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The Functioning of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (NRS) in the Republic of Moldova. Lessons learnt and perspectives

Report on the results of the study



Authors:

Andrei Lutenco, Centre for Policies and Reforms (CPR Moldova) (Chapter II);

Tatiana Fomina, NGO International Center “La Strada”, Moldova (Introduction, Methodology, Chapter I and subchapter “Legal framework” in Chapter II).

The conclusions and recommendations of the study have been developed jointly by the two authors.

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Introduction

The Strategy of NRS – **the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009-2016)**¹ was adopted by the Parliament of the Republic of Moldova at the end of 2008. The theoretical basis of the NRS is found in the concepts presented in the already well-known practical handbook, published by the OSCE / ODIHR in 2004 – *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook*.

The NRS is a special framework of cooperation between state institutions in fulfilling their obligations to protect and promote the human rights of victims of trafficking in human beings (THB), by coordinating their efforts in a strategic partnership with non-governmental and international organizations active in this field. The NRS Strategy has taken into account the national context – the problems faced by the Republic of Moldova in combating trafficking in human beings at the time of its drafting – focusing not only on the realization of the rights of victims of THB, but also on the integration of support and assistance measures for the victims of this phenomenon in the national social protection system. In addition, the strategy provided for the creation of multidisciplinary territorial teams (MDTs) within the NRS, with the participation of representatives of non-governmental organizations, creation of the regulatory framework for inter-sectoral cooperation / interaction within NRS, strengthening the capacities and knowledge of specialists, creation of the data collection system, etc. Many of the actions included in the NRS Strategy, at the time of its drafting, were absolutely novel for the Republic of Moldova – unprecedented not only in the country but also in the region.

Currently, there is no doubt that NRS has positively influenced the situation of victims of THB in the Republic of Moldova. Before the strategy was in place, the victims had mainly been assisted by non-governmental and international organizations as part of international technical assistance projects and inter-sectoral² cooperation was underdeveloped. After the implementation of the Strategy, the state structures have played a major role in the process of realizing the rights of victims trafficking in human beings and now actively cooperate with NGOs and international organizations in this field.

The experience of the Republic of Moldova in the creation and development of the NRS is recognized as a success story by a number of international experts who recommended the use of this model in other countries in the region.³ A first independent evaluation of the impact of this policy on the rights of victims of trafficking in human beings was made by the NGO International Center “La Strada” in 2013⁴ – before the implementation period of the NRS Strategy was over. After the end of this period, in 2016, at the request of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings and with the support of ICMPD, Vienna, the *ex-post* independent evaluation of the implemented policy was carried out by the international expert Ms Liliana Sorren-

¹ Decision of the Parliament of Moldova no. 257-XVI of 5 December 2008 “On the approval of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009-2016) and the Action Plan for the implementation of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009–2011)” (Official Gazette, 2009, no. 27-29, art. 66).

² Meaning the interaction of organizations in two or more sectors of society (public sector, non-business organizations and the business environment)

³ U.S. Department of State, “Trafficking in Persons” Report, 2012, p.251. <https://www.state.gov/j/tip/rls/tiprpt/2012/>

⁴ Tatiana Fomina, “The Impact of the Republic Of Moldova Anti-Trafficking Policy on the Trafficked Persons’ Rights” (Chisinau: “La Strada”/Moldova, 2013). <http://www.antitrafic.gov.md/libview.php?l=en&cid=31&id=387&t=/Reports/NGOs-Reports/THE-IMPACT-OF-THE-REPUBLIC-OF-MOLDOVA-ANTI-TRAFFICKING-POLICY-ON-THE-TRAFFICKED-PERSONS-RIGHTS>.

tino (Bosnia and Herzegovina). The report is due to be published in the near future,⁵ but it is already known that, according to its preliminary findings, the implementation of this policy is evaluated as positive. Moreover, the report notes that the development of the multidisciplinary and intersectoral approach within the NRS has had a positive impact on the whole system of social protection in the country.

