



UNITED NATIONS
Office on Drugs and Crime

**AN ASSESSMENT
OF REFERRAL PRACTICES
TO ASSIST AND PROTECT
THE RIGHTS OF TRAFFICKED
PERSONS IN MOLDOVA**

Chisinau, Moldova
February 2007



ACKNOWLEDGEMENTS:

This Assessment Report was prepared by Lori Mann in collaboration with the Anti-Human Trafficking Unit (AHTU) of the United Nations Office on Drugs and Crime (UNODC), Global Programme against Trafficking in Human Beings (GPAT).

The preparation of this Assessment Report would not have been possible without the valuable contribution and assistance from a large number of persons and organizations. In this respect we would like to acknowledge and thank the following organizations: Better Opportunities for Youth and Women, United Nation Development Programme, "Insula Sperantelor" Vocational Courses, Catholic Relief Services, Centre for Combating Trafficking in Persons, Center for Prevention of Trafficking in Women, General Prosecutor's Office, International Programme on Elimination of Child Labour, International Organization for Migration, La Strada, Ministry of Social Protection Family and Child, OSCE Mission to Moldova, Terre des Hommes, Salvati Copiii, Winrock International.

This publication would not have been possible without the financial support of the government of Sweden and Czech Republic.

DISCLAIMER:

This publication was produced within the framework of the UNODC Project "Building Capacity to Combat Trafficking in Persons in the Republic of Moldova." Its content does not necessarily reflect the policies or the views of UNODC and of the donors.

This Report has been reproduced without formal editing

CONTENTS

List of Abbreviations and Acronyms	4	6. National Employment Agency	33
Executive Summary	5	7. Catholic Relief Services	33
I. Introduction	8	8. Terre des Hommes/Salvati Copii	34
A. Funding Trends and the Importance of Tailored Programming	10	B. Coordination and Referrals.....	35
B. Assessment Content & Methodology	11	C. Obstacles to Greater Cooperation	36
II. Initial Stages of the National Referral System	12	D. Duplication of Efforts	37
A. Recent Developments	12	E. Training/Capacity Building of Service Providers.....	39
B. Legal Framework	15	F. Recommendations:	40
III. Identification	17	V. Incorporating Medical Services and Law Enforcement into the NRS	41
A. Major Actors	19	A. Medical Services	41
1. NGOs	19	1. Law on Healthcare	42
2. State Social Assistants (staffed by the Ministry of Social Protection, Family and Child)	20	2. Domestic Violence.....	42
3. Law Enforcement.....	21	3. Psychological Services	44
4. Others	22	B. Recommendations:	46
5. Legal and Regulatory Framework	22	C. Law Enforcement	46
B. Cooperation during the Identification Process	23	1. Police.....	46
1. Within the NRS.....	23	2. Prosecution	47
2. With Law Enforcement	23	3. Legal Framework	49
C. The Right to Information	24	4. Victim Security	51
D. Recommendations:	25	5. Victim/Witness Protection Law	52
IV. Reintegration and Rehabilitation	26	D. Recommendations:	53
A. Multi-Disciplinary Teams	26	VI. Monitoring	52
1. State Social Assistants	27	A. Recommendations:	52
2. IOM Rehabilitation Centre.....	29	VII. Data Collection and Information Management ..	53
3. UNDP	29	A. Standardized Screening & Reintegration Form ...	54
4. CPTW	31	B. Confidentiality.....	56
5. Winrock International.....	31	1. Legal Framework on Data Protection & Confidentiality	58
		C. Recommendations:	59

Annexes:

- A. Recommendations for the development of standard operating procedures for rendering assistance to victims of trafficking in persons in the Republic of Moldova, prepared by Tatiana Fomina.
- B. List of NRS rayon level actors (Balti, Cahul, Calarasi, Causeni, Edinet)



LIST OF ABBREVIATIONS AND ACRONYMS

AHTU	Anti-Human Trafficking Unit
CCTIP	Centre to Combat Trafficking in Persons
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPTW	Centre for Prevention of Trafficking in Women
CRS	Catholic Relief Services
ECtHR	European Court of Human Rights
HIV	Human immunodeficiency virus
GPAT	Global Programme against Trafficking in Human Beings
ILO/IPEC	International Programme on Elimination of Child Labour
IOM	International Organization for Migration
IGOs	International Governmental Organizations
MDTs	Multi-disciplinary teams
MOU	Memorandum of Understanding
MSPCF	Ministry of Social Protection, Family and Child
NEA	National Employment Agency
NGO	Nongovernmental Organization
NRS	National Referral System
NCU	National Coordination Unit
OSCE	Organization for Security and Cooperation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
SOPs	Standard Operating Procedures
STDs	Sexually transmitted diseases
TCM	Technical Coordination Meeting
TdH	Terre des Hommes
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nation Office on Drugs and Crime
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

This report assesses current referral practices to assist and protect the rights of trafficked persons in Moldova. It seeks to outline the current response by multiple governmental and non governmental organizations in Moldova to the problems experienced by victims of human trafficking, and the extent to which those organizations interact for the benefit of victims. The data collection exercise has focused on the major stakeholders in Moldova actively responding to human trafficking. The report authors hope that this assessment of the practices of major stakeholders will not only encourage all the detailed parties to improve their interaction, but also to identify, reach out and work with other parties who can identify and assist victims.

This assessment outlines the key findings, identifies gaps and constraints in current responses to human trafficking in the Republic of Moldova and points out recommendations to improve the current practices.

The report comprises seven chapters as follows:

I. Introduction

The assessment is based on interviews conducted in Chisinau, Calarasi and Balti, as well as observation, policy documents, legislation, NGO reports and suggestions from participants in a round-table discussion organized by UNODC in partnership with the Ministry of Social Protection, Family and Child and IOM in December 2006.

II. Initial Stages of the National Referral System

The need to deliver long-term reintegration services at the local level in light of increasing numbers of beneficiaries prompted IOM in collaboration with the Ministry of Social Protection, Family and Child to establish the National Referral System (“NRS”) in five pilot rayons: Balti, Calarasi, Cahul, Edineti and Causeni. This attempt, to gradually phase out reintegration services while at the same time making reintegration efforts more sustainable, was welcomed by new as well as long-standing actors. NRS development could considerably contribute

to enhancing victim’s access to a wider range of services and a longer monitoring period. In this respect, collaboration among relevant service providers remains crucial to assisting victims of trafficking as well as to the success of any national referral system.

III. Identification

The report notes that despite efforts made among many service providers in Moldova, identification of potential and presumed victims of trafficking remains to be a challenge.

Of note is, that not all service providers are aware that presumed victims, identified through circumstantial indicators, are also entitled to a minimum package of assistance and not all identified victims of trafficking in human beings get access to assistance. This depends on which agency a victim was identified by and may be explained by the fact that the notion of identification has not been broadly conceptualized in Moldova.

The report points out to the importance of victim identification and recommends expanding the range of specialists able to perform primary identification of trafficking victims, as well as developing methods to assist possible identifiers in referring victims to specialist service providers.

Identification is essential to effectively combat trafficking in persons, resulting in the rescue of greater numbers of victims, more criminal investigations and prosecutions, and the exposure of both trafficking practices and those who undertake them. As such, it is essential that a strategy for a coordinated referral system anticipates and makes allowance for increases in the number of victims identified.

IV. Reintegration and Rehabilitation

Apparently the number of persons referred for assistance continues to rise, creating difficulties in maintaining systematic follow-up on cases after the crisis intervention phase. The increasing demand also makes the existing limited geographic distribu-



tion of services more acute, especially for medical, psychological and other professional services in rural areas. Accordingly, the successful expansion of the NRS and the assumption of responsibility for forms of victim support by a diverse number of stakeholders, including law enforcement and the judiciary, becomes even more crucial.

However, despite obvious advancement with respect to coordination among stakeholders, improved information sharing and referrals, it appears that the NRS, where it has been introduced, is not yet functioning as envisioned. There is still a need for improved knowledge and understanding of the roles and responsibilities of each State agency, NGO and other relevant institutions at the local level.

V. Incorporating Medical Services and Law Enforcement into the NRS

Law enforcement personnel have not been formally brought into the NRS to date. However, cooperation does exist between these sectors and NRS actors on a consistent basis. As regards medical services, it appears, although medical professionals have been formally included in each rayon, that at present, not all of the multidisciplinary teams have active medical partners. In part because of this and also because victims are often not aware that they have such a right¹, or because services that are theoretically guaranteed as free of charge, are in practice offered for a “fee”, today many victims remain without medical benefits. Some medical services are not available in rural areas, such as e.g. long-term psychological services do not extend outside of the city. In addition, there is a poor understanding among the service providers of both the importance of psychological counselling to victims of trauma as well as what the provision of psychological services actually entails.

VI. Monitoring

At present each organization in the field maintains its own internal policy for monitoring victims’ rehabilitation efforts after the point of crisis intervention.

The development of standard operating procedures will be key for future internal monitoring efforts. Linked to normative frameworks, they should also be grounded in a human rights framework.

¹ CEDAW Assessment Tool Report for Moldova, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 96.

VII. Data Collection and Information Management

There are currently no common criteria for data collection on trafficking victims in Moldova. Organizations continue to collect information using their own diverse methodologies. Not all service providers distinguish clearly between potential and actual victims, or the types of exploitation. Use of standardized criteria will facilitate the gathering

of quantitative and qualitative data on trafficking victims nationwide, contributing to development of effective and efficient policies to prevent and combat trafficking. Common criteria would also advance the capacity for information sharing among service providers.

An extremely sensitive issue concerns data protection; any failure to protect personal data may pose serious threat to the life, health and safety of the trafficked person.



I. INTRODUCTION

Moldova is widely recognized as one of the biggest source countries for victims of human trafficking in the region². Though individual service providers collect information on the victims of trafficking they assist³, there is no definitive data on the total number of trafficked persons either returning to Moldova or identified prior to being trafficked abroad.

What remains crucial for identifying victims of trafficking and both understanding and improving the provision of services to victims is the volume, and complexity, of the problems they face, resulting in their extreme vulnerability both before and after they have been trafficked. This assessment seeks to outline the current response by multiple organizations in Moldova to the problems experienced by victims, and the extent to which those organizations interact for the benefit of victims.

While this assessment seeks to provide a broad depiction of current identification and referral practices in Moldova regarding all persons who are trafficked, it has several limitations.

First, the data collection exercise has focused on the major stakeholders in Moldova actively responding to human trafficking. As noted in the report, especially with regard to identification, many other organizations and individuals come into contact with trafficking victims during and after their trafficking experience. Where information regarding the response of those organizations and individuals is readily available, it has been included; where not, the report attempts to signal where further investigation and research is needed. The report authors hope that this assessment of the practices of major stakeholders will not only encourage all the detailed parties to improve their interaction, but also to identify, reach out and work with other parties who can identify and assist victims.

Second, reflecting the work of these stakeholders (which in general have a focus on adult victims of trafficking), the assessment focuses on the available information regarding adults subjected to human trafficking. Where information regarding children was provided during the data collection exercise for this report, it has been included here in the relevant sections. However, this report provides only limited information regarding identification and referral practices in Moldova concerning child victims of

² E.g. "Trafficking in Persons: Global Patterns", UNODC 2006.

³ Over 2,000 victims of trafficking have been identified and assisted from 2000 to 2006 by IOM in Moldova. Strategy for Implementation of the National Reintegration System for Victims of Trafficking, IOM, (November 2006) p. 4 (IOM Strategy Paper). CPTW has stated that it assisted 415 victims of trafficking in 2006 - this figure covers assistance provided to newly identified individuals, of which there were 172, as well as continuation of work with individuals identified in previous years.

„...young women between the ages of 15 and 18, despite the fact that they are legally children, are frequently treated as adults by law enforcement and many stakeholders in Moldova – this has an impact not only on identification but also the manner in which the victim is treated”.

trafficking. Separate norms govern assistance provided to child victims in Moldova and the organizations providing such services are also distinct. Neither has been reviewed for this report⁴.

Most of the identified adult victims for whom assistance is provided are young women, between the ages of 18 and 25, and children⁵. Many of them are young women with children. It is important to note, however, that young women between the ages of 15 and 18, despite the fact that they are legally children, are frequently treated as adults by law enforcement and many stakeholders in Moldova – this has an impact not only on identification but also the manner in which the victim is treated.

Seventy percent of those currently identified come from poor or very poor families by Moldovan standards. Between 70 – 95% of identified victims suffer violence in their homes, including incest and other sexual abuse, prior to their being trafficked⁶. Added to their poverty and the lack of economic opportunity that conditions their existence, their vulnerability due to their sex and young age and their experience of domestic violence, victims return to Moldova severely traumatized psychologically. As

one publication by the International Organization for Migration (“IOM”), explains, “[m]any victims of trafficking have been subject to lack of parental care, abandonment and domestic violence. The trafficking experience reinforces psychological disorders and traumas”⁷.

As of 2005, there has been an increase in mentally-disabled victims. They are less apt to be influenced by anti-trafficking campaigns in the media, and are more susceptible to fall prey to the promises of traffickers⁸. Race and ethnicity do not seem to be an identifying characteristic with respect to trafficking victims from Moldova. Yet, prejudice against Roma is a prevalent problem in the region.

The vast majority of the victims assisted by IOM in 2004–2005, 79%, were trafficked for the purpose of sexual exploitation⁹. They return in acute need of reproductive health care, which although guaranteed by the State, is not in fact available free of charge. There has been a decline in the number of identified victims of labour exploitation, from 61 in 2003 to 22 in 2004.

Victims further face harsh stigmatization and discrimination as “prostitutes” from members of their

⁴ Many organizations, including Terre des Hommes, Save The Children, CPTW and La Strada are active in assisting trafficked Moldovan children both within and outside the country. While there is no formal overall coordination mechanism, these organizations cooperate to maximize the utilization of their international networks. Within Moldova, UNDP provides reintegration services to trafficked children referred by IOM. Child repatriation is more structured than adult repatriation due to the recognition by the Family Code of the state’s guardianship role – any organization that recognizes a child in difficulty is obliged to inform Moldova’s Guardianship Authority. A strong referral practice has developed, for example, to address the significant trafficking of children from Moldova to Russia. Once the Moldovan embassy in Russia is informed of the identification of a trafficked child from Moldova, the embassy informs the Ministry of Education in Moldova as well as Terre des Hommes. The Ministry appoints a child protection inspector who will be responsible for the repatriation of 3-4 children, and may be accompanied by a psychologist or other specialized staff upon children’s needs. Once repatriated, the care of trafficked children is managed through a state structure at the national, rayon and village levels, in cooperation with TdH or other NGOs.

⁵ For the years 2004-2005, more than half of the victims assisted by IOM were between the ages of 19 and 24, but predominantly between the ages of 19 and 21 years old. During this period, IOM assisted a total of eight men. IOM Statistical Report (2006) p. 1.

⁶ Second Annual Report on Victims of Trafficking in South-Eastern Europe, Country Report on the Republic of Moldova, IOM (2005), pp. 9-16.

⁷ The IOM report further notes that “[t]he most widespread include neurotic disorders, diminished mental capacity, personality disorders and substance abuse (mostly related to alcohol).” IOM Statistical Report (2006) p. 2.

⁸ CEDAW Assessment Tool Report for Moldova, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 45.

⁹ IOM Statistical Report (2006) p. 1.



„Many victims have been forced to leave certain localities as they are unable to integrate into the community due to overwhelming discrimination. Most of this failed reintegration occurs outside of Chisinau.”

„...the failure to be recognized as a victim or to obtain effective support exacerbates the victim’s vulnerable state, and often results in re-victimization, such as the now wide-spread phenomenon of re-trafficking, and the tendency of former victims to become recruiters.”

communities, families, police and potential employers for the mere fact of their having been abroad. Many victims have been forced to leave certain localities as they are unable to integrate into the community due to overwhelming discrimination. Most of this failed reintegration occurs outside of Chisinau¹⁰.

Identifying victims of trafficking and then addressing their needs thus requires a multi-faceted and flexible approach. To do so effectively is a resource and time-intensive endeavor. If victims are not identified, they will not receive any assistance. Once identified, haphazard efforts, such as returning a victim to a home plagued by violence or placing her in a job where she faces constant discrimination and earns a salary below the subsistence-level, do not result in rehabilitation. In fact, the failure to be recognized as a victim or to obtain effective support exacerbates the victim’s vulnerable state, and often results in re-victimization, such as the now wide-spread phenomenon of re-trafficking, and the tendency of former victims to become recruiters.

A. Funding Trends and the Importance of Tailored Programming

Anti-trafficking programs are currently “popular” among donors, drawing increasing amounts of money to a serious, but complicated problem. At the same time, a number of donor-driven projects have arisen that do not necessarily reflect the actual reality in Moldova. What becomes evident upon cataloguing the list of services available is the duplication of efforts, the gaps and the lack of precisely tailored programs, as described in greater detail below.

Monthly Technical Coordination Meetings, hosted by the OSCE since 2003, attempt to ensure coordination among those working in the field of trafficking in Moldova. However, meetings are attended more frequently by implementing agencies than by other actors, such as State agencies and donors. Unfortunately, absent parties include even those with the largest budgets, such as the U.S. Embassy. In other words, work must be done to ensure conscientious and coordinated funding in parallel with the recommendations set forth in this document to improve efforts toward the establishment, implementation and maintenance of a successful national referral mechanism.

¹⁰ CEDAW Assessment Tool Report for Moldova, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 48.

B. Assessment Content & Methodology

This assessment describes current practices in the field of victim assistance and referral within Moldova. It describes each step in the process from identification to rehabilitation, including the modalities of cooperation between the actors involved. Its emphasis lies on local service provision, as that is one of the main goals for the development of a national referral mechanism in Moldova.

The assessment is based on interviews conducted in Chisinau, Calarasi and Balti, as well as observation, policy documents, legislation, NGO reports and suggestions from participants in a round-table discussion organized by UNODC in partnership with the Ministry of Social Protection, Family and Child and IOM in December 2006. It provides recommendations for improving the coordination between actors having contact with victims of trafficking, the quality of direct services to victims and the effectiveness to date of initial efforts to establish a national referral mechanism.



II. INITIAL STAGES OF THE NATIONAL REFERRAL SYSTEM

A. Recent Developments

Trafficking is not a new problem in Moldova, and several national non-governmental and international organizations have well-established operational programs at the national and local levels. These include, *inter alia*, La Strada, the Centre for the Prevention of Trafficking in Women (“CPTW”) and IOM, the latter providing the bulk of reintegration services for victims of trafficking, including medical, psychological, educational, welfare benefits, the provisions of legal/civil documents, and economic empowerment and professional orientation programs.

The recent field presence of organizations such as Winrock International and UNDP has widened the services available in the field, however, much follow-up assistance was conducted by IOM social assistants. Indeed, half of IOM’s case load still consists of follow-up services for victims who have already been treated at its Rehabilitation Centre. The development of a national referral mechanism in Moldova, developed at the initiative of IOM, is an attempt to gradually phase out its reintegration services while at the same time making reintegration efforts more sustainable.

