board to commence execution of relevant agreement for support, which will facilitate funds disbursement.

For organizations, an agreement of support between the Board and the applicant will be signed before the disbursement of funds and/or support requested for.

#### ***(Agreement of Support template)***

For individuals, an agreement between the Board and the individual applicant will be signed before support is provided.

#### ***(Individual Applicant Agreement)***

### **6.4 Disbursements of Funds**

Disbursement of funds to the applicants will be done through a transfer to a bank account in line with PFM Act.

Material support will be done through the Procurement Department of the State Department for Social Protection& Senior Citizen Affairs, while the Secretary to the Board will provide other necessary non-financial support through referrals.

## **7. MONITORING, REPORTING AND AUDIT**

Monitoring and evaluation, reporting and audits will be undertaken to ensure efficiency and effectiveness in the implementation of activities.

Implementation of the supported activities will begin upon signing of the Agreement between the Board, organizations and/or individual applicants. The Secretary to the Board is responsible for the monitoring and evaluation of activities/assistance supported by the Fund.

### **7.1 Monitoring and Evaluation**

The Secretary to the Board will conduct biannual monitoring and evaluation of the ongoing activities. Visits shall also be done with or without prior notification to the respective individuals and organizations.

The Board members may participate in monitoring and evaluation of the ongoing activities.

(Form 5- Monitoring and Evaluation template)

### **7.2 Reporting**

Beneficiary organizations shall submit quarterly and annual progress reports to the Board through the Secretary to the Board on the prescribed reporting template.

The reports will include both financial and non-financial components. In addition, the organizations may be requested to provide information to the Board from time to time.

**(Form 6- Reporting template)**

For individuals and emergency support, the Secretary of the Board will submit periodic progress reports.

### **7.3 Audit**

Organizations that receive assistance from the Trust Fund shall submit annual audited accounts and reports on the amounts received, to verify compliance in the utilization of the funds. All financial and non-financial support by the organizations shall be subjected to audits in line with the PFM Act 2012 and PFM Regulations 2015.

#### **7.4 Non-compliance**

If applicants fail to comply with the Fund's conditions, the Trust Fund may suspend disbursements and institute measures to recover any misappropriated funds, in line with PFM Regulations 2015 Part vii (73)5.

## ANNEXTURES

### Form 1: Application Form (VoT & person known to VoT)



#### NATIONAL ASSISTANCE TRUST FUND

(Fill in **BLOCK LETTERS**)

Serial No:

FORM 1

#### APPLICATION FOR ASSISTANCE TO VICTIMS OF TRAFFICKING IN PERSONS

Official Names of Applicant:		Court case No: (if any)	
Alias (Nick name):			
Date of Birth: dd/mm/yyyy			
Is the date of birth an estimate: YES/NO			
Age:		Sex:	
Place of Birth:		Nationality: (if dual indicate both)	
If not a Kenyan state the Country of Birth:			
Country of Residence:			
ID/Passport No:		Telephone No:	
Email Address:			
County/ Province/Region:			
Sub-County/ District:		Location:	
Estate / residence:	Street:	House No:	
Name of the school/institution (if in school)			
Previous occupation		Current occupation	
Current residential address:		Physical address:	
Name of the nearest landmark: (school, government health facility, police post/ station etc.)			
Name of local chief/community leader (home area):			
Contact details: (if any):			
Physical address of chief's office:			
Name of next of kin:		Relationship:	
Postal address:		Telephone No:	
Email address:			



<b>Do you have any form of disability: YES/NO</b>	
<b>If yes please specify:</b>	
<b>Were you referred: YES/NO</b>	<b>If Yes by who:</b>
<b>If No, how did you know about the Trust Fund:</b>	
<b>Type of assistance requested:</b>	
<b>Have you received any other form of assistance previously: YES/NO</b>	
<b>If YES, specify the kind of assistance and the organization you received the assistance from:</b>	
I ..... <b>do hereby confirm that the information provided herein is true.</b>	
<b>Signature:</b>	<b>Date: dd/mm/yyyy</b>