At the same time, the report suggests that the ambitious goals of the NRS Strategy have not been fully met – the rights of victims of trafficking in human beings are not always realized in practice. Not all the tasks proposed in the Strategy have been achieved. This is because the SNR model, aimed at ensuring the rights of victims of trafficking in human beings, sets **a very high standard of social relations**, which is a complicated and long-term task not only for transition countries, but even for developed democracies. The development of the NRS requires significant time and effort and is largely determined by the general level of the country's development.

Significant difficulties are related to the promotion of multidisciplinary and intersectoral cooperation in identifying victims of trafficking in human beings and their access to free assistance provided by different service sectors (social, medical, legal assistance, etc.) which is hampered by the **bureaucratic barriers and the inertia of the system of ingrained social / traditions**. At the same time, there are drawbacks in the transfer of financial responsibility for the functioning of the NRS from international donors to the state, as well as in the development of the service network for victims of THB, which was slowed down by the economic crisis and insufficient budgetary means for the development of the social sphere. Having said that, it remains imperative to analyze the most problematic issues in the functioning of the NRS and to develop practical recommendations to overcome them.

The functioning of the NRS is influenced by various factors generated by the changes that took place in the country after the drafting and approval of the SNR Strategy in 2008:

- **The changes in the phenomenon of trafficking in human beings**, in particular – the change in the statistical profile of the victims of this phenomenon (increase in the number of victims exploited for labor and begging) and in victims' needs in terms of protection and assistance;
- **Reforms in the social protection and related fields** – adoption of policy documents in relevant areas (decentralization of public administration, development of the intersectoral mechanism for the protection of children's rights in risk situations, creation of a unique mechanism for the rehabilitation of crime victims).

In this context, it is necessary to adapt the existing NRS model, which was developed a decade ago, to the current situation in the country, in order to promote the further development of the system.

The phenomenon of trafficking in human beings remains a problem for the Republic of Moldova. In the last period, the police recorded about 240 adults and 40 child victims of trafficking each year.⁶ The countering of this phenomenon remains a priority of the state policies of the Republic of Moldova as a state party to the most important international conventions in this field. In addition, the phenomenon of trafficking in human beings is recognized as a serious violation of human rights and the fight against it, not only as against a crime but also as a violation of universally recognized human rights standards, is an important part of regional policy efforts of the European Union. This is of major importance for the Republic of Moldova, a state that has assumed the European developmental model, given that respect for human rights is one of the most important European values recognized by all the Member States of the Union.

⁵ Liliana Sorrentino, Draft "Assessment of Referral Mechanisms for Victims of Trafficking in Human Beings in the Republic of Moldova" (Vienna, International Centre for Migration Policy Development/ ICMPD, 2017).

⁶ Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings, „National Report on the Policy for Prevention and Control of Human Trafficking for the Year 2015”, p.17. Posted on www.anitrafic.gov.md

The further development of the NRS as a model of social relations in the field of human trafficking, based on the concept of human rights and the concept of victim as a subject of rights, is to be continued under the new National Strategy for Preventing and Combating Trafficking in Human Beings for the period 2018-2023 and the action plan for its implementation for the period 2018-2020, currently in the drafting stage.

The present study aims to support the state efforts to organize the process of counteracting human trafficking, taking into account the existing international and regional standards, as well as successful practices in this field. The study looks into the main features of the existing NRS model, the main processes within the system and the existing problems as well as the influence of various factors on the functioning of the NRS. In addition, the analysis is followed by practical recommendations for addressing identified problems with the functioning of the NRS.

The authors hope that these findings and recommendations will serve as a basis for constructive debate among key actors in the field and for the further development of joint action plans in NRS development.

Methodology

The present study on the functioning of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Human Trafficking (hereinafter referred to as “NRS”) in the Republic of Moldova is part of the IOM project “Strengthening National Efforts to Protect Human Rights of (Potential) Victims of Trafficking in Persons in Moldova”, implemented with the support of the Ministry of Foreign Affairs of Norway. The project is implemented in partnership with:

- Ministry of Health, Labour and Social Protection (hereinafter – **MHLSP**) and
- Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings.