The need to deliver long-term reintegration services at the local level in light of increasing numbers of beneficiaries prompted IOM in collaboration with the Ministry of Health and Social Protection (“Ministry”) to establish the National Referral System (“NRS”) in five pilot rayons: Balti, Calarasi, Cahul, Edineti and Causeni. Soon to be expanded, the NRS plays several important functions in Moldova.

The NRS transfers responsibility for the provision of services from the NGO and donor community to the Moldovan Government in order to ensure its institutionalization and thus long-term sustainability. It is “aligned with national reforms to improve and decentralize social protection services in Moldova,” as well as with the goals of donor harmonization to fund government operations and strengthen its decision-making capacities.¹¹ It also clearly promotes the implementation of anti-trafficking legislation.

Based within the Equal Opportunity and Family Policy Office within the Ministry, the National Coordination Unit (NCU) is to function as the central link in the NRS. The NRU is to be run by a National Coordinator with two Specialists from the Equal Opportunity and Family Policy Office.¹² The National Coordinator was hired in July 2006. Although hired to work within the Ministry, her salary is currently paid by IOM.

¹¹ IOM Strategy Paper, p. 9–10.

¹² IOM Strategy Paper, p. 8.

„With the creation of multi-disciplinary teams of service providers, the NRS seeks to expand the range of services available to victims once they have returned home, or to their chosen place of resettlement”.

„Each case is then to be assigned to a case manager to accompany the beneficiary through the remaining referral process, ensuring that he or she is appropriately attended to, and to follow through with respect to each referral.”

The National Coordinator is charged with conducting trainings at the rayonal level on screening and identification procedures, the use of forms and operational guidelines. She is also charged with establishing a database of assisted persons, coordination with the National Employment Agency, data reporting, information exchange, case coordination, monitoring and evaluation. Rayonal focal points are to assist her in her duties.¹³

Upon referral by the National Coordinator, multi-disciplinary teams of direct service providers within a rayon are to meet to discuss each case, identify the victim's immediate needs and develop a plan of action, drawing upon the team members' areas of expertise. State social assistants both coordinate the multi-disciplinary team and provide some of the services in question. With the creation of multi-disciplinary teams of service providers, the NRS seeks to expand the range of services available to victims once they have returned home, or to their chosen place of resettlement.

The National Coordinator has conducted the initial training of the multi-disciplinary teams in the five pilot rayons, including training on victim identification. The National Coordinator stated that the trainings proved very helpful in assisting local actors to identify victims, resulting in immediate referrals.

Each case is then to be assigned to a case manager to accompany the beneficiary through the remaining referral process, ensuring that he or she is appropriately attended to, and to follow through with respect to each referral. Through the establishment of a referral network, the NRS is to foster information sharing and coordination among service providers, and to reduce duplication of efforts among the increasing number of organizations working in the field of anti-trafficking.¹⁴

A "completely flexible funding package" is provided by IOM to access services to meet the individual's

needs.¹⁵ Currently, each case plan is submitted to IOM for review by rayonal focal points. Often IOM can supplement the package of benefits determined by the multi-disciplinary team, which bases its reintegration plan on the services that can be provided with the resources in the region. Case managers continue to travel once a week to their assigned rayons or regions to provide follow-up assistance to victims and technical assistance to NRS stakeholders.

All referrals are to go through the National Coordinator. As foreseen, the referral of victims will be made both from the National Coordinator to rayonal coordinators, and if identified in the regions, from rayonal coordinators to the National Coordinator. National-level actors are to make direct referrals to the National Coordinator. Approximately sixty cases have been referred to the National Coordinator so far.

The most active stakeholders in the NRS in the localities visited for the purpose of this assessment include (detail concerning the role and services of each stakeholder is provided later in the report as noted below):

- **Ministry of Social Protection, Family and Child.** The Ministry coordinates the NRS with IOM support. It houses the NRS National Coordinator within the Equal Opportunity and Family Policy Office and staffs State social assistants.
- **National Coordinator.** All referrals within the NRS are made through the National Coordinator, who also manages the flows of information.
- **IOM.** In collaboration with the Ministry of Social Protection Family and Child, IOM is the lead organization in establishing the NRS, providing training, on-going technical assistance and funding. In partnership with the Ministry it coordinates the entire system. IOM also runs a Rehabilitation Centre for trafficking victims in Chisinau.¹⁶ The Centre provides crisis intervention assistance

¹³ IOM Strategy Paper, p. 9. Focal points are social assistants at IOM's Rehabilitation Centre, which are assigned to regions for whom they provide on-going technical assistance to the nascent multi-disciplinary teams.

¹⁴ See, IOM Strategy Paper, p. 3.

¹⁵ IOM Strategy Paper, p. 5.

¹⁶ The Rehabilitation Centre was recently re-established in the Mother and Children Hospital, provided rent-free by the State.



P. 15

„... new as well as long-standing actors, agreed that developing a national referral mechanism is a good idea, particularly as it provides victims with access to a wider range of services and a longer monitoring period. Yet, the interviews revealed not all of the organizations to be completely “on board”.

for victims with urgent health, psychological or security needs. Victims are referred to IOM from abroad through its international network, as well as by foreign police and prosecutors. Within Moldova, victims are referred to the Rehabilitation Centre by most stakeholders.

- **La Strada.** A long-standing actor in the field, La Strada has a 24-hour hotline and a drop-in centre for victim identification. It has a 24-hour mobile unit to respond to urgent calls outside of Chisinau.
- **State social assistants.** Within the NRS pilot rayons, social assistants coordinate the multi-disciplinary teams, manage the case load and provide direct services to victims. Throughout Moldova, state social assistants have central responsibility for any victim referred to that rayon, and should assist IOM to design and implement a reintegration plan for that person. This includes making a family situation assessment and advising the IOM case worker in the Rehabilitation Shelter. They often identify victims in the course of providing assistance for other issues.
- **Centre for the Prevention of Trafficking in Women.** CPTW provides legal services and representation, vocational training, job insertion and social assistance in connection with legal representation. Victims are referred to CPTW for legal assistance and representation. CPTW is also active in identifying victims and will refer victims to other organizations when it cannot provide needed services, e.g. to La Strada for humanitarian aid, to Centre “Speranta” which provides services for children with disabilities or to a local NGO Centre “Credo” Ungheni, Centre “Atis” Balti providing medical services.
- **Winrock International.** Winrock runs five regional centres and hotlines. Each centre provides vocational training, psychological counselling, legal services and social assistance. Winrock identifies victims usually in the course of providing psycho-social assistance.
- **UNDP.** A relatively new actor in the field, UNDP provides accommodation to victims in its youth and maternal centres in ten regions. The centres provide social assistance, job training and insertion, and develop social entrepreneurship activities. Not all of the centres are up and running.
- **National Employment Agency.** A State agency with field offices providing vocational training, job insertion and unemployment benefits.
- **Terre des Hommes.** Provides repatriation and reintegration for abandoned Moldovan children, particularly from Russia.

While there is a need for a clearer definition of tasks among stakeholders (discussed further in the sub-section, IV.D. “Duplication of Efforts”), the NRS has not institutionalized a preference for certain service providers over others. This is a reflection of the situation in most rayons of a scarcity of services rather than competition between service providers.

Initial steps are being made to bring law enforcement agencies more formally into the NRS.

As noted above, the NRS was initiated in May 2006 in five rayons, and is thus not yet fully operational. This year foresees the implementation of the NRS in seven more rayons (there are, in total, 32 rayons or regions in Moldova, as well as the administrative-territorial unit, Gagauzia). To the extent that it has not been fully implemented, its advancement will soon change the situation in the field, rendering many present observations obsolete in the very near future. It is the author’s hope that this assessment will provide constructive feedback to NRS stakeholders to identify specific next-steps in their efforts to improve their referral practices and the quality of their services. While only about 60 victims have been referred through the NRS so far, given that the overwhelming majority of services to victims of trafficking in Moldova are provided by the stakeholders listed above, this report focuses on the referral practices between those organizations.

Reorganization at the ministerial level has resulted in a separation of the former Ministry of Health and Social Protection into the creation of the Ministry of Social Protection, Family and Children, and the Ministry of Labour.¹⁷ Ideally, the separation will raise the national profile on issues of social protection. It also relocates children’s issues from the Ministry of Education to the new Ministry. It appears

that a new post will be created within the Ministry specifically to address trafficking. However, such a major change also implies a period of confusion and a dispersion of energies during the actual reorganization process. The Ministry has been given two months in which to effectuate the transition.¹⁸

All of the organizations interviewed, new as well as long-standing actors, agreed that developing a national referral mechanism is a good idea, particularly as it provides victims with access to a wider range of services and a longer monitoring period. Yet, the interviews revealed not all of the organizations to be completely “on board”. Collaboration among these organizations remains crucial to assisting victims of trafficking as well as to the success of any national referral system.

B. Legal Framework

At the end of 2005, the Moldovan Government passed the Law on the Prevention and Combating of Trafficking in Human Beings¹⁹ (“Anti-Trafficking Law”) consistent with its National Plan to Prevent and Combat Trafficking in Human Beings (“National Plan”).²⁰ Aligned with, and even surpassing in some instances, its obligations under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (“Palermo Protocol”), the Anti-Trafficking Law provides a solid normative base for setting forth standards concerning the provision of services to, and the protection of, victims of trafficking in Moldova.

Although anti-discrimination legislation does not yet exist in Moldova, the Anti-Trafficking Law does contain a provision prohibiting discrimination against victims of trafficking on the typically enumerated grounds.²¹ This constitutes the first ever anti-discrimination provision under national law, though

¹⁷ Government Decision No. 52, 18 January 2007.

¹⁸ The former Ministry of Health and Social Protection allocated \$100,000 to the NRS for 2008. As the funds have not yet been approved, some stakeholders expressed concern regarding these funds now that the Ministry has split.

¹⁹ Law on the Prevention and Combating Trafficking in Human Beings, No. 241-XVI, 20 October 2005.

²⁰ Government Decision No. 903, 25 August 2005.

²¹ Article 5, Anti-Trafficking Law.



equality provisions are found in the Constitution and legislation. There is currently almost no understanding in Moldova of the concept of discrimination as a legal issue or a social problem.

In December 2006, during the drafting of this report, Government passed a regulation governing centres of assistance for victims of trafficking.²² It establishes the legal structure of such centres as public institutions, and the organization of their staffing and management. They are to provide temporary accommodation for up to six months, with possible extensions to up to one year in order to assist victims in the rehabilitation process. The regulation requires victims to submit a case profile (see below) to be placed.²³ A comprehensive assessment of the victim's case is to be conducted by a multi-disciplinary team.²⁴

Effective implementation of existent laws, however, remains a slow process. The development of standard operating procedures, grounded in the relevant normative framework, will provide a concrete and practical guide for those charged with ensuring victims' rights.

P. 17

„The majority of victims ...do not receive the assistance and services available to them, leaving them vulnerable in the extreme. Others self-identify years after their return to Moldova, without having accessed any rehabilitation or other services.”

„Self-identification is particularly important for male victims, who are reluctant to seek assistance. Failing as an illegal migrant is seen as “unmanly.”

²² Government Decision No. 1457, published in Official Monitor No. 186-188 (1967-1969), 8 December 2006.

²³ Articles 19 and 26, Government Decision No. 1457, published in Official Monitor No. 186-188 (1967-1969), 8 December 2006.

²⁴ Articles 22 and 27, Government Decision No. 1457, published in Official Monitor No. 186-188 (1967-1969), 8 December 2006.

III. IDENTIFICATION

The concept of victim identification in Moldova has not yet been fully defined, and there are no precise regulations determining identification procedures. Presently, referring agencies play a central role in identification. For the years 2004-2005, 90% of the victims known to be assisted in Moldova were referred from: IOM, Faith, Hope, Love (Odessa), law enforcement, La Strada and CPTW. Of these organizations, IOM identified 29% of the victims; Faith, Hope, Love 27%, and law enforcement agencies 13%.²⁵

The year 2004 marked a relative decline in the number of victims identified by law enforcement bodies in relation to community-based NGOs. This has been attributed to the capacity-building work conducted by IOM and La Strada with local organizations, to wider promotion of La Strada's hotline and to an increase in the number of self-identifying victims.

Moldova is primarily a source country for victims of trafficking. Since 2000, the destination countries for victims of Moldova have shifted from primarily Balkan states, to Turkey and Russia, with a large increase in trafficking to other countries such as Italy, the United Arab Emirates, Israel and Poland.²⁶ Repatriation of victims to Moldova often occurs via IOM assisted voluntary return projects. Most deported victims come from Turkey and Ukraine.

Documented trends, however, do not always take into account suspected victims who are not properly or formally identified or assisted. As stated in a 2004 evaluation report to the Swiss Agency for Development and Cooperation, "a hitherto unknown, but potentially huge number is falling through the cracks". As explained further in the report, since in 2002, 1,375 girls and women were deported by boat from Istanbul to Odessa; 54% of them were from Moldova. An Ukrainian NGO "Faith, Hope, Love"

that interviews the deported women, estimates that 20% of these women were trafficking victims. According to IOM "While the NGO provides suspected victims with information about assistance programmes in Moldova, many do not contact assistance providers."²⁷

In response, IOM, La Strada and Faith, Hope, Love collaborated to develop identification and referral procedures.²⁸ At present, Turkish police contact IOM in Odessa upon returning a trafficking victim, and IOM staff meets him or her upon arrival in Odessa.

It is currently estimated that only 35% of victims of trafficking are identified in Moldova.²⁹ The majority of victims thus do not receive the assistance and services available to them, leaving them vulnerable in the extreme. Others self-identify years after their return to Moldova, without having accessed any rehabilitation or other services. The vast majority of these victims seek psychological assistance. Having gone untreated, their psychological state, and its impact on other aspects of their life, leads to a crisis situation.

Self-identification is particularly important for male victims, who are reluctant to seek assistance. Failing as an illegal migrant is seen as "unmanly." A recent IOM study found that Moldovan men are victims of ill-treatment and labour exploitation, particularly in Russia.

The study on rights violations experienced by male labour migrants revealed that while 65% reported not receiving the promised payment for their services, or receiving no payment at all, 88% of male migrants were not deceived in the course of arranging their trips abroad. Forty-three percent and forty percent respectively reported being required to work without days off, and long delays in the receipt of their salaries. However, twenty-seven percent reported violence being used against them,

²⁵ IOM Statistical Profile (2006) p. 2.

²⁶ IOM Statistical Profile (2006) p. 1.

²⁷ Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005 p. 7.

²⁸ External Evaluation of the Swiss Agency for Development Cooperation's Counter-Trafficking Program in Moldova (March 2004), p. 6 and 12

²⁹ Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe*, UNICEF, UNOCHR, OSCE/ ODIHR, 2002 p.143.



„...identification happens, or could happen, everywhere: in schools and at border crossings, during police investigations and in doctors' offices. Developing methods to assist possible identifiers in the community (who may be varied and only infrequently come into contact with possible victims) in referring victims to specialist service providers is a key challenge for those working to respond to human trafficking.”

„...not all identified victims of trafficking in human beings get access to assistance. This depends on which agency a victim was identified by and may be explained by the fact that the notion of identification has not been broadly conceptualized in Moldova.”

and 13% reported restrictions on their freedom of movement.³⁰ The cases studied appear to involve both victims of trafficking as well as smuggled migrants.

While organizations and State agencies can hone their capacity to identify victims of trafficking and ensure a proper response and system of referrals, the truth is that identification happens, or could happen, everywhere: in schools and at border crossings, during police investigations and in doctors' offices. Developing methods to assist possible identifiers in the community (who may be varied and only infrequently come into contact with possible victims) in referring victims to specialist service providers is a key challenge for those working to respond to human trafficking. For example, law enforcement agents, border guards, judges and prosecutors, Ministry of Foreign Affairs employees, social and health workers can all come into contact with trafficking victims. Currently, however, there is no reliable indication that any of these categories of specialists routinely identify victims, nor does existing statistical data reflect which of these categories may be more “active” in identifying victims than others. Due to the specialist nature of their activities, it is possible that particular categories of identifiers may come into contact more often with a certain category of trafficking victim. Further work in this area might take into account, so as to develop different identification tools for specialist professions.

It should be noted that not all identified victims of trafficking in human beings get access to assistance. This depends on which agency a victim was identified by and may be explained by the fact that the notion of identification has not been broadly conceptualized in Moldova. Not all specialists understand that the main aim of identification is to facilitate the access of victims to necessary assistance.

Efforts have been made among many service providers in Moldova to identify and assist *potential* and *presumed* victims of trafficking. This primarily functions as a tool for prevention. It also functions to provide assistance to vulnerable persons without requiring them to reveal their status as a trafficked-person. To date, not all service providers are aware that presumed victims, identified through circumstantial indicators, are also entitled to a minimum package of assistance. There is currently work being done by IOM and the Ministry of Social Protection Family and Child in coming up with a profile of vulnerable persons/potential victims to assist this process.

³⁰ Labour Migration and Abuse of Migrants' Rights, IOM, 2007.

Improved identification of victims is essential to effectively combat trafficking in persons, resulting in the rescue of greater numbers of victims, more criminal investigations and prosecutions, and the exposure of both trafficking practices and those who undertake them. As such, it is essential that a strategy for a coordinated referral system anticipates and makes allowance for increases in the number of victims identified. While increased numbers of identified victims may result in higher maintenance costs for a national referral mechanism, as well as an increased workload for those providing direct assistance, these will be offset in the long term by the reduction of human trafficking activities and the number of people trafficked. Greater identification of victims will enhance the response of the criminal justice system, thereby dismantling trafficking rings and the income generated by the crime. An ongoing commitment of resources to expand victim services and the referral system, as needed, to assist greater numbers of victims is therefore crucial.

A. Major Actors

I. NGOs

Many NGOs working in Moldova identify or assist in the identification of trafficking victims in the process of repatriating Moldovan citizens from abroad, including CPTW, La Strada, Winrock, Interaction, Terre des Hommes/Salvati Copii, Regina Pacis and Gencliar Birlilii “Vivere” etc.

Otherwise, victims are identified through diverse NGO activities undertaken in Moldova.

La Strada houses a drop-in centre, a 24-hour hotline and a 24-hour mobile unit to respond to crisis calls from the field. The hotline functions to identify trafficking victims and refer them to the drop-in centre for services. These services are designed to be a point of first contact for victims of trafficking.

The hotline receives anywhere from 5 to 70 calls each day. Most calls are from potential migrants wanting to check a purportedly legitimate job of-

fer abroad, or to obtain counselling in assessing the risk of illegal employment opportunities abroad. According to one social assistant, 40% of callers with an offer to work abroad recognized after speaking with La Strada that it was not a safe opportunity.