#### DOCUMENTS TO BE ATTACHED

1. Consent / Assent Form
2. Screening Form
3. Identification documents
4. Other relevant documents (list)

#### FOR OFFICIAL USE ONLY

<b>Received by:</b>	<b>Signature:</b>
<b>Designation:</b>	<b>Date: dd/mm/yyyy</b>

#### BOARD DECISION

<b>Application approved: YES/ NO</b>
<b>Remarks:</b>

#### BOARD SECRETARY

<b>Name:</b>
<b>Signature:</b> <b>Date: dd/mm/yyyy</b>

**Official Stamp: .....**

**Form 2: Assent Form****NATIONAL ASSISTANCE TRUST FUND**

Serial No:

**FORM 2****VICTIM OF TRAFFICKING IN PERSONS  
CHILD ASSENT FORM**

***\*Not to be administered to children of tender years (below 13 years) \****  
*(Filled in **BLOCK LETTERS**)*

Telegraphic Address: "LABCOM"  
 Telephone: Nairobi: 020-2729800  
 Email: countertraffickingkenya@gmail.com

Social Security House,  
 Bishops Road, Milimani  
 P.O. Box 40326-00100

**NAIROBI****Child (Assent Form)**

<b>Names of Child:</b>	<b>Date of Birth:</b>	
<b>Alias (Nick name)</b>		
<b>Birth Certificate No/ Passport Number:</b>		
<b>Name of Parent/ Guardian [Full Name]:</b>		
<b>I.D. Number/ Passport Number:</b>		
<p>I assent to receive the service(s), which are provided by the National Assistance Trust Fund for Victims of Trafficking in Persons. I understand that this application does not guarantee that I will receive all the services I desire. I also assent to providing all documents and information required for the purposes of delivering these services.</p> <p>I understand that the personal information I provide is confidential and shall only be used for the purposes of this application.</p> <p>I have understood the above and therefore have voluntarily signed this form without any form of force or coercion.</p>		
<b>Signature:</b>	<b>Date:</b>	<b>Place:</b>

**NOTE:** *This form should be filled and signed by the child before receiving any assistance, but a child that is not capable of filling the form should be assisted by a competent authority.*

# Form 3: Non-Governmental Organization Application Form



## NATIONAL ASSISTANCE TRUST FUND

(Filled in **BLOCK LETTERS**)

Serial No:

FORM 3

### APPLICATION FOR ASSISTANCE TO VICTIMS OF TRAFFICKING (VoTs) IN PERSONS BY ORGANIZATIONS

<b>Name of organization:</b>			
<b>Physical address:</b>		<b>Postal Address:</b>	
<b>Telephone No:</b>		<b>Email Address:</b>	
<b>Type of organization (e.g. NGO, FBO, CBO, CCI):</b>			
<b>Year of inception:</b>		<b>Registration No:</b>	
<b>Type of services offered to VoTs:</b>			
<b>Name of person in charge:</b>			
<b>Postal address:</b>		<b>Telephone No:</b>	
<b>Email address:</b>			
<b>If a shelter, what is the holding capacity?</b>			
<b>Children: Boys:</b>	<b>Girls:</b>	<b>Adults: Male:</b>	<b>Female:</b>
<b>What is the current number of beneficiaries in the shelter?</b>			
<b>Children: Boys:</b>	<b>Girls:</b>	<b>Adults: Male:</b>	<b>Female:</b>
<b>Intersex:</b>			

<b>What is the current number of beneficiaries in the organization?</b>			
<b>Children: Boys:</b>	<b>Girls:</b>	<b>Adults: Male: Female:</b>	<b>Intersex:</b>
<b>No of VoTs in the organization?</b>			
<b>Children: Boys:</b>	<b>Girls:</b>	<b>Adults: Male: Female:</b>	<b>Intersex:</b>
<b>Type of assistance applied for:</b>			
<b>If financial amount requested: (In figures)</b>			
<b>Amount requested: (in words)</b>			
<b>Have you received any assistance from any other organization in the last 12 months (Yes/ No)</b>			
<b>Specify</b>			
<b>Is the organization willing to sign an Agreement with the Trust Fund? <i>YES/NO</i></b>			