Objectives and tasks

The present study aims at:

- 1) Studying the problematic aspects of the functioning of the NRS, and the factors that influence them: the inertia / rigidity of social relations and traditions, the developments of the phenomenon of trafficking in human beings (hereinafter referred to as “THB”) and the impact of other reforms in the social protection and related fields, recommendations to overcome these obstacles;
- 2) Providing a platform for further discussion of the conclusions and recommendations of the study with the representatives of the organizations participating in the NRS and developing a common vision for the further development of the NRS in the Republic of Moldova;
- 3) Supporting State efforts in developing and implementing democratic reforms and complying with international obligations in the field of preventing and combating trafficking in human beings and respecting, protecting and achieving human rights.

Based on the objectives of the study, the authors propose the following tasks:

- 1) To research:
 - a. The peculiarities of the process of identifying and assisting victims of trafficking in human beings, both adults and children, within the NRS; good practices and challenges in identifying and assisting child victims; the co-operation and interaction between the NRS and the Inter-sectoral Cooperation Mechanism for identifying, evaluating, referring, assisting and monitoring child victims and potential victims of violence, neglect, exploitation and trafficking;
 - b. Financial aspects of the operation of the NRS: the financial needs implicit for the plenary functioning of the NRS and the sources of financial coverage, future scenarios and the financial sustainability / feasibility of the NRS;
 - c. The role of the Center for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings (hereinafter CAP) in the functioning of the NRS and cooperation with local and regional MDTs;
 - d. The role of the National Coordination Unit of the NRS (hereinafter NCU) in the functioning and coordination of the NRS; possible scenarios for repositioning the NCU in the in-

- stitutional organization chart and changes in post / competency as a result of reforms in the field of social protection (including the creation of the National Social Assistance Agency);
- e. The importance of legislative support for the functioning of the NRS (amendments to the Law on prevention and combating of trafficking in human beings No. 241-XVI of October 20, 2005);
 - f. Cooperation between state institutions, civil society organizations and international organizations on both sides of the Nistru River in identifying and assisting victims of trafficking in human beings; the impact of the NRS strategy in the Transnistrian region of the Republic of Moldova;
- 2) To develop proposals to improve coordination within the NRS, as well as to adapt the existing NRS concept and processes to developments in the Republic of Moldova, following the adoption of the NRS Strategy in 2008.

Limitations

The research field of this study is limited to focusing on issues related to the regulation of the main processes within the NRS and the coordination of the system, as well as on the elaboration of recommendations for the adaptation of the key elements of the NRS concept to the current situation in the Republic of Moldova. The study did not propose to evaluate the implementation of the NRS Strategy, given that it was carried out in a separate effort.

In the elaboration of the present study we used mainly qualitative methods of collecting and analyzing information without proposing a quantitative evaluation of the obtained information.

Research methods

To achieve the objectives of this study, the following tools and methods were used:

1. Analysis of the annual reports of the MHLSP on the implementation of the NRS Strategy for the period 2009-2016 and the Report on the NRS evaluation (2009-2016);
2. Analysis of existing international recommendations and literature on referral mechanisms for trafficking victims and the realization of human rights of victims of trafficking in human beings;
3. Analysis of legislative and normative acts of the Republic of Moldova in relation to the international acts in the field, as well as the literature and good practices relevant to the purposes of this study;
4. Analysis of the results of three interdepartmental consultations for identification and resolution of problems in the field of assistance to victims of THB, organized by the MHLSP and the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings with the support of IOM (28.04.2017, 15.05.2017 and 19.05.2017);
5. Analyzing the Results of the National Workshop on NRS Evaluation in Moldova (27-28 June 2017);
6. Conducting semi-structured individual interviews and group discussions with experts, decision-makers, NRS specialists and national institutions responsible for implementing anti-trafficking policies in the Republic of Moldova. In total, 20 interviews had been conducted with 29 people.

1. Conceptual aspects of the NRS

Theoretical background

The theoretical foundation for the creation of the National Referral System in Moldova is found in the concept of the National Referral Mechanism for Victims of Trafficking in Human Beings (hereinafter referred to as NRM), developed by the OSCE / ODIHR in 2004 with the participation of an extended circle of experts. The main aspects of this concept are reflected in the OSCE / ODIHR Practical Handbook on National Referral Mechanisms for Trafficking Victims.