With respect to crisis calls, 60% concern the rescue of a victim; 40% are self-identified victims needing some form of assistance. In cases of self-identification, the victim can either come to La Strada’s drop-in centre or a social worker will travel to meet the victim in the region. La Strada bases its work on a human rights approach, and its priority during the identification process is to make the victim feel safe. Information provided by the victim is not reported to the police unless he or she requests it. The first step in the process is to identify the victim’s immediate and secondary needs.

La Strada reports that many young women call several times, sometimes over an extended period of time, before finally presenting themselves. Each time they call, they tell a part of their story, testing the organization’s response. Victims reportedly tend to do this out of the need to ensure that La Strada is not working with the police, that the services are free of charge, and that they are not required to reveal their true identity. Indeed, many organizations in the field work with presumed victims, providing services without requiring the victim to tell his or her story.

Relatives of trafficking victims also use La Strada’s hotline in cases in which a family member has disappeared and is a presumed victim, as well as in cases in which a relative returns and shows signs of emotional disturbance. La Strada social workers facilitate victims’ rescue and return to Moldova from abroad. They meet the victim upon his or her arrival, and either reserve a place for the victim in the IOM Rehabilitation Shelter or contact the victim’s relatives in those cases in which the victim requests to return home.

Relatives requesting rescue of the victim must, in most instances, write an official request letter to the police in the locality of their residence. According



P. 20

„...it is essential that a strategy for a coordinated referral system anticipates and makes allowance for increases in the number of victims identified.”

P. 21

„Officers now recognize that victims tend to collaborate during investigations if they receive NGO assistance.”

„...victims are not aware that they are not required to answer all of the questions during interrogations.”

„Not all police officers reportedly see the benefit of having a psychologist present during interrogation procedures, the need to explain to the victim how the system works and provide him or her with necessary information.”

to La Strada, they must wait a week before writing another letter, which is usually re-directed by the police to Interpol. In some cases the first letter is sent directly to the National Centre to Combat Trafficking. La Strada provides assistance to families of victims throughout the process.

In addition to La Strada, Winrock International and UNDP have established mobile units that extend their services into rural areas. Outreach efforts such as these are likely to result in increased identification. Winrock reports that only about 10% of their beneficiaries (young, rural women with low levels of education between the ages of 16 and 25) self-identify as victims of trafficking.

CPTW is also reportedly very proactive in its efforts to identify victims by following leads from friends, relatives and other victims of trafficking. As noted, it also contributes to the repatriation of victims in collaboration with IOM and NGOs in other countries. From its inception through 2005, most of the victims assisted by CPTW were identified abroad. In 2006, most of the victims assisted by CPTW were referred through police, prosecutors and IOM. Its director stated that of the around 60 beneficiaries referred through the NRS to date, 50 % were identified and referred on by CPTW.

Terre des Hommes/Salvati Copii are contacted about cases by schools, police and the families of missing children, to assist in locating and repatriating child victims of trafficking. They also maintain a list of at-risk children who are potential victims of trafficking.

2. State Social Assistants (staffed by the Ministry of Social Protection, Family and Child)

State social workers tend to identify victims in the process of their seeking assistance for other issues. It is through counseling to understand beneficiaries underlying problems that social assistants are able to identify victims of trafficking.

The National Coordinator noted that conducting the initial NRS training with local social assistants on victim profiles resulted in immediate increases in the identification of victims. Ensuring that social assistants receive adequate training and have sufficient time to engage proactively with beneficiaries are the best means of improving both the quantity of victims identified as well as the quality of the services provided to them. The Ministry plans to hire a social assistant within each community in 2007, bringing the total number of social assistants nationwide to 1035 persons.

One practical impediment to State social assistants' identification of trafficking victims is the absence of privacy. Social assistants

often share offices, so victims' conversations can be overheard by other social assistants and/or their beneficiaries. The offices seem to be run with a general "open door" policy so that beneficiaries can enter at any moment to seek assistance or to wait their turn. Victims, however, are not likely to self-identify in a room filled with strangers and/or members of their community.

The State social assistant in Calarasi says, from the launch of the NRS in May 2006 (and especially since identification training provided in July 2006) through to December 2006, she has so far identified 5 victims, and worked with another 8 referred by IOM. She described one case that clearly matched the typical profile of a trafficking victim from Moldova: the woman's father had arranged her marriage at the age of 15 to an abusive husband. She has four children for whom she could not provide. When one of her children needed surgery, she accepted an offer to work abroad and was subsequently trafficked.

3. Law Enforcement

Police are often a victim's first contact and means of assistance. They thus play an essential role in identifying victims, and ensuring that they are referred to the necessary service providers. There are many obstacles to overcome in improving the identification and referral practices of law enforcement agencies. High turnover among police staff, for example, due to low salaries and morale, limits the impact of much training. Further, law enforcement representatives do not always prioritize victim identification among their duties.

To date, law enforcement has not been brought within the formal NRS structure. The Centre to Combat Trafficking in Persons does not have internal regulations regarding victim identification procedures.³¹ They have undergone trainings on methodologies for interviewing victims and have developed their own interview questionnaire.

When the victim is a minor or particularly vulnerable, police officials from the Centre to Combat Trafficking in Persons contact an NGO to assist the victim during questioning. This is a significant improvement on prior interview practices, which did not employ a "victim-sensitive approach."³² Officers now recognize that victims tend to collaborate during investigations if they receive NGO assistance. They also stated that they recognize the need for a "reflection delay period." However, victims identified by law enforcement are in actuality unlikely to enjoy a "reflection delay period."

Social assistants in rural areas claim that it remains difficult to work with both police and prosecutors, as they continue to view the victim as a "prostitute." Furthermore, having been present during police interviews of victims, La Strada psychologists explained that the victims are not aware that they are not required to answer all of the questions during interrogations.

Not all police officers reportedly see the benefit of having a psychologist present during interrogation procedures, the need to explain to the victim how the system works and provide him or her with necessary information. Yet, police remain confused when the victims cry, decline to respond to their questions and/or lie. While NGO staff may have specialized training concerning gender sensitivity, it is likely that police officers do not.

Police officers also stated that there are victims who refuse to be referred to service providers for additional assistance. One police officer attributed such refusals to victims' diminished mental capacity. As many victims are uneducated and come from rural areas, they most likely do not fully understand what is being offered to them, not having had access to such services in the past. Others may decline the receipt of services for a variety of other reasons, including concerns about confidentiality, and are entitled to do so.

³¹ For the purposes of this assessment, interviews were conducted with officers from Section 3.

³² Based on information obtained during an evaluation of the legal services provided to trafficking victims conducted by the author for IOM in January 2006.



Border guards and airport police reportedly have difficulty in identifying victims as the traffickers prepare victims to answer questions concerning their trip abroad and their work contract³³. Additional skills training among border guards might assist them in increasing the number of victims identified. It is clear that the potential for regional police commissariats (police from the regions of the Republic of Moldova), border guards (including airport police) and officials from the Ministry of External Affairs to identify trafficking victims has not yet been fully developed.

4. Others

As community leaders, priests also play a role in victim identification. Several NGOs have begun to reach out to religious leaders in some communities. Terre des Hommes in Calarasi housed one 14-year-old boy in a monastery where he had private tutoring as a solution to the lack of accommodation and the fact that he had received no education.

5. Legal and Regulatory Framework

(i) National framework

As agents of the State, law enforcement bodies and State social assistants are obliged under the law to identify victims.³⁴ They are also required to offer victims of trafficking “all the protection and assistance measures provided for” by law.³⁵ Both the National Plan and the Anti-Trafficking Law require in general terms that public authorities cooperate with other agencies in identifying and referring victims of trafficking for assistance.³⁶

(ii) International policy

On principle, victims “should not be required to accept any such support and assistance.”³⁷ Identification procedures must be conducted in a non-discriminatory manner.³⁸ In general, the “failure

³³ Based on information provided by the Prosecutor General’s Office.

³⁴ Article 15, Anti-Trafficking Law (stating “[i]dentification of victims of trafficking in human beings shall be carried out by the competent public authorities...”)

³⁵ Article 20(8), Anti-Trafficking Law.

³⁶ See generally, Article 3.1, National Plan; Articles 6(2), 12(3), 20(3), Anti-Trafficking Law.

³⁷ Guideline 6(2), Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the U.N. High Commissioner for Human Rights to the Economic and Social Council, E/2002/68/Add.1, 20 May 2002.

³⁸ See, Articles 3, 10, Council of Europe Convention on Action against Trafficking in Human Beings, ETS. 197, 16 May 2005.

to identify a trafficked person correctly is likely to result in a further denial of that person's rights."³⁹

B. Cooperation during the Identification Process

1. Within the NRS

In general, referrals flow very well vertically from local partners to national organizations upon the identification of a victim. NGOs and State agencies with field offices consistently contact the leading international and national organizations, such as IOM's Rehabilitation Centre, La Strada and CPTW. The exception may be local CPTW offices. The director of CPTW indicated that its policy is to not refer victims it has identified through the multi-disciplinary teams.

In contrast, not all local stakeholders refer identified victims through the National Coordination Unit, but rather directly to another service provider. This did not seem to be a problem of principle, but rather of a lack of awareness or training. The Winrock office in Balti, for example, makes all its referrals, both vertical and horizontal, directly.

2. With Law Enforcement

The National Centre to Combat Trafficking, frequently, though informally, contacts national-level organizations, such as CPTW and La Strada. Despite the absence of an MOU, La Strada has established a successful collaboration with the National Centre to Combat Trafficking. For example, the Centre called La Strada to facilitate the identification procedure for minor victims of trafficking and paedophilia that involved ten boys. La Strada was asked to be present during the preliminary interviews for identification purposes.

A La Strada psychologist also interviewed the boys and their parents separately in order to as-

certain whether the parents knew of the on-going abuse. The reaction of the parents was unexpectedly "soft," which was explained by the fact that the children had often returned home with small amounts of money or gifts and the families were very poor.

In some cases, La Strada was contacted in order to assist in the identification of migrants, presumed to be victims. However, according to La Strada, the police are not fully aware of its capacities to assist them in identification procedures. La Strada has reached out to border guards to offer their assistance in the identification of victims, who, pursuant to the law, can detain persons for a maximum of three hours in cases of suspected trafficking.

C. The Right to Information

Victims of trafficking have the right to receive information concerning their legal rights and the services available to them. As many victims are uneducated, poor and from rural areas, they might not fully understand the types of care available to them. For example, victims who have stayed at IOM's Rehabilitation Centre reported never having experienced receiving such quality care or having lived in such a safe and comfortable environment.

The establishment of the NRS provides an excellent opportunity to improve both the standard amount and type of information that presumed and actual victims are entitled to receive upon identification. The Moldovan Constitution ensures, "the right of everybody to know his/her rights and duties."⁴⁰ The Anti-Trafficking Law requires that the:

competent public authorities shall inform victims of trafficking in human beings of their rights and about the authorities, institutions, and organizations that are competent in the field of preventing and combating trafficking in human beings and protecting and assisting victims.⁴¹

³⁹ Guideline 2, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the U.N. High Commissioner for Human Rights to the Economic and Social Council, E/2002/68/Add.1, 20 May 2002.

⁴⁰ Article 23(2), Constitution of the Republic of Moldova.

⁴¹ Article 20(5), Anti-Trafficking Law.



In addition to the types of available services, victims should receive information as a matter of right on:

- Where and how they can report an offence, and their role in connection with legal procedures;
- How and under what conditions they can obtain protection;
- Their access to legal advice and legal representation;
- Requirements for them to be entitled to compensation.⁴²

This is especially important for victims identified by law enforcement authorities, given that it is not uncommon for victims to be identified in the course of committing a trafficking-related crime, such as illegal border crossing, possession of false documentation or practising prostitution. Victims identified in the course of committing a crime must also be immediately informed of their right to counsel.⁴³

Access to information is a crucial and determinative starting point for victims' participation in legal proceedings. Information familiarizes them with the legal procedures, their role and the necessary knowledge to exercise their rights. Interviews with various stakeholders suggest that with respect to criminal proceedings, law enforcement authorities are expected to explain relevant procedures to beneficiaries. As a general rule, the police are not conveying this information to victims. The victim's right to information during the course of criminal proceedings is addressed in more detail below.

D. Recommendations:

- Provide a private room for State social assistants to interview beneficiaries to facilitate the identification of victims.
- Measures fostering the self-identification of victims should be developed and supported, such as the promotion of hotline numbers.
- Additional trainings are needed for stakeholders, particularly State actors such as State social assistants, employees of the National Employment Agency, labour inspectors, *internauts* staff and medical professionals of State-run institutions, on NRS identification and data protection procedures.

⁴² Article 4(1)(a)-(h), European Council Framework Decision on the standing of victims in criminal proceedings.

⁴³ See, Articles 167(1), 174(3), Code of Criminal Procedure; Article 14(3)(a), International Covenant on Civil and Political Rights (ICCPR); Article 6(3)(a), European Court of Human Rights (ECtHR); see also, Article 26(1), (3), (4), Constitution of the Republic of Moldova on Right to Defence.

- Expand the range of specialists able to perform primary identification of trafficking victims (including border control agents, embassy officials and diplomatic staff, social workers, doctors, labour inspectors, employment and travel agency workers and orphanage employees).
- Standard operating procedures concerning the provision of information to victims upon identification, and the development of specific materials for use in the field, would facilitate the implementation of these procedures in the field.
- Trainings should be conducted on standards for providing information to victims upon identification.
- Specialized trainings should be conducted with law enforcement officials on informing trafficking victims of their rights, and of the support services also available to them as a matter of right.
- Trainings on victim identification should be conducted within the medical community.
- Such operating procedures and trainings should stress the need to use, as much as possible, victim statements obtained by other stakeholders to avoid re-examination of the victim.
- The standardized screening and reintegration form might be simplified to be more user-friendly.
- The standardized screening form should not require victims to disclose or detail any prior criminal record.
- A workshop for NRS stakeholders on issues related to the screening form to answer their questions and respond to their concerns would foster wider usage.



IV. REINTEGRATION AND REHABILITATION

Reintegration is essential to support victims as they readjust to their lives, find again their place in Moldovan society, and survive under often difficult circumstances. Reintegration is imperative to protect trafficking survivors from re-victimization.

At the rayonal level, many existing NGOs and local public administration actors are already providing different types of social assistance to selected groups of beneficiaries.⁴⁴ State social workers provide assistance and in some cases advocacy to access social resources, including emergency money from the Republican Population Fund. In some cases they also provide counselling. Local civil status offices provide assistance in issuing identity documents, which are necessary for accessing many services including health care from the rayon clinic or hospital. The Ministry of Education assists with school enrolment for child victims and the children of adult victims.⁴⁵

One of the current challenges for successful reintegration efforts is the fact that the number of persons referred for assistance continues to rise, making it increasingly difficult to maintain systematic follow-up on cases after the crisis intervention phase. The increasing demand also makes the existing limited geographic distribution of services more acute, especially for medical, psychological and other professional services in rural areas. This makes the successful expansion of the NRS to incorporate referrals (and the assumption of responsibility for forms of victim support) by a diverse number of stakeholders, including law enforcement and the judiciary, even more crucial. Current service-providers cannot be expected to enhance reintegration and rehabilitation efforts alone.

A. Multi-Disciplinary Teams

Within any national referral mechanism, multi-disciplinary teams are at the heart of ensuring that victims of trafficking receive the full range of assistance that they need. In Moldova, they also play a crucial role in ensuring that victims receive adequate assistance in the regions outside of Chisinau. It is important to note at the outset that the multi-disciplinary teams were established in localities with existing service networks. There are rayons where there are no services at all.⁴⁶

⁴⁴ As a category of victims, men are equally entitled to assistance. Men referred to IOM's Rehabilitation Centre were housed on a separate floor. Since the Centre moved, no men have as yet been referred.

⁴⁵ This responsibility will be transferred to the Ministry of Social Protection, Family and Child.

⁴⁶ There are a total of 32 rayons in Moldova, and the Administrative Territorial Unit of Gagauzia.

P. 27

„Cooperation between the State and civil society is also one of the keys to a successful national referral mechanism.”

„Conflicting information provided during interviews reveals confusion as to how the system should work by those charged with its implementation.”

Cooperation between the State and civil society is also one of the keys to a successful national referral mechanism. In Moldova, the NRS further fosters Government responsibility for the services provided to victims of trafficking, ensuring its long-term sustainability. Presently, the State is unable to provide a sufficient level of service for trafficking victims.

A brief summary and assessment of the programmes of several key actors of the multi-disciplinary teams is set forth, below. It is important to note at the outset that stakeholders in each of the five pilot rayons, or regions, have only received one training to date. Consequently, there is still an absence of full knowledge and understanding of the roles and responsibilities of each State agency, NGO and other relevant institutions at the local level.

It should also be noted that the assessment was not conducted in regions where the NRS has not been implemented. Therefore, no comparisons can be made concerning pre-NRS conditions. IOM plans to undertake a comparative evaluation later this spring.

1. State Social Assistants

Conflicting information provided during interviews with State social assistants in Balti and Calarasi reveals confusion as to how the system should work by those charged with its implementation. Those familiar with the multi-disciplinary teams in other regions, such as Edineti, also reported that they are still in the process of determining their methods for working. Case managers in Calarasi and Causeni are not holding team meetings, for example.

The Balti social assistant also reported that despite the fact that the NRS started in June, the multi-disciplinary team had held very few meetings so far. They do plan to start meeting more regularly. She stated that she has not been taking notes on the cases so far.

According to the State social assistant, the core working team in Balti consists of herself, a rep-

resentative of CPTW⁴⁷ and a representative from Winrock. The formal team (the members of which differ for each rayon) is much larger and invited to meetings only concerning cases in which their assistance is needed. While the multi-disciplinary teams are not yet being utilized in Balti as envisaged under the NRS, given that one of the goals of the NRS is that the State assume greater responsibility in providing services for trafficking victims, it is significant to note that prior to the NRS, the Balti social assistant simply forwarded all of the cases addressing trafficking to CPTW.

At present, in those rayons where the NRS has begun implementation, State social assistants complain about adding victims of trafficking to their already over-burdened caseload. The State social assistant in Balti reported that the NRS has increased her workload by approximately 10 – 15%. Similar complaints regarding the creation of additional work for civil servants without providing additional compensation were reported in Edineti.

The National Coordinator also stated that social assistants in the field consistently complain about lack of time and resources, and that the coordinators of the multi-disciplinary teams have requested to be released from other duties in order to dedicate their time to this work. Others request supplemental pay for the extra work, which requires overtime. It appears to be an issue concerning workplace morale and motivation generally.

Several interviewees recommended that a specialized social assistant dedicated to this issue would improve the system immensely. Victims of trafficking tend to have specific, and many, needs. The Balti social assistant stated that victims often lack temporary registration papers, which they need in order to receive social welfare benefits and employment assistance.⁴⁸ Another major need identified in Balti and other regions is the lack of emergency accommodation. The existing shelter in Balti only

⁴⁷ In contrast, the social assistant for CPTW complained that she was only contacted concerning victims who had legal issues.