#### DECLARATION

**I/We the undersigned do hereby confirm that the information provided herein is true.**

**Name of Chairperson/ Head of organization:**

**Signature:**

**Date:** *dd/mm/yyyy*

**Name of the person in charge:**

**Signature:**

**Date:** *dd/mm/yyyy*

**Official Stamp:**

#### FOR OFFICIAL USE ONLY

**Received by:**

**Signature:**

<b>Designation:</b>	<b>Date:</b> <i>dd/mm/yyyy</i>

<b>BOARD DECISION</b>
-----------------------

<b>Application approved:</b> <i>YES/ NO</i>
<b>Amount awarded:</b>
<b>Remarks:</b>

<b>BOARD SECRETARY</b>
------------------------

<b>Name:</b>
<b>Signature:</b>
<b>Date:</b> <i>dd/mm/yyyy</i>

**Official Stamp:** .....

# Form 4: Acknowledgement of Receipt of the Application



## NATIONAL ASSISTANCE TRUST FUND

Serial No:

FORM 4

### VICTIM OF TRAFFICKING IN PERSONS ACKNOWLEDGMENT OF RECEIPT OF APPLICATION

Telegraphic Address: "LABCOM"  
Telephone: Nairobi: 020-2729800  
Email: countertraffickingkenya@gmail.com  
Box 40326-00100

Social Security House,  
Bishops Road, Milimani  
P.O. Box 40326-00100

NAIROBI

#### Acknowledgment of Receipt of Application

This is to acknowledge receipt of application Serial No:

.....

Date of receipt: .... *dd/mm/yyyy*

From:.....

P.O. Box: .....

Tel. No:.....

The decision of the Board will be communicated to you in due course.

<b>Received by:</b>	<b>Signature:</b>
<b>Designation:</b>	<b>Date:</b> <i>dd/mm/yyyy</i>

**Official Stamp:** .....

## Form 5: Monitoring and Evaluation Template



### NATIONAL ASSISTANCE TRUST FUND

Serial No:  
FORM 5

### VICTIM OF TRAFFICKING IN PERSONS

### MONITORING AND EVALUATION TEMPLATE

<b>Purpose of M &amp; E:</b>	
<b>Methodology:</b>	
<b>Scope:</b>	
<b>Name of Respondent:</b>	<b>Date:</b> dd/mm/yyyy

<b>Section 1: General Project Information</b>	
Name of Organization	
Registration number	
When was the organization registered?	
P.O.Box:	Physical Address:
Email Address:	
<b>Section 2: Information on Programme Implementation</b>	
Confirm the number and categories of VoTs in the Organization	
Whether the organization has good infrastructure to sustain the victims	
Confirm the funds awarded have been recorded for accountability	
Have the funds been utilized for the purpose of helping the victims	
Check and observe how the organization is handling the victims, its procedures and processes.	
Confirming the physical existence	

<b>Section 3: Project Performance Findings</b>		
<b>Activity</b> ( <i>e.g. Medical support for VoTs, Education, clothing, food etc.</i> )	<b>Number of VoTs assisted</b>	<b>Remarks</b>
<b>Funds utilization</b>		
<b>Activity</b>	<b>Amount Awarded</b>	<b>Actual Expenditure</b>
<b>Other findings</b>		
Administrative issues:		
Human Resources and Welfare Issues:		

Infrastructure issues:
------------------------

<b>Section 4: General observations</b>
--

<b>Section 5: Recommendation and Way Forward</b>
--



## Form 6: Reporting Template



### NATIONAL ASSISTANCE TRUST FUND

Serial No:  
FORM 6

### VICTIM OF TRAFFICKING IN PERSONS

#### REPORTING TEMPLATE

Quarterly Reporting Template (FY..... Quarter.....Date.....)						
Name of organization:						
P.O Box:				Physical Address:		
Email Address:						
Non-Financial						
S/No	Activity	Key Performance Indicator	No. of VoTs ( <i>as indicated in the proposal</i> ) (a)	Actual No. of VoTs assisted (b)	Variance (a-b)	Remarks
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						