According to this handbook, the NRM is a “... *co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society.*”⁷

The NRM concept is based on the international legal and political obligations of the OSCE and the UN States Parties⁸ in the field of combating human trafficking⁹ and of protecting and promoting human rights¹⁰. Consequently, the idea of creating such mechanisms in all states has received global support, including from various UN agencies active in this field (IOM, UNODC, UNCHR, OHCHR, etc.) as well as regional organizations (Council of Europe, ICMPD and others). It is worth mentioning that thanks to UN efforts, the problem of trafficking in human beings has started to be seen as a human rights issue, and the Office of the UN High Commissioner for Human Rights has developed a set of principles on human rights and human trafficking.¹¹ In addition, the UNODC has included a special rule on the creation of the NRM in its *Model Law against Trafficking in Persons*,¹² drafted by the Agency in 2010.

It is also worth mentioning that the MNR model was developed on the basis of the most progressive theories in various areas of knowledge, including the rule of law, the concept of human rights, that of the victim as a rights-holder,¹³ development theory, etc. These theories are currently determining the international policy vector in various spheres. Therefore, the NRM concept is still relevant and useful, and the creation and operation of these mechanisms remains the focus of international mechanisms to monitor States' efforts to meet their obligations to combat trafficking in human beings, in line with the treaties to which they are party.

In addition, at the end of 2016 there was talk of the OSCE / ODIHR's intention to conduct a study and to re-issue the Practical Handbook, taking into account the experience gained in the creation and implementation of the NRM by different states.

⁷ OSCE/ODIHR, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (Warsaw: ODIHR, 2004), p.19.

⁸ OSCE Action Plan on Combating Trafficking in Human Beings, approved in Maastricht in December 2003 by the Council of Ministers.

⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

¹⁰ UN Convention on the Rights of the Child (1989), UN Convention on the Elimination of All Forms of Discrimination against Women (1979), International Covenant on Economic, Social and Cultural Rights (1966) and others.

¹¹ OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking (New York and Geneva: UN, 2002).

¹² UNODC, Model Law against Trafficking in Persons (Vienna: UN, 2010). <https://www.un.org/ruleoflaw/blog/document/unodc-model-law-against-trafficking-in-persons/>

¹³ FRA – European Agency for Fundamental Rights, “Victims of crime in the EU: the extent and nature of support for victims” (Luxembourg: Publications Office of the European Union, 2014), p.28. Available at: http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf

The MNR concept assumes that trafficking in human beings is not only a criminal offense, but also a grave violation of human rights. Therefore, ensuring the respect, protection and realization of human rights of victims of trafficking in human beings is the primary purpose of cooperation under this mechanism. At the same time, the state is obliged to ensure the realization of the rights of the victim of trafficking, regardless of the victim's participation in the criminal trial. The OSCE / ODIHR Practical Guide draws attention to the fact that one of the NRM's tasks is "... a change in perspective in how to deal with human trafficking, so that it is considered not only as a problem of criminality but as a grave abuse of the human rights of victims. Adopting this viewpoint will help ensure that all presumed victims – not just those who agree to serve as witnesses – receive protection and support."¹⁴

It is important to draw attention to the fact that the authors of the Handbook note that it is impossible to suggest a single model of NRM or a unique algorithm to establish this mechanism for all states because each country has a different initial potential and individually chooses its direction of development. That is why each state must establish its own model of the NRM, based on principles, approaches and essential elements common to all states, but at the same time "... tailor-made to fit each country's patterns of trafficking cases and its social, political, economic, and legal environment."¹⁵

The fundamental elements of the NRM concept are related to:

- 1) Creating the conditions for the effective operation of NRMs and
- 2) Organization of assistance and protection processes for victims of trafficking.

Speaking about conditions necessary for the effective functioning of the NRM, first of all we need to emphasize the need to develop the normative and legal framework for cooperation. This is especially important in the case of developing countries with little experience of intersectoral cooperation. The OSCE / ODIHR Handbook recommend the conclusion of a formal agreement to initiate this collaboration. According to the authors of the handbook, such a document could take the form of:

- a) a memorandum of cooperation signed by all participants in the NRM; or
- b) issuing a directive of the competent state body that is binding on all the institutions involved in the NRM.