⁴⁸ Given its legal focus, victims should be referred to CPTW to obtain national identification in those locations where it has offices. UNDP also secures national identification and registration papers for beneficiaries staying in its shelters.



admits persons from Balti, not including those from the surrounding suburbs and rural areas.

Both social assistants in Balti and Calarasi stated that when referring a victim for services at another agency, they accompany him or her in person. They do this to ensure that the victim does not receive discriminatory treatment by other service providers. Both victims and their families face social stigmatization and discrimination. A young woman who has traveled abroad is often assumed to have worked as a prostitute.

The Balti social assistant explained that another benefit of accompanying the victim in person for referrals has been to ensure that the needed services would be provided, given that victims of trafficking are not listed as a specific category for receipt of benefits under the Law on Social Assistance. She made multiple references to a municipal fund, which may have additional restrictions not present in the national law. The Calarasi social assistant was also concerned with issues of stigmatization and ensured receipt of services.

The national Law on Social Assistance provides benefits to vulnerable persons, such as single parent families, families without income, disabled and elderly persons and “other categories of people and families at risk.”⁴⁹ In other words, the language of the legislation is open-ended, and should not preclude victims of trafficking from receiving benefits. They are clearly “at risk.” Yet, most social assistants mentioned limitations concerning those eligible for benefits, indicating a misunderstanding of the law or an undocumented policy, or practice, to not apply the law as drafted.

At the same time, social assistants are adept at locating additional benefits where available under other applicable categories of beneficiaries, such as single mothers with many children. Similarly, the Calarasi social assistant has applied to a Council of Social Support, which issues one-time certificates from 800 to 1000 lei for individual, difficult cases. She also obtains additional assistance for her beneficiaries from the Red Cross and “Inger”, neither of which participates in the NRS.

2. IOM Rehabilitation Centre

IOM’s Rehabilitation Centre provides a shelter and crisis intervention treatment for trafficking victims. They provide psychological, medical and material assistance. It assists both victims and potential victims in crisis. A crisis situation can entail the psychological

⁴⁹ Article 7, Law on Social Assistance, Law No. 547-XV, 25 December 2003, published in Official Monitor No. 42-44/249, 12 March 2004.

inability to control one's behavior, the need for medical treatment that cannot be attended to outside of Chisinau, and security risks. The shelter can accommodate up to 24 persons.

The Rehabilitation Centre maintains a maternal-youth wing, which provides accommodation and services for both mothers and their children (services for the latter are seen as prevention work), and minors. Most of the minor victims are adolescent girls, and they receive specialized services by a child psychologist, and are housed separately from the adults.

Known for their quality services, Rehabilitation Centre staff conducted trainings for the establishment of the five current multi-disciplinary teams. As noted above, staff at the Rehabilitation Centre currently monitor all case plans developed by State social assistants and multi-disciplinary teams (as noted in the previous section, e.g. in Balti, these case plans are not always developed in accordance with the NRS model). They also provide technical assistance to NRS actors in the regions to develop a reintegration plan.

Rehabilitation staff noted that the requirements for addressing the needs of trafficking victims is often higher than for other categories of beneficiaries attended to by social assistants. In particular, multi-disciplinary teams need training on how to work with specific categories of beneficiaries. The need for training is continuous.

Rehabilitation Centre staff note that since the implementation of the NRS, State authorities pay more attention to issues concerning trafficking victims. Although additional State funds have so far not been forthcoming, more attempts are made to address victims' needs. They also note more transparency with respect to what is happening in the field.

3. UNDP

Funded through USAID, UNDP has just completed the first of an extended three-year project to build 10 centres providing separate accommodation for at-risk mothers and youth. These include young women with children and youth graduating from *internauts*, also known as boarding schools or orphanages. Servicing these two high-risk trafficking categories works as a prevention measure, and as assistance for presumed victims. In its first year of operation, it has so far provided accommodation to twelve actual victims of trafficking⁵⁰.

Once fully operational, each centre will be able to accommodate 12 to 14 persons. Beneficiaries can stay from six months to one year. The centres are expressly envisioned to meet the needs of victims leaving the IOM Rehabilitation Centre and needing accommodation during their receipt of reintegration services.

UNDP centres have three social assistants on staff to work as part of the multi-disciplinary team, and one psychologist. They also staff a part-time medical professional at the maternal centres. (Issues concerning reproductive healthcare are discussed in more detail below). The UNDP centres do not intend to provide the same degree of psychological and medical support as the IOM Rehabilitation Centre.

The UNDP centres operate out of buildings whose right of use is donated by local Government authorities for a period of 25 years. Pursuant to trilateral agreements, local NGOs assume responsibility for building maintenance; UNDP pays for the renovations and operational costs. Staff acknowledged that it is highly impracticable for local, small-budget NGOs to assume the maintenance costs, particularly given that the centres are meant to provide long-term services.

Pursuant to the agreement, the State is also to provide financial support. However, in practice it

⁵⁰ To date, only one maternal centre, in Drochia (North of the Republic), with a capacity of 11 people, and four youth centres (in Edinet (accommodating 13 people); Soroca (11 people); Carpineni (12 people); and Ungheni (12 people) are providing residential services.



has not done so. This is principally because the support comes from an extra-budgetary line item, which is negotiated at the end of each year. According to UNDP staff, obtaining financial support from local authorities depends upon the region. In some regions local authorities are open to collaboration and providing support; in others they are not. Sometimes, they promise support that is not later forthcoming.

UNDP has tried to collaborate with mayors' offices and rayonal councils, attending meetings to request support. Staff found that at the local level, assisting victims of trafficking is not a priority, particularly if in competition with much needed funds for schools and kindergartens.

At the same time, the issues surrounding trafficking are not well understood at the local level. Victims are often referred to as "prostitutes," and are scorned. Consequently, local authorities try to distance themselves from the issue. UNDP does not make any public presentation regarding the centres as refuges for victims of trafficking because of the social stigmatization of victims and, by association, other beneficiaries who may not be victims.

UNDP works on social reintegration through primarily job generation, vocational training and job insertion. Its main partners include: ILO-IPEC, La Strada, IOM, Terre des Hommes and the National Employment Agency. Their objective is to make the centres self-sustaining through income-generation projects

UNDP's job generation activities focus on "social entrepreneurship," an enterprise whose profits fund an NGO. This concept was introduced in Moldova approximately four years ago. UNDP has faced several obstacles in trying to implement social entrepreneurship in Moldova.

NGO staff persons do not tend to have entrepreneurial skills, and need training on how to run a business. Moldova does not provide a favorable climate for business ventures. It also remains questionable whether the types of businesses embarked upon can raise enough funds to cover the expenses of a centre, such as selling second hand bicycles shipped from the United States.

Another problem is that there is currently no fiscal structure for social entrepreneurship projects. Social entrepreneurship projects are presently being conducted under the same tax rules as an NGO, despite their profit-making objective. UNDP reports harassment by local State officials for engaging in such activities. A computer centre opened in Edineti with a social aim was shut down while others were permitted to operate. UNDP staff stated that local officials view UNDP's social workers and centres as competitors with State

social services primarily because they have more funds and higher quality human resources.

4. CPTW

As noted above, CPTW attempts to provide a full range of services to victims of trafficking. It offers free legal services, vocational training, a job insertion program, a micro-finance program and social assistance. Currently, if a victim is referred to CPTW through the NRS, it only provides legal assistance and representation unless other services are also required. CPTW offers its full range of services to victims that it has identified.

CPTW's primary function, however, is providing victims with legal representation. Each CPTW office is staffed with two lawyers, one social assistant and one coordinator. According to its director, the social assistance provided by CPTW remains secondary to, and a function of, the legal assistance they provide. However, the social assistant will assure that necessary medical and other referrals are made.

CPTW has its own screening forms and internal reporting and monitoring procedures for its legal assistance and representation work. It monitors cases for up to three years. The legal screening forms used by CPTW to support legal representation of a trafficking victim remain internal to the organization and the victim, and are not shared with other members of the NRS system. These legal forms contain confidential information to support court proceedings and are only available to the victim and the victim's lawyer. For the collection of other forms of information, CPTW uses IOM's screening form developed for the NRS.

5. Winrock International

Winrock offers a range of services to young women between the ages of 16 to 25 through their five regional "day" centres throughout Moldova.⁵¹ The centres offer vocational training, psychological counselling, legal services and social assistance. It also runs hotlines. The package of services is meant to be an innovative, holistic approach.

While Winrock's services target those women who are primarily at risk of being trafficked, they are not limited to victims of trafficking. Since July 2005, it has worked with 138 victims of trafficking that were officially identified as such.

Winrock offers psycho-social training modules on domestic violence, gender equality, the myths and realities about working abroad and personal leadership. Trainings are conducted in support centres, community centres and schools. A Mobile Technical Unit contacts village leaders, particularly in isolated communities where Winrock doesn't have a centre, in order to conduct two-day trainings. During the training period, a lawyer and psychologist offer counselling services. It is reportedly during psycho-social workshops that victims of trafficking are usually identified.

Winrock staffs a full-time psychologist in each centre. It is in the process of establishing an emergency medical fund. They have also initiated peer support groups for young women, with reported success.

Seventy-eight percent of their beneficiaries are between the ages of 16 and 25, the rest are slightly older. Most have a high school education or have not completed high school. Only five percent have a higher education. 91% are unmarried, and over 90% are unemployed. 64% come from rural areas; 36% from rayonal centres and towns. Winrock staff reports that it is very hard to reach out to young rural women who have already graduated from high school, such as between the ages of 19 and 25. They seem to "disappear."

Winrock provides free legal consultation. In Balti, Winrock also provides free legal representation. For all other regions, Winrock refers its beneficiaries to CPTW for legal representation. The bulk of the legal consultations and services concern labour issues and starting a business; the next greatest issue for its beneficiaries concerns family law matters.

Winrock provides basic entrepreneurship training, geared toward micro-credit enterprises. However,

⁵¹ Due to problems with their local implementing partner in Hincesti, the centre there is temporarily closed.



not many of their beneficiaries actually receive loans. This is due to several factors. One is that micro-credit institutions do not operate in all parts of the country. In fact, only two such micro-credit institutions exist in Moldova. At the same time, they have found that young women tend to fear the risk of assuming a loan. In theory the National Employment Agencies can guarantee loans, but the process is very bureaucratic, requiring the beneficiary to travel to Chisinau several times.

Winrock's employment training program consists of one- and two-day training programs focused on: sewing, crocheting, decorative arts and computer skills. The courses are designed in cooperation with employers in order to prepare beneficiaries for a specific job. As a general matter, half of its beneficiaries want to work abroad; half don't.

As noted above, Winrock's activities are primarily delivered through its "day" centres. Where a victim requires accommodation and shelter, Winrock refers victims to UNDP. Likewise, Winrock refers victims to various medical centres for health needs.

6. National Employment Agency

The National Employment Agency (NEA) is an active member within the NRS. It provides vocational training, job insertion and unemployment benefits. The NEA seemed to be one of the key NRS actors in Calarasi. The director of the NEA in Calarasi explained that victims of trafficking are eligible for a reintegration allocation in the amount of approximately 15% of a full-time salary or 197 lei/month. This money is to support the victim during a vocational training period until she or he finds a job.

A person is automatically eligible for unemployment benefits if referred as a victim of trafficking. Otherwise, one can obtain benefits if fired and registered, or three months after having quit without having found another job. However, after declining three job offers you are ineligible for receipt. Importantly, young unemployed women do not tend to register with the NEA.⁵²

7. Catholic Relief Services

Catholic Relief Services (CRS) operates out of headquarters facility in Chisinau and administers a number of primarily rural programs in the Balti, Cahul, and Central Moldova regions. Programs administered by CRS aim to counter the risk of trafficking and other forms

⁵² In 2004, 46,400 women registered as unemployed compared with 794, 100 considered to be inactive. *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 79.

of gender specific exploitation, by offering young rural women the opportunity to participate in a Sustainable Livelihoods Development Programme. The women are provided with an integrated sequence of services consisting of in-demand, marketable vocational skills training, practical internships, and guaranteed employment coupled with six months of training in sustainable livelihoods and coaching on how to manage one's personal and professional life. CRS also sponsors training for sustainable livelihood and youth based counter-trafficking initiatives in rural schools and has project sites in over 80 villages in the greater Balti and Cahul areas.

CRS implements programmes through a number of Moldovan partners in the public and private sectors and through Local Management Committees made up of community stake holders at each project site. Most projects are based in villages and in administrative centres in areas outside of Chisinau.

8. Terre des Hommes/Salvati Copii

Terre des Hommes (TdH) works to repatriate and reintegrate trafficked children.⁵³ They focus on repatriating Moldovan children from Russia. 72 children, some of them trafficked, were repatriated from Russia in close cooperation with the Ministry of Education.⁵⁴ Currently, there are 229 children on the Russian list of unaccompanied Moldovan minors. Loose border controls result in many children being taken across the border by their parents to work. One community study indicated that parents generally support such migration. The trafficking generally occurs once the children are already abroad.

With respect to child repatriation efforts, it is important to note that not all returns are voluntary. TdH attempts to both inform the child and prepare them psychologically prior to repatriation. Of the 72 children repatriated from Russia, at least three attempted to return.

TdH pays for repatriation, with the State contributing a small portion of the costs. From Russia it costs approximately \$100 to repatriate each child. The Ministries of Interior and Education were charged with providing national documentation for children identified abroad.⁵⁵ Obtaining a temporary document takes approximately 10 days.

In contrast with adults, particularly women, the need to assist trafficked children is more universally recognized, facilitating TdH's work. For example, in line with the United Nations Palermo Protocol, it is commonly accepted that children cannot consent to being exploited. In addition, assisting vulnerable children is not a new issue, so actors such as police and teachers already perceive this assistance as part of their mandate. In other words, with respect to children, there is less need to create a new system. There is a State child protection inspector, or tutorship authority, in each rayon. TdH also maintains a social worker in each rayon.

The TdH director has found, however, that there is a lack of experience in Moldova in finding community solutions. Determining which responsibilities fall to the rayon level and which to the community level remains unclear.

TdH's director noted that the system for reintegrating children under the age of 15 is better in Moldova than in other countries. Addressing the needs of children between the ages of 15 and 18 requires additional training. It is extremely important to note in this regard that young women between the ages of 15 and 18, despite the fact that they are legally children, are frequently treated as adults by law enforcement and many stakeholders. Girls between the ages of 15 and 18 are assisted at the IOM Shelter by specialized staff, for example.⁵⁶

The main specialist on child protection from Calarasi stated that one of the biggest problems children

⁵³ This report does not meaningfully assess services related to trafficking in children due to the differences in laws, procedures and actors.

⁵⁴ The responsibility for repatriating abandoned children will apparently shift to the newly created Ministry.

⁵⁵ This will purportedly also change as a result of the newly-created Ministry.

⁵⁶ Almost as many children assisted at the IOM Rehabilitation Shelter were trafficked with their mother as adolescents who were themselves trafficked.



face upon their return is their almost total lack of education. In addition, reintegrating a child with members of his or her extended family is also very difficult. While these children have advanced survival skills, they have behavioral problems.

B. Coordination and Referrals

Coordination between actors, both vertical and horizontal, is a central function of any national referral mechanism⁵⁷. In general terms, most of the organizations in the field providing services to victims of trafficking consistently refer their beneficiaries to the needed services offered by another organization. Large national-level actors, including international organizations and the State, cooperate on the whole very well (horizontal). As noted above, local-level stakeholders, also including the State, freely contact national-level organizations to both make referrals and to request assistance (vertical).

Collaboration exists among most NGOs at the local level, but varies from rayon to rayon (horizontal). As intended, the development of the multi-disciplinary teams at the local level has increased the independence of actors, supporting horizontal coordination at this level, and decreasing the need for vertical coordination.⁵⁸ It remains important to distinguish between the development of inter-agency coordination as a systems issue, and the possibility of addressing systemic problems on an ad hoc basis in the context of handling a specific case.⁵⁹

P. 35

„Collaboration with Government officials outside of the NRS also varies from rayon to rayon. Collaboration with civil society is not always perceived as a function of the duties of officials.”

⁵⁷ Relevant local experience contains good practices that might be replicated in the NRS. For example, parallels might be identified between the Child Labour Monitoring System implemented in 5 rayons and the National Referral System. Within the framework of the ILO pilot project, “ILO-IPEC Action Programme for Empowering Community Youth Centres and Municipal and District Commissions against Trafficking to Reduce Vulnerability of Minors to Trafficking, Identify Potential Victims, and Facilitate Social Inclusion of Returnees”, a local referral system was created in Chisinau, Balti, Orhei, Singerei and Ungheni. As part of this referral system, multi-disciplinary teams (MDTs) were formed of professionals representing: the Directorate of Education, Youth and Sports, the Directorate of Social Assistance and Family Protection, the Health Care Directorate, the Local Employment Agency, the Police Inspectorate, the Labour Inspectorate and NGOs (7 persons/per area). The MDTs will be responsible for identification and taking decisions on provision of referral, protection, withdrawal or reintegration services to identified children at risk/victims who need immediate support.

⁵⁸ Moderator’s Report, UNODC/ MSPCF/IOM Roundtable Meeting, 15 December 2006.

⁵⁹ Moderator’s Report, UNODC/ MSPCF/IOM Roundtable Meeting, 15 December 2006.

NRS coordination and communication is to take place via computers, the telephone, and inter-agency meetings, such as the multi-disciplinary teams. Communication also takes place via the periodic meetings of the National and Territorial Anti-Trafficking Committees.

Success seems to depend on a number of factors that vary from region to region. Factors include the number of active organizations in the locality, the length of time that each has been operational, the financial resources available within the community, and the individuals involved, as coordination is often more of an art than a science.

Despite obvious advancement with respect to coordination among stakeholders, it appears from the interviews with actors from those rayons where the NRS has been introduced that it is not yet functioning as envisioned. In Calarasi, for example, the multi-disciplinary team does not meet. Because the same group of people is required to meet for various purposes, adding another meeting for the NRS is viewed as a “formality” for which there is no time. The State social assistant in Calarasi conducts the assessment on her own, and then contacts those to whom she would like to refer the victim. Similarly, in Balti, a social assistant from an NGO stated that the State social assistant has called her to find out what help the NGO could offer a victim in lieu of deciding the matter in a team meeting. It seems that actors are only inclined to call a multi-disciplinary team meeting in hard cases.

In both Calarasi and Balti, only a small number of the multi-disciplinary team actively participates in providing victims with assistance. Rather, there seem to be a few stakeholders in each region that provide the bulk of the assistance. Lack of time and limited funds were also cited in Calarasi as being the main obstacle to the successful implementation of the NRS. The Calarasi social assistant explained that material support must be granted immediately, and meeting as a team slows things down.

Referrals continue to be made directly from agency to agency, without going through the National Coordinator. For example, the Calarasi social assistant

sends the screening form directly to the IOM Rehabilitation Centre upon making a referral, rather than through the National Coordinator.