Financial			
Financial Year:		Amount awarded: <i>(Kshs. In figures and words)</i>	
Quarter:			
Activity (e.g. Medical, financial)	No. of VoTs supported	Total Expenditure (Ksh)	Remarks
*Notes: Challenges Encountered and or Recommendations:			
*The Report should be submitted <i>(indicate deadline)</i>			

<b>DECLARATION</b>
--------------------

Prepared by:	Signature:
Designation:	Date: <i>dd/mm/yyyy</i>

Approved by:	Signature:
Designation:	Date: <i>dd/mm/yyyy</i>

Official Stamp.....

# Sample Assistance Agreement Template



## AGREEMENT

### BETWEEN

#### THE NATIONAL ASSISTANCE TRUST FUND

Social Security House, Annex

Bishops Road,

P. O. Box 40326-00100

NAIROBI

### AND

#### ORGANISATION

#### (PHYSICAL AND POSTAL ADDRESS)

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

**BETWEEN THE NATIONAL ASSISTANCE TRUST FUND FOR VICTIMS OF TRAFFICKING IN PERSONS** which expressions shall, where the context so admits, include their successors or representatives & assignees thereof hereinafter called **“The Fund”** which include its successors and assignees of P.O. Box 40326-00100 Nairobi, Kenya on one part

### AND

ORGANISATION \_\_\_\_\_ **duly registered under----** hereinafter called **“The Organization”** ----- of **P.O. Box -----**, -----, on the other part.

**WHEREAS** The Counter Trafficking in Persons Act was enacted to implement Kenya’s obligations under the United Nations Convention Against Transnational Organized Crime particularly its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to provide for the offences relating to trafficking in persons and for connected purposes.

**WHEREAS** The Fund is established under Section 22 of the CTIP Act, 2010 with mandate of assisting the victims of trafficking in persons.

**WHEREAS** The National Assistance Trust Fund functions are for purposes as indicated in Section 15 of the Counter Trafficking in Persons (CTiP) Act, 2010; for the identification, referral, protection, and assistance to victims of Trafficking in Persons and to improve service delivery to the VOTs through

coordinated support to organizations that are involved in assisting victims of trafficking in persons.

**WHEREAS** Organization \_\_\_\_\_ is registered under.....  
The Organization functions are to be directly responsible for assistance of Victims of Trafficking in Persons, provide information on VoTs as and when required by the National Assistance Trust Fund, financial accountability by submitting annual audited reports on the amounts received from the Trust Fund, submit quarterly and annual progress reports, ensuring confidentiality of VoTs' data in accordance with Counter Trafficking in Person Act, 2010 and allow access during monitoring and evaluation.

**TAKING INTO CONSIDERATION** that the two parties share the same values, principles and objectives of working for implementation of the Counter Trafficking in Persons Act, including assistance to victims of trafficking and the enhancement of democracy and generally working towards achievement of the aspirations of the Constitution of Kenya.

**AND BEARING IN MIND** that both parties shall respect the principles and provisions in the Constitution, CTiP Act 2010, the CTiP regulations and all other relevant laws, ensure proper use of information and confidentiality principles even after expiry of this MOU, the parties exchange information on VOTs cases for proper reporting of the progress made in assisting VoTs and to work closely in assisting Victims of Trafficking in Persons.

**ACKNOWLEDGING THAT** both parties have extensive experience in assisting victims of trafficking in persons as per the Counter-Trafficking in Persons Act which combined will bring added value to their efforts to promote their shared objective.

**NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS**  
**ARTICLE 1**

**DEFINITIONS**

**For the purposes of this Agreement: -**

- **“The Fund”** means the National Assistance Fund for Victims of Trafficking in Persons established under Section 22 of the CTiP Act, 2010.
- **“The Organization”** means the organization that is assisting victims of trafficking in persons.
- **“Victim”** means a person who is being or has been trafficked.