Cooperation will be more effective if this legal document clearly determines the competences and duties of each stakeholder within the NRM. In addition, it is recommended that this document includes a set of principles and approaches to ensure a qualitatively new level of cooperation:

- a human rights-based victim-centered approach;
- multidisciplinary and intersectoral approach;
- individual approach to decision making;
- transparency of work and clear distribution of tasks and responsibilities;
- non-discrimination;
- confidentiality and protection of personal data;
- the approach based on respect for the best interests of the child, etc.

The OSCE / ODIHR Handbook points out that for the creation of the NRM, it is necessary to develop and approve an **Action Plan**, including measures to improve legislation, develop capacities for identification and provision of services for victims of trafficking, other measures necessary to protect victims' rights.¹⁶

¹⁴ OSCE/ODIHR, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (Warsaw: ODIHR, 2004), p. 22.

¹⁵ idem, p. 21.

¹⁶ id., p. 60.

The creation of the NRM must be based on an **institutional structure** in place in the country to fight the phenomenon of trafficking in human beings and assistance to those affected by it. However, it is not obligatory to create any new structures, with the exception of coordination mechanisms. However, in order for cooperation between all actors to reach a new qualitative level guaranteeing respect for the rights of victims, it is imperative to organize joint training of representatives of the various organizations participating in the referral mechanism in order to increase their level of receptiveness to the problem of trafficking in human beings, the concept of human rights, but also to improve their capacity to solve the problems in question.

At the same time, measures are needed to set up **coordination structures** of the NRM. For general coordination at national level, it is recommended to set up an advisory body (roundtable on Combating Trafficking in Human Beings, as the Handbook calls it), which would include representatives of all key organizations involved in the NRM and would address general issues related to the creation and operation of the mechanism in the country and would serve as a “... broad discussion forum”.¹⁷ This body may be chaired by the National Co-ordinator – a high-ranking national official and representative of a national-level ministry. It is important for a state structure to be responsible for coordinating the work of the NRM, including the development of a joint action plan for the establishment of the mechanism, the monitoring and evaluation of its implementation as well as its gradual improvement.

To conduct **monitoring and evaluation**, it is recommended to develop special indicators that are qualitative rather than quantitative. The evaluation should include interviews with victims of trafficking in human beings who have received assistance in order to find out their opinion on the quality of services, thus assessing the practical impact of the implemented policy and the degree of achievement of internationally recognized rights. As a result, monitoring and evaluation should help identify areas of concern in the NRMs and serve to develop the action plan for the next period in order to address the shortcomings in the operation of this mechanism.¹⁸

In addition, working groups (teams) can be set up both at national and local level to ensure the **operative coordination** of activities related to solving specific cases of trafficking in human beings. Members of these local-level teams must maintain communication with each other with a view to rapidly adopting decisions on the assistance of victims of THB. Their co-ordinators must report to the national level co-ordination body on the work undertaken. It is important to note that the participation of representatives of civil society in working groups of all levels is crucial, as this allows the harmonization of different approaches, such as the one based on human rights and the one based on the criminal justice system.

Regarding the organization of the **main processes** within the NRM, it should be noted that the OSCE / ODIHR Practical Handbook draws particular attention to the proper organization of the process of identifying victims of trafficking in human beings as a procedure that guarantees unconditional access for all victims to the necessary protection and assistance. In this context, attention is also drawn to the importance of such processes as repatriation and social reintegration of victims, which must ensure the integration of the victim of trafficking in the labor market. The Handbook’s emphasis on identification is due to the fact that this process is often problematic, as victims are often reluctant to cooperate with law enforcement. Thus, the authors of the Guide recommend that the process of identifying presumed victims and their subsequent referral to ensure access to the minimum package of services be independent of the criminal process. As the authors of the OSCE / ODIHR Practical Handbook note, “Every victim should be able to decide without duress whether to co-operate with criminal prosecutions.”¹⁹

¹⁷ id., p. 58.

¹⁸ ibid, p.32.

¹⁹ ibid., p. 20.