In Balti, members of NGOs complained that the tutorship authority did not assist in finding accommodation for a victim of child trafficking, and conversely that the tutorship authority was not contacted in a child trafficking case. It remains unclear whether these complaints were distinct versions related to the same case, or different cases. It is clear, however, that the referral system between NGOs and the tutorship authority in child trafficking cases is not functioning properly.

Collaboration with Government officials outside of the NRS also varies from rayon to rayon. Collaboration with civil society is not always perceived as a function of the duties of officials. Officials reportedly have a “what’s-in-it-for-me” attitude when approached for assistance by NGOs.

In Calarasi, where the multi-disciplinary team primarily consists of State agencies, resources appear to be minimal. It became clear over the course of the interviews there that the NEA director was using unemployment benefits as a source of funds for trafficking victims. It is a limited, if creative solution because after declining three jobs you are no longer eligible.

C. Obstacles to Greater Cooperation

Much of the above-mentioned problems concerning effective coordination are a function of the early stage of the implementation process and lack of methodological precedent. However, a further hurdle the NRS must overcome is the cautious approach taken by some NGOs – for various reasons – to cooperating and fully participating in the NRS.

Unfortunately, there is a tendency among a few NGOs to view the beneficiaries of their services as “our victims.” As noted above, the director of CPTW stated that as a matter of policy the organization does not refer victims directly to the NRS if they were identified by CPTW, but will inform victims of



all the services they can access. The National Coordinator iterated that in Cahul, for example, CPTW has not referred one victim to the NRS for additional assistance. If, however, victims are initially referred to CPTW by the police or another agency, CPTW will refer them to other services provided by other agencies.

The director of CPTW views the NRS as a pilot project, in other words, as not yet operational. He does not therefore feel obligated to cooperate. However, like all other stakeholders interviewed for the purpose of this assessment, he believes that the NRS is a “good idea.” CPTW has signaled that if the NRS, in the future, becomes stronger and more professional, CPTW will work more within the NRS structure. He raised some legitimate concerns about the NRS, such as issues of confidentiality, given the fact that the multi-disciplinary team has access to the victim’s file. A CPTW social worker expressed the problem as an issue of the victim’s trust, which might be jeopardized by multiple referrals. CPTW has had disappointing referral experiences where the confidentiality of victims they have referred has not been respected and is concerned about the potential confidentiality issues that might arise given the opportunity for so many people to be involved.

CPTW staff members expressed frustration and confusion, as they are now asked to respond to the requirements set forth by their employers, and at the same time respond to fulfilling the requirements of the NRS. In other words, there are conflicts between the internal policies of the organization and NRS policies. As one social worker from CPTW explained, the organization has its own well-established work principles, which she cannot disobey. Beyond a duplication of reporting requirements, practical issues arise. Information disclosure forms used by NRS members, only provide for the disclosure of information to a social worker – in three separate cases, victims were disappointed when the information was subsequently shared with multi-disciplinary teams. As a result, CPTW has agreed with IOM that, to avoid contact with the multi-disciplinary teams, CPTW will refer to IOM’s Rehabilitation Centre in the first instance, and that IOM can then refer victims through the NRS.

CPTW staff are also frustrated by the fact that once identified by CPTW and referred to the NRS; the victim is not necessarily referred back to CPTW again. In practice, pursuant to the NRS, a victim might only be referred to CPTW if she has legal issues. They fear losing contact with the victims they have identified.

D. Duplication of Efforts

Given the large amount of funds provided to the issue of trafficking from the donor community, a large number of NGOs now have a trafficking component. Some of the NGOs working in the field of trafficking have been active for years; others are new and searching for their niche. Similar to problems with collaboration, issues concerning duplication of efforts result from the prior establishment of organizations, whose functions and services must shift if the NRS is to function effectively.

Key players in providing services to victims of trafficking may find that their role under the NRS is, to some extent, more limited in scope. As various organizations provide similar services, most participants in the NRS interviewed called for a clearer definition of tasks among them. This, of course, must be balanced with the need for the NRS to maintain a certain flexibility so that victims are treated as responsible human beings with variable wants and needs, and service providers are able to adapt to address the underlying needs of individual victims.

Nowhere is the duplication of efforts more evident than in the provision of employment-related services. Currently four NGOs and the State's National Employment Agency provide vocational training and job referrals to victims of trafficking. The four include: Winrock, UNDP, Catholic Relief Services (CRS) and CPTW. Most, if not all of these NGOs are USAID funded.⁶⁰ Significantly, the staff of these organizations report that they often "collaborate" even where it does not make much sense to do so in order to please their donors, who like to see their funds leveraged. They also note a certain

pressure to "chase numbers" in order to continue to attract funds.

During an assessment in January 2006, the NEA reportedly had:

problems placing trafficking victims in positions given a reluctance by private employers to hire them. The Agency was said to offer victims extremely low-paid jobs (most beneficiaries do not have job skills), as well as jobs in which the employer refuses to mark the employees labour workbook, which is necessary for receiving State benefits such as medical insurance and pensions.⁶¹

IOM staff also stated that due to the extremely low salaries, most beneficiaries placed by the NEA ended up returning to the Rehabilitation Centre seeking further assistance.

The director of the NEA in Calarasi stated that approximately 55% of at-risk women for whom she provides assistance, *potential* victims of trafficking, actually find jobs after vocational training. She says the statistics are worse for actual victims of trafficking. She attributes the problem to low salaries (between 300 – 500 lei/month), poor working conditions, the requirement to work on weekends and overtime without extra pay, and the fact that employers don't often pay as promised and decline to mark their workbook for the purpose of medical insurance and pensions.⁶² Consequently, those that do find jobs don't maintain them for any substantial length of time.

It is often extremely difficult for trafficking victims to find work. In general, women face direct discrimination by employers in Moldova. Indeed, one recent report declared that, "[y]oung mothers have practically no chances of being hired."⁶³

⁶⁰ It is not clear if CPTW still receives U.S.-based funding.

⁶¹ *Assessment of the Legal Services Provided to Beneficiaries at IOM's Rehabilitation Centre in Chisinau, Moldova*, p. 25-6. (Drafted by and on file with the author). The NEA continues to assign jobs in which the employer declines to mark employees' workbooks.

⁶² The State reportedly "does not take any measures to control the implementation of legislation in the private sector." *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 79.

⁶³ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 80.



Further, women's salaries constitute approximately 71.9% that of men's.⁶⁴ The lack of job opportunities for women is one of the root causes of migration,⁶⁵ as well as the re-trafficking phenomenon. Many women, who were trafficked for sexual exploitation, feel and are, in fact, often labeled as prostitutes and wrongdoers, and face social exclusion. Their needs, however (for example, to provide for a family) have not changed. These circumstances add to their vulnerability and, accordingly, they may see no realistic opportunity either in Moldova and/or outside prostitution. It may be as a result of these factors that some of these women subsequently refuse offers of low-paid jobs in Moldova.

The director of the NEA in Calarasi stated that after taking a vocational training class, none came back to Calarasi to find a job. They either moved to Chisinau or returned to live abroad. This may be due to the lack of economic opportunity as much as to stigmatization.

Employers do not want to hire trafficking victims.⁶⁶ At the same time, their fragile emotional and psychological state, often resulting in mental illness, precludes them from maintaining long-term, gainful employment. Service providers report that victims of trafficking are too vulnerable to capitalize on the vocational support given to them.

Without questioning the need for victims to become self-supporting over the long-term, it remains questionable whether this should be the primary endeavor of so many NGOs. If donors are to influence the types of services provided to victims of trafficking, they should be more focused on assistance that actually results in the victim's rehabilitation. At present, due to the meager wages many victims choose to return abroad and are re-trafficked. Efforts should be made to convince donors to shift their funding strategies slightly to ensure that job placement for victims constitutes more than a short-term fix.

E. Training/Capacity Building of Service Providers

While knowledge has increased concerning crisis intervention, there is now a need to develop organizational capacity at the lo-

⁶⁴ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 82.

⁶⁵ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 80.

⁶⁶ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 80.

cal level to monitor and provide services supporting medium- and long-term rehabilitation and reintegration.

Interviews conducted among service providers, both NGOs and State-sponsored, also reveal that they have varying levels of awareness concerning the issues on which they work. For example, one NGO-based social assistant did not identify a problem in a mother's legal representation of her twelve-year-old son who she had sent to Russia to work and ended up as a victim of trafficking. Child labour is not yet viewed as problematic in Moldova.⁶⁷

There is also an almost complete lack of awareness nationally on issues of domestic violence, and a general, if not total, lack of understanding of what psychological counselling entails. The word confidentiality is not found in Romanian. The English term has been incorporated, but the concept is not yet fully understood. Addressed in more detail below, these issues are critical components of work with trafficking victims and should be a focus of future training endeavors.

F. Recommendations:

- Dedicated and specialized State social assistants in the field would result in a measurable advance in the functioning of the NRS. Freed of other responsibilities, State social assistants could focus on direct service provision, referrals, case management and reporting requirements. Reports of upcoming EU budget support to hire 1200 social assistants in 2007 should be capitalized on in this regard.
- Further training on the specifics of NRS procedures is needed within the five pilot regions. The division of responsibilities remains unclear, as well as NRS referral procedures.
- Training on medium- and long-term rehabilitation assistance is needed at the local level.
- NRS case managers should have a background in psycho-social work.
- State social assistants, especially multi-disciplinary team coordinators require private phone lines, transportation and communication budgets, and pleasant, private work areas for case work and counselling.
- The Ministry of Local Public Administration should be involved in the coordination of anti-trafficking activities at the local level.
- Specific attention must be paid to adolescent victims of trafficking, who are often treated as adults by both NRS actors and law enforcement agents.
- Strengthen the National Coordination Unit within the Ministry to support both horizontal and vertical coordination efforts.
- The National Coordinator might play a stronger role in resolving conflicts or failures within the System.
- Roundtable participants requested the organization of exchanges of experiences, lessons learned and good practices, between the multi-disciplinary teams from different rayons.
- Use of standard operating procedures clearly delineating referral procedures should be incorporated into any Memorandum of Understanding (MOU) with the Ministry and other stakeholders to ensure conscientious conformance with, and formal institutionalization of, the System.
- A minimum package of services should be elaborated.
- Use of standard operating procedures clearly delineating referral procedures should be incorporated into all contracts with stakeholders concerning re-integration grants in order to ensure their cooperation, bringing them fully into the System.
- The National Coordinator should attend monthly Technical Coordination Meetings (TCM) hosted by the OSCE to follow developments in the field.

⁶⁷ More troubling, are reports that the Ministry of Internal Affairs failed to proactively investigate the sexual abuse of children in *internauts*, despite numerous allegations.



V. INCORPORATING MEDICAL SERVICES AND LAW ENFORCEMENT INTO THE

As noted above, law enforcement personnel have not been formally brought into the NRS to date, although IOM has begun to undertake measures to do so. The situation regarding medical professionals is mixed. However, cooperation does exist between these sectors and NRS actors on a consistent yet informal basis.

A. Medical Services

Although medical professionals have been formally included in each rayon, at present, not all of the multi-disciplinary teams have active medical partners. Winrock staff in Balti explained that few of their beneficiaries have medical insurance. Many NRS actors refer beneficiaries to a medical centre, ATIS.

When asked about medical assistance for trafficking victims, responses tended automatically toward the provision of gynecological care. Most victims are in need of reproductive health services, such as treatment for sexually transmitted diseases (STDs), abortion services and access to contraception.⁶⁸ The social assistant in Calarasi refers beneficiaries in need of gynecological services to an NGO, which provides treatment for STDs, abortion services and free contraceptives. It is highly significant that the kind of care needed most by victims of trafficking is not provided *de facto* free of charge by the State.

As noted above, Winrock is in the process of establishing an emergency medical care fund. They often make referrals to the IOM Rehabilitation Centre because of the quality medical care offered there. The Municipal Centre in Chisinau has also opened a maternity centre, launched recently with the support of UNICEF.

Both the State social assistant and the director of the NEA in Calarasi noted that many of their beneficiaries have tuberculosis, which they were exposed to while trafficked. Because medical benefits are determined by classified levels of invalidity, which does not include tuberculosis, those infected with tuberculosis cannot access certain medical benefits.

Persons infected with tuberculosis are entitled by law to four months of hospitalization. However, only the first eight days are free, thus effectively precluding many patients from accessing necessary care. One victim suffered an attempted rape within a local centre for tuberculosis patients after another patient discovered that she was a trafficking victim.

⁶⁸ Over 80% of the victims who received medical services in IOM's Rehabilitation Centre between 2003 – 2005 suffered from STDs and other reproductive health problems. IOM Statistical Report (2006) p. 2.

„Although medical professionals have been formally included in each rayon, at present, not all of the multi-disciplinary teams have active medical partners.”

1. Law on Healthcare

Moldovan law provides for the universal right to reproductive healthcare and family planning.⁶⁹ Despite the existence of this “right,” no legal framework exists for its enforcement; it is entirely declarative in nature. Reproductive health services theoretically include access to available methods of contraception, abortion within the first trimester for pregnancy and family planning counselling.⁷⁰ The Law on Healthcare, Reproductive Health and Family Planning does not, however, ensure that such services are provided free of charge.

The Law on Compulsory Medical Insurance does establish a scheme for the provision of free medical services for certain categories of persons, such as impoverished and unemployed women.⁷¹ In December 2005, the State established the Unique Program on Compulsory Medical Insurance,⁷² which improved access to healthcare among disadvantaged groups. Yet, many remain without medical benefits, some because they don’t know that they have such a right.⁷³ Furthermore, services that are theoretically guaranteed as free of charge are in practice offered for a “fee”. Personal anecdotes concerning corruption in the healthcare sector are widespread.⁷⁴

2. Domestic Violence

Like trafficking in persons, domestic violence constitutes one of the most prevalent human rights violations in Moldova. Forty-one percent of the re-

spondents in a study, *Women At Risk in the Republic of Moldova*, stated that they had been victims of domestic violence at one point in their lives. This number is very high given the tendency of women to under-report violence.⁷⁵

The same study, conducted through interviews of women between the ages of 16 and 35, found that the life-long global rate of domestic violence is significantly higher for women 25 to 35 years old; that the rate of violence is higher for women with less education and women in rural areas; and, that women with children suffer higher rates of violence.⁷⁶ In other words, the profile for victims of domestic violence matches that of victims of trafficking.

Domestic and community violence is one of the root causes of trafficking in Moldova.⁷⁷ IOM Rehabilitation Centre staff reported that most of its beneficiaries were victims of domestic violence prior to being trafficked, with incest and sexual abuse being significant factors motivating victims’ desires to escape their homes and communities. The State social assistant in Balti also stated that most of the trafficking victims she has worked with were also victims of domestic violence. She sees it as a parallel problem and noted that victims do not want to talk about it.

The State social assistant in Calarasi estimated that 80% of trafficking victims are also victims of domestic violence, and that between 65 – 70% return

⁶⁹ Article 7, Law on Healthcare, Reproductive Health and Family Planning, Law No. 185-XV, 24 May 2001, published in Official Monitor No. 90-91/697, 2 August 2001.

⁷⁰ Article 4(1), Chapter IV, Government Decision on the National Program on Reproductive Health and Family Planning (1999-2003). Decision No. 527, 8 June 1999, published in Official Monitor No. 65-66/567, 24 June 1999. This decision and its official interpretation what is to be covered by the term “reproductive health care” expired in 2003.

⁷¹ Articles 4, 8, Annex 1, Law on Compulsory Medical Insurance, Law No. 1593-XV, 26 December 2002, published in Official Monitor No. 18-19, 8 February 2003.

⁷² Government Decision Regarding the Unique Program on Compulsory Medical Insurance, Law No. 1360, 22 December 2005, published in Official Monitor No. 176-181/1468, 30 December 2005.

⁷³ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 96.

⁷⁴ *Id.*, at 97.

⁷⁵ *Women At Risk in the Republic of Moldova*, Winrock International (June 2005) p. 63.

⁷⁶ *Id.*

⁷⁷ *See generally, Women At Risk in the Republic of Moldova*, Winrock International (June 2005).



P. 43

„...many victims return unidentified and thus receive no assistance, their psychological condition becomes increasingly exacerbated. The resulting emotional disturbances are what drive them to eventually seek help, which they do only when the problem has reached crisis proportions.”

„Interviews revealed a poor understanding of both the importance of psychological counselling to victims of trauma as well as what the provision of psychological services actually entails.”

to violent homes. Assessments concerning the victim’s family are undertaken by local social workers prior to reintegrating the victim into his or her family. Firm criteria for the decision to reintegrate a victim into the family as well as viable alternatives must be established.

Because women face a continuum of violence and discrimination before, during and after being trafficked, from the point of view of victim rehabilitation, it makes little sense to address the issues separately. Addressing one of the main push factors for trafficking is a means of prevention.

There is currently only one official domestic violence shelter in Moldova, “Casa Marioarei”. It is in Chisinau, requiring women to travel from the regions to seek assistance. Travel costs alone often preclude many women from being able to access the shelter. A shelter in Balti, “Casa Spre Drum”, only provides assistance to women from Balti. UNDP shelters might also be used as a refuge for women fleeing violence.

Although a draft law is currently under consideration, there is currently a very limited legal framework for punishing acts of domestic violence or for protecting victims for further acts of aggression. Generalized assault provisions from the Criminal Code and Code of Administrative Offences can be, but are rarely applied. Worse, police consistently fail to respond to or to process complaints concerning domestic violence.⁷⁸ Neither has the State developed any medical programs specifically addressing sexual and domestic violence. It is not considered as a serious problem by the medical community.⁷⁹

Domestic violence is widely considered to be a private problem in Moldova, to the extent that it is even considered a problem. “A wife that is not beaten is like a house that is not swept,” is a popular Moldovan saying. Both women and men perceive it as a normal means of “putting women in their place,” and that often “women provoke it.”⁸⁰ The director and psychologist of “Casa Marioarei” encourage, above all, family reconciliation, even in cases where children are being repeatedly sexually abused.

⁷⁸ See, *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 87; see also, *Domestic Violence in Moldova*, Minnesota Advocates for Human Rights (December 2000), p. 19.

⁷⁹ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasia Law Initiative, August 2006, p. 104.

⁸⁰ See, *Stop Violence Against Women*, www.stopvaw.org/Moldova.html, last visited 5 June 2006 citing, *Women 2000: An Investigation into the Status of Women’s Rights in Central and South-Eastern Europe and the Newly Independent States*.

3. Psychological Services

Almost all stakeholders stated that victims' initial needs concern emotional and related behavioral problems. Social assistants in Balti and La Strada both identified the need for psychological counselling as the biggest problem faced by victims. Winrock and IOM Shelter staff expressed the need for advanced, long-term counselling.

Because many victims return unidentified and thus receive no assistance, their psychological condition becomes increasingly exacerbated. The resulting emotional disturbances are what drive them to eventually seek help, which they do only when the problem has reached crisis proportions.