**ARTICLE 2**

**OBJECTIVE**

1. Both parties commit to working together for the benefit of victims of trafficking in persons and agree to sign the present Agreement with a view to strengthening partnership, consultation, cooperation and coordination between them. Their efforts will seek to facilitate direct responsibility for assistance of victims, timely disbursement of funds to the organization to assist victims, providing relevant information, ensure confidentiality of victim’s data, maintain objectivity in monitoring and evaluation and ensure financial accountability by submitting annual audited reports on the amounts received from the Trust Fund.
2. In consideration of the disbursements to be made by the Fund to the Organization as indicated in this Agreement, the Organization hereby covenants with the Fund to execute the services therein as stipulated in .....  
The Fund hereby covenants to disburse to the organization  
.....

### ARTICLE 3

#### COMMENCEMENT, TERM AND MODIFICATION

This Agreement shall be effective from the date when the Agreement is signed by both parties.

The Organization shall commence the provision of the services immediately upon the Execution of the Agreement.

##### **Term of Contract**

The Agreement period is .....depending on successful performance of terms of the Agreement.

##### **Expiry of Contract**

This Agreement will be implemented in compliance with the Government legal and procedural rules, regulations and frameworks.

##### **Extension of term**

Any proposed change to the terms of this Agreement shall be done by each party issuing a one-month notice in writing accompanied by the proposed changes. The matter shall then be discussed by both parties and resolved amicably.

##### **Dispute Settlement**

Any dispute, claim, or conflict emerging during the implementation of the Agreement, shall be settled using Alternative Dispute Resolution (ADR) mechanism.

**Note:** In case of misappropriation of funds, legal action will be taken against the organization by the relevant Government Agencies.

The two parties will take the necessary measures to ensure effective operation of this undertaking, and will notably:

The Parties will periodically review, through their respective representatives, the progress achieved in the enumerated areas of cooperation.

## ARTICLE 4

### ASSIGNMENT AND AUTHORIZED REPRESENTATIVE

The Organization will not sub-contract or assign all or any part of the work of this Agreement.

#### **Authorized representative**

The Organization shall be represented by..... and in his/her absence, will be represented by .....

#### **Communication.**

Any communication by one of the parties pursuant to this Agreement shall be in written form and must be acknowledged in writing.

## ARTICLE 5

### OBLIGATION OF THE FUND

The Fund shall make disbursements to the Organization in accordance with law.

Disbursements shall be in Kenya Shillings.

## ARTICLE 6

### TERMINATION

Cooperation in accordance with this Agreement will continue until the expiration of 30 days after either Party gives written notice to the other Party of its intention to terminate its cooperation under the Agreement. If either Party gives such notice, cooperation will continue with respect to all requests for assistance that were made under the Agreement before the effective date of notification until the Requesting Party terminates the matter for which assistance was requested.

Signed at Nairobi this.....day of .....20.....

**For the National Assistance Trust Fund,**

.....

**CHAIRPERSON**

Name.....Signature.....Date.....

**Witnessed by**

Name.....

Signature.....Date.....

**For Organization**

.....

**CHAIRPERSON**

Name.....Signature.....Date.....

**Witnessed by**

Name.....

Signature.....Date.....



## Form 7: Individual Agreement Form



### NATIONAL ASSISTANCE TRUST FUND

*(as captured in the application form)*

Serial No:

FORM 7

### VICTIM OF TRAFFICKING IN PERSONS INDIVIDUAL AGREEMENT FORM

Telegraphic Address: "LABCOM"  
Telephone: Nairobi: 020-2729800  
Email: countertraffickingkenya@gmail.com

Social Security House,  
Bishops Road, Milimani  
P.O. Box 40326-00100

**NAIROBI**

#### Individual Agreement Form

I ..... acknowledge that I have received .....*(support/ assistance provided)*..... from the National Assistance Trust Fund for Victims of Trafficking.

<b>Name of the VoT</b> .....	<b>Signature:</b>  
<b>Date:</b> <i>dd/mm/yyyy</i> .....	
<b>Secretary TF Board</b> ..... <b>Signature</b> .....	
<b>Date</b> .....	

**Official Stamp:** .....