Presently, the IOM Rehabilitation Centre, Winrock, La Strada and the State provide varying levels of psychological support for victims of trafficking. The IOM Rehabilitation Shelter reportedly provides excellent psychological services for beneficiaries during their stay. Local actors stated that beneficiaries have difficulty returning home after their stay in the Rehabilitation Centre after having received for the first time quality care.

La Strada also provides psychological support, but only as a means of crisis intervention during initial interviews with victims and in conjunction with case monitoring. The sessions are sporadic, responding to the victim's crisis-related needs. Psychological support is also provided to relatives of victims, usually via telephone conversations. If the victim has a history of psychiatric illness, she is referred to a State psychiatrist.

Both IOM and La Strada are located in Chisinau, and thus their long-term psychological services do not extend outside of the city. There is also an outpatient psychological services centre in Chisinau that is reportedly not known to the general public, but to which victims can be referred by other NRS service providers.

La Strada also organizes summer camps in a monastery for victims of trafficking and their children to engage in psychotherapy. Most of the attendees come from very violent families. They reportedly

manifest standard victim behavior, in which physical violence is normalized and accepted.

As noted above, Winrock maintains a full-time psychologist at each regional centre. Significantly, it is the psychologists at Winrock who, in providing psychological assistance to their beneficiaries, often identify them as victims of trafficking. However, current funding only permits the centres to pay transportation costs for two visits, precluding many victims from receiving necessary psychological assistance.

According to social assistants, the State provides psychological counselling with the number of sessions depending on need. The State social assistant in Calarasi stated that she limits victims to approximately six sessions as some victims want to come every day. Other actors in the field stated that the State does not actually provide psychological care.

Interviews revealed a poor understanding of both the importance of psychological counselling to victims of trauma as well as what the provision of psychological services actually entails. This impression was confirmed by the National Coordinator, and by staff at Winrock and the IOM Rehabilitation Centre.

Most of the treatment received is for post-traumatic stress disorder. La Strada also reports that most victims have issues with control. In other words, because their lives have been so out of control, they attempt to control everything. According to the State social assistant in Calarasi, it is a common experience for victims to be rejected by their family upon their return. For example, she described one family in which the husband rejected his wife upon her return and convinced their child to do the same. She stated that without assistance, a victim would very likely be re-trafficked.

Both IOM and La Strada reported an increase in victims with psychiatric disorders. An IOM report revealed that the number of victims with a diminished mental capacity rose 10.4% over the last year; those with neurotic disorders 56.9% and those with personality and emotional disorders 11.5% and



6.1%, respectively.⁸¹ This is attributed to various causes. The first is that psychiatric illness renders victims easier to manipulate. One NGO report explained that these figures might:

be attributed to an increased awareness of the problem among the general population due to mass information campaigns since 2003, since such campaigns could reasonably be expected to be less successful in reaching those with mental disabilities, thereby increasing their relative representation among victims.⁸²

Serious psychological and psychiatric problems complicate victim assistance. For example, if diagnosed with schizophrenia, the victim is treated for one month in the State hospital and is then sent home with a prescription for drugs that either cannot be found in Moldova or are prohibitively expensive. As explained by the National Coordinator, rehabilitating a mentally disabled victim is extremely difficult, if not impossible. In either case, they require long-term supervision.

The need for psychological services is recognized by all stakeholders. In fact, the need is so great that it is what drives unidentified victims totally unaccustomed to the concept of therapy to seek help. However, after the crisis stage, there is almost no opportunity for victims to obtain basic psychological assistance.

There appears to be disproportionate and unsuccessful attempts to employ victims of trafficking suffering major psychological trauma without attending to the greater stability issue. This is undoubtedly caused by a number of factors, including the role of donors, who increasingly seek quantifiable outputs. An absence of understanding of psychological care also impedes its development among NRS actors. Many believe that the services they provide constitute psychological counselling.

When considering where within the NRS structure this might further be developed, it is presently impractical for overburdened State social assistants to provide this service. However, should European budget support permit the hiring of a substantial increase in the number of State social assistants, additional trainings could improve counselling efforts by more specialized State social assistants.

B. Recommendations:

- Trainings on service provision specific to victims of trafficking and domestic violence in order to improve the overall

⁸¹ IOM Statistical Profile 2004/2005 Update (2006), p. 8.

⁸² *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasian Law Initiative, August 2006, p. 45.

understanding of violence against women is necessary.

- Criteria for reintegrating a victim into his or family should be firmly established to avoid returns to violent homes.
- The provision of additional, longer-term psychological counselling is crucial to successful efforts at reintegration. Stakeholders already providing this service should be encouraged to expand their programs.

C. Law Enforcement

1. Police

Several months ago the deputy director of the Centre to Combat Trafficking in Persons, Ion Bejan, was dismissed after a corruption-related scandal. He facilitated trafficking for a large scale trafficker, in part by selectively prosecuting only cases against his competitors. His case remains under investigation, and no criminal charges have so far been filed.

An assessment conducted last year revealed lower-level police involvement in trafficking as well. It also found several reports of sexual crimes committed against victims by police officers. A senior law enforcement official denied that such allegations, mostly of rape, reflect on the police as a whole.⁸³ The rise in the number of mentally-disabled victims requires increased vigilance of their interaction with law enforcement officers.

As discussed above, police reportedly treat victims in a discriminatory manner, particularly outside of Chisinau. The situation does seem to have improved a great deal over the last year. The OSCE, UNODC, IOM and CPTW have conducted extensive trainings on victim identification and interviewing techniques with local law enforcement personnel, including judges and border guards. The main challenge now is to institutionalize curricula and training processes, the process of which has begun.

As the primary legal service provider for victims, CPTW staff members attempt to accompany the victim in all encounters with law enforcement officers. CPTW established an MOU with police commissariats at the rayonal level concerning victim representation. However, police on occasion interview the victim without contacting CPTW. A social worker from La Strada stated that victims fear the police officers more than they do actually testifying in court. Although La Strada sometimes accompanies victims during police questioning, accompanying the victims during trial proceedings is generally handled by CPTW.

As noted above, La Strada reports a very successful collaboration with some sections of the Centre to Combat Trafficking in Persons. Sometimes La Strada is contacted to provide a psychologist in order to prepare the victim for, and accompany him or her through, police interrogation. Section 3 has also called in La Strada to interview the parents of minor victims to determine whether they can appropriately represent the best interests of the child in the legal proceedings against the trafficker, and to assist the minors throughout the proceedings. Based on successful experience, Section 3 also directly refers victims to CPTW for legal support, and La Strada and IOM for crisis assistance. As noted, the Centre to Combat Trafficking in Persons also makes referrals to CPTW.

The Centre to Combat Trafficking in Persons also invited La Strada to participate in the interview procedures involving the identification of nine minor and adult victims, all of them from very poor families, who were internally trafficked. A psychologist from La Strada prepared the girls to testify. Although not all of the girls wanted to testify, they all did so after being counseled.

2. Prosecution

The General Prosecutor's Office obtains information concerning victims via the police, border guards, through investigations conducted by the Centre

⁸³ *Assessment of the Legal Services Provided to Beneficiaries at IOM's Rehabilitation Centre in Chisinau, Moldova*, p. 5, citing an interview with the director of CPTW, January 2006.



to Combat Trafficking in Persons and when victims are returned to Moldova through deportation proceedings. Actors in the field claim that police fail to investigate trafficking leads. Most cases are brought only when a victim comes forward to file a complaint and to testify. A U.S. Embassy study found that victims testified in 100% of the cases examined. It stated, “this heavy reliance on victim testimony makes [] protection all the more important.”⁸⁴ The fact that in many cases charges are dropped due to the victim’s failure to testify also signifies an over-reliance on victim testimony.

Although several international agreements provide for cross-border collaboration on trafficking investigations, in practice such cooperation does not generally take place due to lack of resources and training.⁸⁵ The U.S. Embassy’s Centre to Combat Trafficking in Persons (CCTIP) aims to establish one location in which to house an anti-trafficking “task force,” which would include both police and prosecutors, among others. This will improve collaboration between law enforcement bodies. Ideally, assistance from, and equipment purchased by, CCTIP will enable prosecutors and police to gather additional evidence on trafficking charges and reduce over-reliance on the victim’s testimony.⁸⁶

As currently conducted, the criminal prosecution of traffickers in Moldova is plagued with obstacles. Prosecutions are complicated in many cases by the fact that they are initiated a long time after the victim was recruited, making it difficult to gather evidence. Prosecutors often complain that victims change their mind about participating in criminal proceedings. Often times this is due to traffickers intimidation of victims, or their offers of monetary compensation in exchange for the victim’s decision not to testify or to change their testimonies. Victims also decline to participate in prosecutions to protect their privacy; they do not want their families to know that they had been trafficked or had engaged in prostitution. Finally, the majority of victims come from vulnerable families, have had little formal education and do not understand the importance or meaning of complicated legal procedures.

⁸⁴ *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 3.

⁸⁵ *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 4 (finding international collaboration in only one-third of the cases).

⁸⁶ See, Guideline 5, Article 3, UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (May 2002) (“States should encourage and support the development of proactive investigatory procedures that avoid over-reliance on victim testimony”).

According to La Strada, if a victim plays an important role in the police investigation, that person is questioned approximately three or four times. The U.S. Embassy Report also noted that victims “were repeatedly interviewed during investigation in various procedural capacities and investigative actions, subjecting them to the possibility of re-traumatization.”⁸⁷ The Report indicated that 75% of the victims were not represented by a lawyer, and 37% were required to confront their trafficker, often more than once.⁸⁸

Yet, according to one prosecutor, there is no need for standard operating procedures with respect to victims of trafficking. He believes that existing anti-trafficking legislation provides enough guidance. When asked whether internal operating procedures exist within the General Prosecutor’s Office, he explained that they are not available to the public, but that they are “better” than standard operating procedures.

It is interesting to note that, in many cases, prosecutors file trafficking charges in pimping cases because the Anti-Trafficking Law is more permissive regarding searches and wire tapping. Once the evidence is gathered, then the prosecutors amend the charges to pimping. At the same time, a recent report issued by the U.S. Embassy noted that Government had over-inflated the number of trafficking prosecutions reported by over half; the large majority were prosecutions for pimping.⁸⁹ For those that were trafficking-related charges, 76% of the charges were reduced to non-trafficking crimes by

the time of sentencing. This is important as trafficking crimes carry higher penalties, and ensure important rights to victims.⁹⁰

Other serious problems with regard to prosecutions include violations of legal procedures during in-court proceedings, the failure to seek forfeiture of criminally-derived assets, and consequently, the failure to award compensation to victims.⁹¹

An examination of the profiles of the victims and the traffickers, specifically recruiters, reveal striking similarities. Former victims often become recruiters upon their return to Moldova. Of the cases studied by the U.S. Embassy, 64% of the prosecuted traffickers were women, averaging 29 years old;⁹² 68% of the defendants in pimping related charges were women, averaging 31 years old.⁹³ The majority of these women are Moldovan, and, according to prosecutors, are primarily recruiters.

These statistics beg a gender analysis of the legal system. Young women constitute both the majority of victims of trafficking as well as the majority prosecuted for trafficking-related offences, despite their involvement on a smaller scale.

3. Legal Framework

(i) International policy

The Palermo Trafficking Protocol obliges States to provide victims of trafficking with information on relevant court and administrative proceedings, and with counselling and information about their legal rights in a language they can understand.⁹⁴ The pro-

⁸⁷ *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 3.

⁸⁸ *Id.*

⁸⁹ The Ministry of Internal Affairs and the Prosecutor General’s Office reported 151 trafficking prosecutions for the period from January 2004 to September 2005. The actual number was 71. *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 2.

⁹⁰ *Id.*

⁹¹ Evidence on damages was presented in only one-third of the cases in the U.S. Embassy study. *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 3.

⁹² IOM also found generally that 54% of recruiters of the victims assisted were women. IOM Statistical Profile (2006), p. 2.

⁹³ *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), pp. 9,10.

⁹⁴ Article 6 (2)(a) and (3)(b) Palermo Protocol.



„...trafficking victims have the right to make autonomous decisions concerning the extent of their cooperation with the police as well as their participation as a witness in criminal proceedings, while understanding fully the implications of their decision in terms of their personal anonymity, physical safety and that of their families.”

vision of legal information and assistance in a language the victim understands should not be discretionary, but should be available as a right to all victims of trafficking.

During the initial stages of contact, authorities should communicate effectively to victims participating as witnesses what will be required of them as regards to each of the relevant steps of the proceedings.⁹⁵ Further, victims should be given “full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard.”⁹⁶

Victims should be able to obtain information on the outcome of the police investigation. They should also be informed, upon request, of the final decision concerning prosecution. The victim “should have the right to ask for a review by a competent authority of a decision not to prosecute, or the right to institute private proceedings.”⁹⁷ Victims who request information concerning the status of the proceedings are entitled to such, including the outcome of the complaint, “the conduct of the criminal proceedings regarding the person prosecuted for the offences concerning them,” and the court’s sentence. Importantly, States must notify victims, in cases that pose a danger to them, “when the person prosecuted or sentenced for an offence is released.”⁹⁸

Comprehensive protection measures may be indispensable for protecting the life or safety of the victim, but at the same time “have a severe impact on the life of the persons protected and put them under considerable (additional) strain.” It remains crucial that such measures are implemented on both the basis of a proper risk assessment, but also on the informed consent of the victim/witness. In other words, participation in protection measures must be voluntary, “fully discussed and agreed with the victim-witness and formalized in an agreement specifying rights and obligations.”⁹⁹

⁹⁹ *Special Protection Measures for Trafficking Victims Acting as Witnesses*, Stability Pact for South Eastern Europe, Portoroz, Slovenia, 26-27 March 2003, pp. 4, 7.

⁹⁵ Article 5, European Council Framework Decision on the standing of victims in criminal proceedings.

⁹⁶ Guidelines, 5.8, 6.6., Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the U.N. High Commissioner for Human Rights to the Economic and Social Council, E/2002/68/Add.1, 20 May 2002.

⁹⁷ Article (I)(B)(6), (7), Council of Europe Recommendation No. R (85) 11 on the position of the victim in the framework of criminal law and procedure.

⁹⁸ Article 4(2)(a)-(c), (3), European Council Framework Decision on the standing of victims in criminal proceedings.

In sum, trafficking victims have the right to make autonomous decisions concerning the extent of their cooperation with the police as well as their participation as a witness in criminal proceedings, while understanding fully the implications of their decision in terms of their personal anonymity, physical safety and that of their families.

At the same time, investigators and prosecutors should not rely “solely and exclusively on witness testimony, [e]xploring alternative investigative strategies to preclude the need for victims to be required to testify in court.”¹⁰⁰

(ii) National framework

The Moldovan Constitution provides that the “State ensures the right of everybody to know his/her rights and duties. For that purpose the State shall publish all its laws and regulations and make them accessible to everybody.”¹⁰¹ Under national criminal procedure, a victim has a right to be informed about matters relating to his or her status as such.¹⁰² Specifically, the Anti-Trafficking Law requires that the “competent public authorities shall inform the victims of trafficking in human beings of their rights, about the authorities, institutions and organizations that have competencies in the field of prevention and combating of trafficking...and protection and assistance of the victims.”¹⁰³ The National Plan contains a provision ensuring “that all trafficked persons are informed about their rights” through legal counselling.¹⁰⁴

The scope of a victim’s right to information often varies according to his or her procedural status, e.g.

as injured party, civil party or witness. Victims of a crime have the right to request to be recognized as an injured party in any criminal case. They also have the right to submit a request to be recognized as a civil party in a civil suit attached to the criminal case. Victims also maintain the right to request information about, or withdraw, the complaint in certain types of claims.¹⁰⁵

4. Victim Security

The Prosecutor General’s Office does not conduct a risk assessment concerning the victim before initiating criminal proceedings. Police officers stated that only 1 victim in 10 needs physical protection. The U.S. Embassy Report found that 14% of the victims in the cases studied were threatened by traffickers, but that witness protection measures were used in only one case.¹⁰⁶

Neither do prosecutors detain the traffickers during the proceedings. The U.S. Embassy Report stated that 50% of traffickers were released during the investigation, and 30% were released during trial.¹⁰⁷ According to one prosecutor, charges are brought primarily against recruiters, who are not necessarily violent, (the exploiters are generally abroad). He further stated that victims are less traumatized by having to confront recruiters than having to confront exploiters.

Officers from the Centre to Combat Trafficking in Persons also stated that approximately 80% of those arrested in Moldova are recruiters and transporters. However, they stated that it is often the relatives of traffickers already under arrest who threaten

⁹⁹ *Special Protection Measures for Trafficking Victims Acting as Witnesses*, Stability Pact for South Eastern Europe, Portoroz, Slovenia, 26-27 March 2003, pp. 4, 7.

¹⁰⁰ Section 2.7, OSCE Action Plan to Combat Trafficking in Human Beings, PC.DEC/557, 24 July 2003.

¹⁰¹ Article 23(2), Constitution of the Republic of Moldova on The Right of Each Person to Know his/her Rights and Duties.

¹⁰² Article 58(2)-(4), Code of Criminal Procedure.

¹⁰³ Article 20(5), Law on the Prevention and Combating of Trafficking in Human Beings, No. 241-XVI, 20 October 2005.

¹⁰⁴ Article 3.3(c),(1), National Plan for the Prevention and Fight Against Trafficking in Human Beings, Government Decision No. 903, 25 August 2005.

¹⁰⁵ Article 58(3), Code of Criminal Procedure.

¹⁰⁶ *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 3.

¹⁰⁷ *Trafficking in Persons – An In-Depth Analysis of Closed Criminal Case Files in Moldova for 2004 – September 2005*, U.S. Embassy in Moldova (June 2006), p. 3.



victims upon their return. The Prosecutor General's Office stated that it does not detain recruiters because it is difficult to prove their intent to traffic the victim, and that the recruiter knew the victim's final destination. He also explained that arrest orders have not been issued in some cases because the traffickers were young women with children.

One victim in Balti was receiving threats from the trafficker, but was not provided security measures. Her only assistance was to receive advice from the case manager not to go out alone, and not to go to work during the period of time in which she was testifying. She was eventually placed in the IOM Shelter for security purposes. IOM staff stated that the police in Balti are aware of the case, but that they provide security on a random basis.

The Centre to Combat Trafficking in Persons maintains a six-officer unit for victim/witness protection. These officers do not work as body guards, but coordinate protection efforts, such as the renting of apartments for victims.¹⁰⁸

According to the director of CPTW, serious problems plague the State victim/witness protection programme. He explained that providing such protection is extremely costly, and then in the one case in which it was employed in 2005, NGOs provided the apartment and food for the victim and the police officer. He said the victim was not explained her rights and obligations with respect to the program, nor the risks involved.

5. Victim/Witness Protection Law

Moldovan law provides a strong normative base for the provision of victim/witness protection. The Code of Criminal Procedure provides that where there are sufficient grounds to establish that:

[t]he injured party, the witness or other persons participating at proceedings, as well as members of their families or their close relatives may be threatened with death, with use of violence, with deterioration or destruction of assets or with other illegal acts, the criminal investigation body and the courts shall be bound to ... protect the life health, honor, dignity and assets of those persons, as well as [identify] and hold[] liable...responsible persons.¹⁰⁹

At the same time, the Law on State Protection of the Victim, Witnesses and Other Persons who Provide Assistance in Criminal Proceedings ("Witness Protection Law") simultaneously applies to

¹⁰⁸ CPTW director stated that only one apartment was rented for a victim in 2005, and that the apartment was paid for by IOM and CPTW.

¹⁰⁹ Article 215(1), Code of Criminal Procedure.

persons who have informed law enforcement authorities about the commission of crimes, witnesses, victims and their legal representatives, close relatives of the above, and, suspected or indicted persons.¹¹⁰

The Witness Protection Law contemplates both ordinary and extraordinary measures in its enumeration of the types of protection that can be undertaken. Ordinary measures include, among others, providing protection to the individual, his or her home or assets, including the use of special communication or information measures in order to detect danger.¹¹¹

Extraordinary measures include providing the victim/witness with a change of residence and/or a change of identity documents, or by changing the person's name and other personal information.¹¹² With respect to trial proceedings, extraordinary measures allow the judge to close the hearings to the public.¹¹³

While the Witness Protection Law even surpasses the requirements delineated in the Palermo Protocol¹¹⁴, the Government has not allocated any funds in order to implement the Witness Protection Law, rendering its provisions effectively meaningless. Furthermore, these laws apply only during the length of the legal proceedings.

The U.S. Embassy's CCTIP programme is in the process of establishing a comprehensive victim/witness protection unit by conducting trainings to

improve investigations and police capacity to protect victims. CCTIP has provided new technologies to permit police and prosecutors to abide by the new law and offer victims and witnesses the option of testifying by tele- or video-conferencing. The Prosecutor General's Office has a teleconferencing system.

D. Recommendations:

- Standard operating procedures concerning the immediate treatment of trafficking victims should form a part of any memorandum of understanding between international and non-governmental organizations and law enforcement agencies.
- Standardized guidelines for law enforcement should address: victims' referrals to organizations providing assistance upon identification.
- Presentation of the findings and the recommendations of this assessment at the OSCE's Technical Coordination Meeting (TCM) to raise awareness on some of the issues discussed herein.
- Upon completing phase two of the UNODC project, present the content of Standard Operating Procedures (SOPs) and the NRS strategy at the TCM as a means of disseminating the information to the wider anti-trafficking community in Moldova.
- Victim/Witness protection must be made a reality in Moldova.

¹¹⁰ Article 2(1)(a)-(e), Witness Protection Law, No. 1458-XIII, 28 January 1998.

¹¹¹ Article 8(1)(1)(a),(b), Witness Protection Law.

¹¹² Article 8(1)(2)(b),(c), Witness Protection Law.

¹¹³ Article 8(1)(2)(d), Witness Protection Law.

¹¹⁴ See Article 24(2), U.N. Convention on Transnational Organized Crime; Article 6(1) Palermo Protocol.



VI. MONITORING

At present, each organization in the field maintains its own internal policy for monitoring victims' rehabilitation efforts after the point of crisis intervention. La Strada recently held a meeting to foster an exchange on best practices for social assistants and non-governmental organizations in the field. The organizers discovered that service providers have little understanding of the concept of using indicators to measure their efforts at rehabilitating victims.

Clear indicators are a necessary tool for monitoring the effectiveness of any national referral mechanism. Identifying Moldova-specific benchmarks and training service providers is an obvious next step in the development of the NRS. IOM plans to develop indicators for defining successful reintegration in an evaluation of the NRS to be conducted this spring.

In addition to monitoring the status of victims as former beneficiaries, one of the central characteristics of a functioning national referral mechanism is internal monitoring of the system itself. In terms of an overall evaluation of the System and the implementation of the five multi-disciplinary teams, IOM and the Ministry plan to conduct an assessment in April or May to compare reintegration efforts under the NRS with those in other locations.

As currently envisioned, the internal monitoring of the NRS will be conducted by State social assistants. Yet it remains important to capitalize on the inherent role of non-governmental organizations as monitors of Government action. At the same time, successful cooperation between the two sectors must be maintained. The development of standard operating procedures will be key for future internal monitoring efforts. Linked to normative frameworks, they should also be grounded in a human rights framework.

A. Recommendations:

- Internal monitoring of the NRS should be undertaken under the auspices of the National Coordinator's office under the guidelines of standard operating procedures.
- Trainings on Moldova-specific indicators for successful reintegration are needed to evaluate the efforts of service providers.
- Periodic evaluation of service provision under the NRS should be conducted by a consultant or non-governmental organization outside of the System.
- Standard operating procedures should be developed on monitoring.

VII. DATA COLLECTION AND INFORMATION MANAGEMENT

There are currently no common criteria for data collection on trafficking victims in Moldova. Organizations continue to collect information using their own diverse methodologies. Not all service providers distinguish clearly between potential and actual victims, or the types of exploitation. For example, some service providers emphasize sexual exploitation to the exclusion of other forms, such as begging and forced labour. At the same time, a victim may obtain services from one or more organization, resulting in the over-reporting of the total number of identified victims at the national level.

Use of standardized criteria facilitates the gathering of quantitative and qualitative data nationwide on trafficking victims. Such data is crucial for developing effective and efficient policies to prevent and combat trafficking. Common criteria would also advance the capacity for information sharing among service providers.

As conceived, a centralized database, housed within the Ministry, will contain several “levels” of information, to be accessed by a limited number of persons on a need-to-know basis. The information is to be recorded and entered into the database by the actor who identified the victim. The case is to be assigned a code at that time, so that the identity of the victim is known only by a limited number of actors.

An actual network must be established to link participating stakeholders in order to fully capitalize on the centralized database, and to ensure the timely transmission of information. This will require both initial and on-going technical support.

Participating stakeholders will be required to sign cooperation and confidentiality protocols on information sharing. Law enforcement officials will also be required to report to the National Coordinator the identification of victims registered in conjunction with criminal proceedings. Victims themselves must also have access to their own case files. Information contained within the database should only be used for expressly specified purposes, and

handled with respect for the victim’s right to privacy (see below).

A. Standardized Screening & Reintegration Form

IOM and the Ministry recently formally introduced a new standardized screening and reintegration form to be used by NRS actors upon first contact with victims. The form was distributed to stakeholders at a Subgroup Meeting, and is already in use.

The form is nine pages long. The first and cover page consist of the consent form to be signed by the beneficiary, authorizing the information within to be shared with IOM and the Ministry. Every page thereafter is marked as confidential.

The second page collects personal data such as the victim’s name, sex, date of birth, nationality, the country and place of birth, address, language, civil status, children and their ages. It assigns the individual a code number, for the purpose of identifying the victim without referring to his or her name. It specifies the date of the interview, the name of the interviewer, and the referring organization. It inquires into prior criminal convictions, whether the victim has received assistance from another organization, the victim’s profession, salary and their level of education.

The rest of the form is dedicated to the victim’s reintegration plan. It registers the assigned case manager, the receipt of any current social, psychological, medical and juridical assistance. There is a large space dedicated to setting forth the victim’s reintegration plan, proposed budget, monitoring needs and additional comments.

The form also dedicates space for identifying initial and/or prior assistance, reintegration assistance, vocational training, micro-credit, legal, medical and/or educational assistance, material benefits, and whether the victim is participating as a victim, witness or damaged party in criminal proceedings. One entire page is dedicated to monitoring, and inquires into the need for witness protections measures.



VII. DATA COLLECTION AND INFORMATION MANAGEMENT

The last three pages are an annex to the form and are dedicated to gathering information about the victim's trafficking experience. It is divided into sections on recruitment, transportation and exploitation,¹¹⁵ with a specific section on sexual exploitation and one on other forms of abuse, such as domestic violence.

A number of concerns have been raised to date regarding use of the form. Because of its length, State social assistants complain that it is time consuming, increasing their workload. Some described the use of such a detailed form as creating the effect of a police inquiry during the initial meeting with the victim, which is problematic since trust is so important. Others described it simply as cumbersome. One State social assistant said that she tries to remember the victim's information and fills the form out after meeting with the victim, as the form adds to the bureaucracy and has the effect of distancing the victim.

Because it is so comprehensive, not all information requested on the form can or necessarily need be obtained from the victim during the first meeting. Not all victims may want their identity or any of the information provided by them to go to the Ministry. Some may not want to sign the form. Others will reportedly sign out of their desperation for assistance.

One example of victim behavior with respect to the use of such forms was explained by staff at Winrock in Balti. A victim reportedly entered the centre seeking assistance, and when they asked her to fill out a simple form for internal use, she walked out. This behavior is consistent with victims' issues concerning trust as described above.

A number of stakeholders also expressed concern that the NRS will require victims to tell their story multiple times because it implies multiple referrals.

Questions raised by stakeholders concerning the form include:

- Why is it so detailed?
- How is the information to be used by the Ministry of Social Protection?
- Is a victim entitled to receive assistance if he or she does not sign the form?
- Will he or she be able to go to IOM's rehabilitation shelter (receive assistance) if he or she does not sign the form?
- What is the relevance of the question concerning whether the victim has a prior criminal record?

¹¹⁵ These are the three elements required to prove trafficking under national and international law.

„The harsh stigmatization that victims face upon their return to Moldova increases the importance of confidentiality among the service providers with whom she or he comes into contact.”

- Shouldn't the victim have the right to read all of the information noted in the form before signing it?
- Who has access to the database with all of this confidential information?
- Do social workers have access only to the files of particular victims?

B. Confidentiality

At present, information is gathered and stored by multiple actors, rendering it virtually impossible to monitor its security.

Confidentiality remains a serious problem in Moldova. As a general matter, confidentiality is not yet understood as a core ethic of professional responsibility.

In smaller communities, confidentiality during the provision of services to victims of trafficking has been a serious problem. Beneficiaries do not want their personal experiences or their status as trafficking victims known to others. The harsh stigmatization that victims face upon their return to Moldova increases the importance of confidentiality among the service providers with whom she or he comes into contact.

Within the healthcare sector there is a consistent lack of observance of rules concerning confidentiality. It is a problem that is openly admitted within the medical community. While patients are aware that doctors do not maintain confidentiality with respect to consultations, they may not be aware of the existence of professional ethical standards. There have been several cases in which doctors treating trafficking victims in rural areas failed to maintain confidentiality concerning the patient's HIV positive status. This resulted in the victims facing additional acts of discrimination.¹¹⁶

Law enforcement and the judicial sector have also repeatedly breached confidentiality requirements.

Of concern both to victims and to service providers is collection of data by Government officials. In addition to their names and addresses, personal information such as health concerns, including possible HIV status and pregnancy, and criminal records are also gathered. The number of persons who have access to this information is an issue, as is its purpose.

The processing of personal data as it is compiled, stored or transmitted, should occur only pursuant to a legal or normative framework, or upon consent of the victim. Such information should be used "only for the purposes for which it was originally compiled. As a rule, it should not be shared among state agencies or between state agencies and NGOs or offices abroad."¹¹⁷ Developing clear regulations around the compilation and transmission of the personal data of trafficking victims should be the subject of standard operating procedures, which should be part of all cooperation agreements among participating stakeholders, as well as a Government Decision.

A clear policy should also be created to address divulging information on trafficking victims to the media by NRS actors. The victim's name, photograph and personal history should not be revealed to media sources.¹¹⁸

A clear policy concerning breaches of confidentiality should be communicated to all actors within the NRS. Breaches of confidentiality should not be tolerated. Sanctions for breaches should be serious, such as dismissal or prosecution. Not reporting known breaches should also result in sanctions. A clear reporting system is also needed. One suggestion is to have all breaches of confidentiality at

¹¹⁶ *CEDAW Assessment Tool Report for Moldova*, American Bar Association Central Europe and Eurasian Law Initiative, August 2006, p. 100, citing interviews with Tatiana Catana, Lawyer, CPTW, March 2006, and with IOM Rehabilitation Centre staff, January 2006.

¹¹⁷ *National Referral Mechanisms: A Practical Handbook*, OSCE/ODIHR, 2004, p. 94.

¹¹⁸ See, Article 11(3), Council of Europe Convention on Action against Trafficking in Persons, ETS No. 197, 16 May 2005. Damages for the circulation of such private information without the individual's consent can be awarded under Article 7/1(1) of the Civil Code.



the local level be reported to the Rayonal-level coordinator. It should fall within the enumerated duties of staff at the National Coordination Unit to implement appropriate sanctions, whether it be dismissal or prosecution, and to follow-up on prosecutorial actions.

I. Legal Framework on Data Protection & Confidentiality

(i) International policy

The protection of personal data is a right,¹¹⁹ as is the right to privacy.¹²⁰ The NRS database should be governed in accordance with the European Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, which has not yet been ratified by Moldova. Its creation and regulation must also be in accordance with a Government Decision.

(ii) National framework

Confidentiality and the private life of victims of trafficking are also protected by the Anti-Trafficking Law. It states:

The private life and identity of a victim of trafficking in human beings shall be protected. The registration, maintenance, and use of personal information regarding a victim of trafficking shall be done by taking into account the special rules of confidentiality, with the aim of administration of justice and protection of victims *only during criminal proceedings*.

Disclosure of information on the private life and identity of victims of trafficking in human beings and the conditions of these persons' trafficking is prohibited.

Observance of the confidentiality of the information provided ... shall be the duty of all persons, including those involved in activities to prevent and combat trafficking in human beings and to protect and assist victims, law enforcement bodies, courts, centres [for protection and assistance] and social workers.¹²¹

¹¹⁹ See, Article 11(1), Council of Europe Convention on Action against Trafficking in Persons, ETS No. 197, 16 May 2005; Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, ETS No. 108; Directive 95/46/EC of the European Parliament on the protection of individuals with regard to the processing of personal data and on the free movement of such data (No. L 281/31) (1995); Article 8, Charter of Fundamental Rights of the European Union. Research concerning relevant national-level legislation will be conducted in conjunction with the drafting of standard operating procedures.

¹²⁰ See, Article 8, European Convention on Human Rights and Fundamental Freedoms; Article 6 (1) of the Palermo Trafficking Protocol; see also Article 28, Constitution of the Republic of Moldova.

The Law also protects information related to victim/witness safety, criminalizing the disclosure of such information.¹²² Yet, no sanctions are mentioned for the three provisions set forth above. This significant gap in the law should be addressed through legislative amendments and/or Government Decisions.

Doctors are required to take the “Hippocratic Oath”, which contains a confidentiality clause. Legislation also requires doctors to exhibit high moral and ethical standards, including the principle to “do no harm.”¹²³ Patients’ rights legislation guarantees confidentiality, and establishes the right to file legal complaints for violations.¹²⁴

C. Recommendations:

- A separate protocol on confidentiality should be developed and attached as terms to every MOU and cooperation agreement related to service provision within the NRS.
- Efforts should be made to lobby the Moldovan Government to ratify the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.
- Standard operating procedures should address data protection during collection, transmission and storage.
- Breaches of confidentiality should be responded to with sanctions, including loss of employment or prosecution.

¹²¹ Article 21 (1), (2), (4), Anti-Trafficking Law (emphasis added); *see also*, Article 30, Council of Europe Convention on Action against Trafficking in Persons, ETS No. 197, 16 May 2005.

¹²² Article 21 (3), (6), Anti-Trafficking Law.

¹²³ Article 3(b), Law on the Medical Profession, Law No. 264-XVI, 27 October 2005, published in Official Monitor No. 172-175/839, 23 December 2005.

¹²⁴ Articles 12(1), 17, Law on the Rights and Responsibilities of the Patient, Law No. 263-XVI, 27 October 2005, published in Official Monitor No. 176-181/867, 30 December 2005.



Annex A:

Recommendations for the development of standard operating procedures for rendering assistance to victims of trafficking in persons in the Republic of Moldova, prepared by Tatiana Fomina

I. Introduction

One of the aims of the research that was carried out in November-December, 2006 in the framework of UNODC project “Building Capacity to Combat Trafficking in Persons in the Republic of Moldova” is development of recommendations for establishing operating procedures for rendering protection and assistance to victims of trafficking in persons. These recommendations should be developed in view of establishment in Moldova of the National Referral System of Victims of Trafficking in Human Beings¹²⁵. Currently, the International Organization for Migration jointly with the Ministry of Health and Social Protection of the Republic of Moldova carry out a pilot project on such system establishment in 5 regions of the Republic of Moldova. In future, this system is planned to be replicated on the whole territory of the country.

Based on the aims of the UNODC project that is being implemented in Moldova, specialists from a number of organizations were interviewed, the ones who are actively participate in combating trafficking in persons in Moldova. Also comparative analysis of regulatory framework of Moldova and other countries was carried out. In addition, on the basis of gathered materials a working meeting was held on December 15, 2006. The most active participants of combat against trafficking in persons in Moldova took part in this meeting. The participants of the meeting discussed a number of issues related to development of standard operating procedures and elaborated specific proposals, the most interesting of which are reflected in these recommendations. These recommendations represent the results of the activities carried out in the framework of UNODC project. They have been developed in view of specific

¹²⁵ The same as the National Mechanism of Human Trafficking Victims Referral. The majority of the participants of human trafficking combat in Moldova believe that basing on the existing traditions of the legal system in the country, there should be created National Referral System of Human Trafficking Victims, and not the national mechanism, since “national mechanism” word combination is not used in the legislation of Moldova and can be incorrectly interpreted in practice. The word combination “national system” is frequently used in the legislation and is well familiar for all residents of Moldova (for instance, Moldova already has National Social Insurance System, Health Care System, Pension System, and etc.).

situation in Moldova and developed traditions in the national legal system.

2. Current situation with development of standard operating procedures in Moldova

The interview of specialists in the course of the research demonstrated that specialists in combating trafficking in human beings in the Republic of Moldova have not yet developed common opinion about the form and the content of the document that sets forth standard operating procedures for provision of protection and assistance to victims of human trafficking. Apparently, the reason for that is the fact that the legislation of the Republic of Moldova does not provide for such notion as “standard operating procedures” (hereinafter, SOPs).

Analysis of literature and international acts showed that they also do not contain the definition of such notion as SOPs. No recommendations on the form or content of SOPs have also been found. National regulations of some countries usually use mean the following by SOPs:

- a) a set of ethical standards of communication with trafficked victims and/or
- b) instructions on execution of sequential procedures related to rendering of assistance and protection during identification of trafficked victims.

It is known that SOPs are developed in the form of:

- a) memorandums concluded with the aim of introduction of the National Referral Mechanism of Human Trafficking Victims, which determine the duties of the participants and principles of their cooperation;
- b) special provisions regulating certain processes referred to referral of trafficked victims (repatriation of victims, security standards, and etc.).

It should be noted that several of such special regulations have already been developed in Moldova. Thus, Model Regulation on Organization and Functioning of Centres Providing Assistance and Protection to Victims of Trafficking in Human Beings was developed in 2006. This Regulation was enacted by Decree of the Government of the Republic

of Moldova No. 1362 of November 29, 2006 and took effect on December 8, 2006. This Regulation not only sets forth the procedure for such centres activity, but also contains a number of norms on coordination of trafficked victims’ referral to and from these centres. The Regulation also determines duties of the persons who perform referrals and reception of victims of trafficking in human beings.

Regulation on repatriation procedure of victims of trafficking in human beings who are citizens of the Republic of Moldova or persons without citizenship who had the right of permanent residence in the Republic of Moldova at the moment of departing to the country of destination was drafted in 2006. This draft regulation is being currently coordinated with the aim of its submission for the Government approval.

Besides, with the aim of developing the National Referral System of Victims of Trafficking in Human Beings with the aim of rendering assistance and protection to them (hereinafter, NRS) the Strategy is being drafted. This Strategy will determine the aims, tasks, structure and the main elements of the NRS, as well as action plan for the Strategy implementation. Specialists of IOM mission in Moldova, the Ministry of Health and Social Protection of the Republic of Moldova, various NGOs, and other organizations participate in the Strategy development. In the nearest future (early 2007), the draft strategy is planned to be submitted for the approval of the Government of the Republic of Moldova.

3. The Proposed Approach to SOPs Development in Moldova

With the aim of developing more clear idea of what SOPs can represent in conditions of Moldova the answers to the following questions should be provided:

A) What do SOPs regulate?

In the first place, in the course of SOPs development it should be taken into consideration that they should not settle existing relations on rendering of assistance and protection to victims of trafficking in human beings. The procedure of trafficked vic-



tims identification and referral currently existing in the country has developed spontaneously as response to the problems that occurred during the last decade. It is not coordinated from a single centre and does not represent the system for which the state bears responsibility. This procedure is not stable, since it is supported by financial and consultative assistance of international organizations, primarily of the IOM, and non-government organizations of the Republic of Moldova.

The referral system of victims of trafficking in human beings that is currently being developed in the country is aimed at gradual transfer to the state of responsibility, including the financial responsibility for rendering assistance and protection to the trafficked victims. Moreover, since government institutions do not yet have budget funds necessary for maintaining the achieved level of services, this transfer should be phased-out for several years, so that it does not result in deterioration of the provided services quality and serve for protection of interests of trafficked victims.

Thus, SOPs should regulate the relations of participants in the framework of the NRS with the aim of respecting legal rights of the victims of trafficking in human beings and provision of qualitative services package to the victims. In other words, SOPs should serve as a regulatory framework for the NRS. At the same time, SOPs should contain not only description of processes in the way they should take place in future with active involvement of government agencies and with sufficient budget allocations, but also interim provisions that reflect the current situation and the procedure for its gradual transformation.

B) What is the purpose of SOPs development?

SOPs should regulate the procedure of interaction between the participants of NRS with the aim of:

- a) Improvement of victims identification, organization of qualitative assistance and protection of trafficked victims;
- b) Accomplishment of common tasks of NRS as of multifunctional cooperation (coordination of activities, procedure of information exchange, data gathering and processing, monitoring, financing, and etc.)

C) Are SOPs a single regulatory document or a package of regulations?

Given the complexity and diversity of trafficked victims assistance and protection processes, as well as large number of specialists

and organizations participating in trafficked victims identification and referral up to their complete reintegration, development of SOPs as a single regulatory document, which would reflect in detail the numerous aspects of the aforementioned processes seems problematic. Therefore, it is recommended to develop a package of regulatory documents, SOPs, moreover that standard-setting process in this area in the Republic of Moldova has already followed the path of drafting a package of regulations (two special regulations have been already drafted and the Strategy is being developed now).

Besides, as it has been mentioned earlier, SOPs should also contain interim provisions that reflect the existing system of relations, which additionally complicates drafting of regulations.

Thus, given the specific features of assistance and protection provision to trafficked victims in Moldova, as well as undertaken efforts of regulatory control in this area, one can recommend development of standard operating procedures for the National Referral System of Victims of Trafficking in Human Beings for assistance and protection provision as a package of regulatory documents.

D) Namely what documents should be included into SOPs package?

Basing on the tradition of the national legal system and with the aim of achieving sustainability of the NRS development process, and also taking into consideration what has already been achieved in Moldova it is recommended to include the following regulatory documents into the list of SOPs:

- a) NRS strategy - the basic document that should define:
 - o The analysis of the current situation - problems in assistance and protection provision to trafficked victims to be resolved through NRS development;
 - o Aims and purposes of the NRS;
 - o Principles and approached to NRS creation and development;

- o Procedure for NRS elaboration;
- o Structure of NRS and its participants (specific features of NGOs and IGOs participation);
- o Procedure of activities coordination (international, national and local levels, as well as solving of difficult cases);
- o Procedure for trafficked victims referral and information exchange;
- o Monitoring, assessment of the system functioning and feedback;
- o Financing of the system;
- o Forms of cooperation between the NRS participants and procedure for cooperation encouragement;
- o Aims and procedures for gathering and exchange of the data on trafficking cases;
- o List of regulatory documents to be drafted with the aim of NRS functioning;
- o Calendar action plan of NRS strategy implementation;
- o Other.
- b) Special regulations on organization (technique) of assistance and protection provision to the victims of trafficking in human beings:
 - o On the Centres for assistance and protection provision to the victims of trafficking in human beings (Decree of the Government No. 1362 of November 29, 2006);
 - o On repatriation of victims of trafficking in human beings (the draft has been developed);
 - o On identification of presumed victims of trafficking;
 - o On social rehabilitation and reintegration (including monitoring of further life of the trafficked victim);
 - o Other provisions (if necessary).
- c) Special provisions regulating fulfillment of common tasks of the NRS participants:



- o Regulation on coordination of activities in the framework of NRS;
- o Regulation on procedure for establishment and functioning of a common data base on human being trafficking cases (gathering and processing of information; model forms);
- o Regulation on monitoring of the NRS functioning;
- o Ethical standards of assistance and protection provision to trafficked victims;
- o Regulation on multidisciplinary group (on trafficked victims identification or reintegration);
- o Other regulations.

These regulations are developed as the need arises, if there is no sufficient information in the NRS strategy.

d) Model forms used by the NRS participants:

- o Model agreement on cooperation (government agencies, NGOs, and IGOs) that sets forth responsibilities of the parties in the framework of NRS;
- o Other model forms (if necessary).

4. Detailed proposals on the Strategy development

Since the Strategy of the National Referral System of Victims of Trafficking in Human Beings with the aim of assistance and protection provision to the trafficked victims is the main document that regulates relations in this area, it is recommended to focus the efforts of the NRS regulatory framework authors primarily on the development of this document. Qualitative and detailed development of the Strategy will allow excluding additional labour costs related to drafting of specialized provisions and other special regulations.

In addition, it should be taken into consideration that in Moldova social services in the context of NRS are planned to be provided not only to the trafficked victims or presumed victims of trafficking in human beings, but also to the risk group which desperately need these services. The tasks of the strategy should envision gradual increase of the services share to the risk group while the number of trafficked victims reduces.

Some recommendations on structure and content of the Strategy:

Strategy of the National Referral System of Victims of Trafficking in Human Beings with the Aim of Assistance and Protection Provision

I. Current Situation Analysis

Analysis of the current situation is an essential part of the Strategy. The purpose of the analysis is not only to reveal the problems with identification of victims of trafficking in human beings, rendering of assistance and protection to the trafficked victims, but also organization of these types of activities. It is also necessary to determine the causes of these problems, so that the ways of overcoming of the revealed problems could be described in the conceptual part of the strategy (aims, tasks, purposes, principles, systems, approaches and etc.) in view of recommendations of OSCE/ODIHR Practical Handbook “National Referral Mechanisms”.

Indicative list of problems in the area of trafficked victims identification, rendering of assistance and protection to victims of trafficking in human beings, solution of which should be facilitated by NRS establishment:

- a) Not all trafficked victims are identified;
- b) Not all identified trafficked victims get access to necessary assistance;
- c) Not everyone who receives assistance can be completely reintegrated and becomes victim of trafficking again (short period of assistance provision);
- d) Trafficking cases are not always successfully prosecuted in courts (witness protection system does not work, behavior of trafficked victims is not stable and often they renounce their testimony, it is difficult to gather evidence of guilt, cases are requalified, trafficked victims do not receive any damage compensations);
- e) Other.

Indicative list of problems related to organization of activities on victims identification, rendering of assistance and protection to victims of trafficking in human beings:

- a) The established system of services to trafficked victims is supported primarily from foreign aid and is not sustainable;
- b) Confidentiality of the information about trafficked victims cannot be ensured;
- c) the government has not yet taken responsibility for rendering assistance and protection to the trafficked victims (almost no government funds are allocated for these purposes, no support is provided to NGOs, there are no specialists qualified in the area of assistance and protection provision to the victims of trafficking in human beings);
- d) Functions of NGOs are sometimes duplicated;
- e) Each organization keeps accounts of trafficking cases in its own way, there is no authentic information at the national level (there is no common data base of trafficking cases, the information is not summarized or analyzed for the purpose of recommendations development);
- f) Cooperation between NGOs and government agencies in rendering assistance and protection to trafficked victims is occasional and is not regulated by any regulatory documents of the Republic of Moldova;
- g) Other.

Special part of the analysis should be devoted to the issue of prevention of trafficking in human beings by provision of social services to risk groups. Usually prevention of trafficking in human beings is not included in trafficked victims referral mechanisms set up in other countries. However, in Moldova, on the insistence of the Ministry of Health and Social Protection that took the leadership role in NRS development, this function is planned for inclusion into NRS.



II. Concept of NRS

1. Aims and purposes of NRS

The main aim of the system is increase of efficiency of human trafficking combat by means of cooperation development in rendering assistance and support to trafficked victims. The following tasks of the system can be defined basing on the revealed problems and specified aims:

- a) in the area of assistance and protection of trafficked victims:
 - o to increase the number of identified victims of human trafficking and by this to extend the access of trafficked victims to the necessary assistance and protection;
 - o to improve the quality of services rendered to the victims of human trafficking (duration, diversity of assistance, new services and etc.);
 - o to increase the percentage of successful reintegration of trafficked victims and to reduce the number of persons who have become victims of trafficking in human beings again;
 - o to improve the results of criminal prosecution of traffickers in human beings;
 - o to ensure protection of personal information about victims of human trafficking.
- b) in the area of improving organization of activities in the framework of the system:
 - o gradual transfer of responsibility for rendering assistance and protection to victims of human trafficking from IGOs and NGOs to government agencies;
 - o improvement of coordination of participants' activities (structures and contact persons);
 - o specialization of services and clear distinction of participants' responsibilities (exclusion of functions duplication), improvement of their qualification;
 - o involvement of new active participants into the combat system (national and local levels);
 - o encouragement of cooperation between state agencies, NGOs and intergovernmental organizations, as well as exclusion of conflict of interests (participation in the system should be encouraged - payment, access to premises, access to funds and etc.);
 - o establishment of forms and ways of cooperation with countries of destination;
 - o monitoring, assessment and feedback;
 - o gathering of data on trafficking in human beings;
 - o implementation of common ethical standards of activity with trafficked victims (confidentiality, access to assistance irrespective of the consent to cooperate with police);
 - o observance of special rights and interests of children and protection of other vulnerable groups of population (disabled persons, mothers with children, orphans, and others).
 - o stability of cooperation system on rendering assistance and protection;
 - o improvement of regulatory framework;
 - o improvement of funds utilization.

The concept should offer real ways of each problem solution. The concept should also reflect that establishment of trafficked victims referral system should be primarily aimed at improvement of victims identification processes and rendering assistance and protection to them.

The specific feature of the current situation in Moldova is the fact that the state is not yet able to offer qualitative services to victims of trafficking in human beings. The available network of services for the victims is created by non-government and intergovernmental organizations and to great extent is supported by virtue of informal contacts of the heads of these organizations. It is essential that establishment of NRS in Moldova should

	<p>not destroy fragile communication links and does not result in deterioration of the rendered services quality. Transfer of responsibility for activity with the victims of human trafficking to the state should be phased. It is recommended that initially the state should help to set up cooperation structures of NRS, the regulatory framework and take upon itself only coordination function of participants activity. Gradually, as far as the network of state services for the trafficked victims is developed in the regions, as far as budget allocations for these purposes increase, the function of services rendering, quality of services monitoring function and other functions in the framework of NRS should be transferred from non-government sector to the governmental sector.</p>
<p>2. Principles and approaches to NRS establishment and development</p>	<p>Recommended principles:</p> <ul style="list-style-type: none"> <i>a)</i> Openness of the system for as many participants as possible; <i>b)</i> Clear division of competence and responsibility between participants; <i>c)</i> Respect of human rights of the trafficked victims and human treatment of trafficked victims by all participants; <i>d)</i> Harmonization of interests of the society in prosecution of human traffickers with personal interests of trafficked victims; <i>e)</i> Accessibility of assistance for all categories of trafficked victims (basing on the definition of human trafficking, including presumed victims of human trafficking and those who refused to cooperate with police); <i>f)</i> Increase of the state responsibility; <i>g)</i> Involvement of civil society; <i>h)</i> Interdisciplinary and inter-sectoral approach to problems solution; <i>i)</i> Ensuring system's sustainability (it should be based on real abilities of the state and existing structures); <i>j)</i> Gradual increase of assistance to the risk group.
<p>3. Procedure for NRS establishment</p>	<p>This section should reflect the procedure for legal implementation of the NRS establishment (institutionalization of cooperation between NRS participants).</p>
<p>4. Structure of NRS and its participants</p>	<p>Topics recommended for inclusion into this section:</p> <ul style="list-style-type: none"> <i>a)</i> Specific features of NGOs and IGOs participation (voluntary participation, temporary factor and NGO accreditation). <i>b)</i> Specialization of participants and level of their qualification. <p>Interests of participants are taken into consideration, preclusion of any conflict of interests</p>
<p>5. Coordination of participants' activities</p>	<p>This section should reflect the following types of activities coordination:</p> <ul style="list-style-type: none"> <i>a)</i> Transnational (between countries of destination and Moldova) <i>b)</i> Within the country <i>c)</i> Local <i>d)</i> Ad hoc (complicated cases). <p>It is also necessary to determine reasonable centralization level of the system management. In addition, it is necessary to differentiate general coordination of activities as the way of activities reconciliation, as well as removal of possible faults in NRS operations (ad hoc) when specific cases of human trafficking are resolved (atypical cases). With the aim of establishing coordination of activities NRS structure should be defined as well as the functions of each structures in the framework of NRS. The head of each organization should appoint an authorized contact person. The general list of contact persons in the framework of NRS should be drawn up.</p>



	<p>The following forms of general activities coordination can be used in the framework of NRS: exchange of information between NRS contact persons, coordination centres at the national level (C group of the National committee) and local level (territorial commissions and multidisciplinary groups).</p> <p>With the aim of activities coordination between countries contact persons can be used (Ministries of Foreign Affairs in cases when there is no threat from the part of perpetrators and Ministries of Internal Affairs, when involvement of police of the parties is needed).</p> <p>Coordination for removal of possible faults in the NRS activity (ad hoc) is essential for NRS establishment, since namely at the initial period of its activity the largest number of defaults in the system operation is possible. This plan recommends establishment of strong and permanently operating coordination centre at the Ministry of Health and social Protection. This centre should solve the coordination tasks both at the national level (horizontal links) and during referral of beneficiaries from national to local level. The centre should be staffed with 1-2 full-time specialists, it should be equipped with a computer, has data base on organizations providing services to victims and on contact persons. Employees of the centre should have good creative skills and offer solutions for removal of possible faults in NRS activity.</p>
6. Procedure for trafficked victims re-ferral and information exchange	<p>Ensuring of data confidentiality and protection</p> <p>Monitoring of human trafficking case should be performed by the organization that revealed this case.</p>
7. Monitoring, evaluation of system activity and feedback	<p>Topic recommended for inclusion into the section:</p> <ul style="list-style-type: none">a) To determine the agency responsible for monitoring. As a rule these functions should be performed by the Coordination Centre. It is necessary to create data base on the NRS participants and rendered services.b) Monitoring of the trafficked victim reintegration progress should be performed by the case manager. <p>In both monitoring cases qualitative and quantitative performance criterion of the system should be established.</p>
8. Resources and financing of the system	<p>No government subsidies should be envisioned at the initial stage. It is necessary to envision gradual increase of budget allocations into the system up to complete transfer to state financing.</p>
9. Forms of cooperation between participants in the framework of NRS and procedure for co-operation encouragement	<p>Recommended forms of cooperation among NRS participants:</p> <ul style="list-style-type: none">a) Interdepartmental committees;b) Multidisciplinary groups;c) Exchange of information.

<p>10. Aims and procedure of gathering and processing the information on human trafficking cases</p>	<p>This function should be performed by coordination body. Any entering into the system should be accompanied by sending of information on human trafficking case into the central data base.</p> <p>The data should be gathered anonymously, i.e. this should be the data on cases and not on specific persons. With the aim of exclusion duplication of information, coding system is necessary for cases recording (initials, date of birth, region of residence, and the country of destination).</p>
<p>11. List of regulatory documents to be drafted for NRS functioning</p>	<p>See Section 3 of these Recommendations.</p>

III. Calendar action plan on NRS strategy implementation

The following consequences of actions can be included into the Section:

- o To create the bodies for general and current coordination of participants on referral of human trafficking victims at the national and local levels;
- o To determine the structure of the system and roles of the participants;
- o To determine the forms and procedure of practical cooperation of government agencies and NGOs for specific human trafficking cases;
- o To formalize (legalize) cooperation between government agencies, NGOs and international organizations in the NRS framework (agreement);
- o To create regulatory framework of NRS (strategy and action plan, standard operative procedures and ethical standards, model agreements on cooperation and etc.);
- o To develop the system of human trafficking victims identification;
- o To create the human trafficking cases monitoring system;
- o To create the system of gathering data on human trafficking cases



Annex B:

List of NRS rayon level actors

(Balti, Cahul, Calarasi, Causeni, Edinet)¹²⁶

Ministry of Social Protection, Family and Child, Department for Social Assistance and Family Protection, Social Workers, Specialists responsible for the multidisciplinary-teams/ National Referral Systems Coordinators at rayon level

Rayon Department for Education, Youth and Sport

Rayon level police

Rayon level National Employment Agency

Rayon level Civil Status Office

Rayons hospitals / policlinics

Rayon medical-sanitary institutions

Centre for Prevention of Trafficking in Women (Balti, Cahul, Causeni)

La Strada

UNDP Maternal and Social Reintegration Centres for Youth (Cahul, Calarasi, Carpineni, Causeni, Drochia , Edinet Sorooca, Ungheni)

Winrock International Regional Support Centres (Balti, Cahul, Comrat ,Hincesti, Sorooca)

NGOs, religious and community services at the local level

¹²⁶ Please note that in each rayon the composition of the multidisciplinary teams is different.