At the same time, the publication also notes that, in their modern sense, the identification of victims and their access to assistance must contribute to victims' making informed decisions whether to cooperate with criminal investigating bodies and consequently increase the chances of success prosecution, as well as ensuring the harmony of the victims' interests with the law enforcement bodies. The professional, legal and psychological support to witnesses in court trials, which may last months or even years, also contributes to stabilizing victim behavior and prevents the risk of withdrawing testimony previously provided. At the same time, by providing assistance to presumed victims, regardless to their participation in the criminal trial, can help to discover manifestations and forms of trafficking in human beings that are not known at the moment and are not criminalized properly.²⁰

Civil society organizations must play an important role in the functioning of the NRM. Representatives of these organizations have to participate in all the processes within the mechanism, ensuring the monitoring and evaluation of each process from the human rights point of view,²¹ thus contributing to attaining its fundamental purpose.

At the end of this analysis of the concept of the National Referral Mechanism, elaborated by the OSCE / ODIHR in 2004, we should note the following:

- 1) This **multidisciplinary and intersectoral interaction** mechanism aims at providing modern processes for identifying victims and presumed victims of trafficking in human beings in order to ensure the protection of their rights to the necessary assistance, including **repatriation assistance, crisis intervention**, support in physical and psychological **rehabilitation**, as well as **social reintegration**.
- 2) Each state must establish **its own model of the NRM**, which is to be based on principles, approaches and essential elements that are the same for all states but at the same time adapted to the social, political, economic and legal situation in the given country.
- 3) The following conditions are required for the effective organization and **coordination** of the actions of participating organizations in the NRM:
 - Creating the necessary regulatory and legal framework;
 - Common training and capacity building of professionals from all involved organizations;
 - Creating deliberative coordination structures at different levels of the state administration;
 - Communication development;
 - Data collection and monitoring of joint work.
- 4) Civil society representatives should be involved in all processes within this mechanism, ensuring the **monitoring and evaluation** of each process from the human rights point of view.
- 5) The mechanism should be implemented and improved on the basis of a mutually agreed upon **action plan**, with the subsequent organization of its monitoring and evaluation in a cyclical process.

History of NRS implementation in the Republic of Moldova. Principles and basic elements of NRS.

The NRS is one of the ways to implement the NRM model, adapted to the situation in the Republic of Moldova in 2006, when the model began to be piloted. The creation and development of the NRS in the Republic of Moldova were carried out by the MHLSP with the financial support of the country's

²⁰ Ibid., p. 28.

²¹ Ibid., p. 32.

development partners. The main partner of the ministry in this process was and remains IOM, while the International Center “La Strada” provided expert support for the drafting of the conceptual model of the NRS. Taking into account the fact that at that time the concept of victim as a rights-holder and the multidisciplinary approach to victim assistance were a novelty in our country, it was agreed to draw up not only a joint action plan but an entire policy document – the NRS Strategy (2009-2016),²² aimed at reforming social relations in the field of countering trafficking in human beings.

The draft Strategy was drafted with the active participation of representatives of civil society and international organizations, and then extensively consulted in various discussion platforms. Because of the innovative character of the document, it was very difficult to reach a consensus on its contents, so it has undergone multiple changes. A very important role in the promotion of the NRS Strategy draft was provided by IOM, which pledged further support in the implementation of this policy document. All in all, the preparation of the draft of the Strategy lasted two years, a period in which the draft lost some of its progressive ideas. However, the work was successful and at the end of 2008, the NRS Strategy was adopted by the Parliament of the Republic of Moldova, which ensured political backing for the creation of NRS by the legislative authority.

The NRS strategy contained the purpose and objectives of state policy in this area for 7 years, and was accompanied by an action plan of state, non-governmental and international organizations for the three initial years (2009-2011). In the years that followed, the necessary actions to achieve the objectives and tasks of the NRS were included in the Action Plans for Prevention and Combating Trafficking in Human Beings, draft in accordance with the legislation in force²³ and approved by the Government for a given period (2012-2013 and 2014 -2016).

The main purpose of the NRS Strategy (2009-2016) was the setting up of the NRS in Moldova as a special system to provide assistance and protection to victims and potential victims of trafficking in human beings in order to achieve internationally recognized human rights of victims of trafficking in human beings. Besides, considering that until 2006, the assistance to victims of trafficking was provided exclusively by IOM and civil society organizations, the NRS Strategy was also meant to ensure the integration of the assistance to this group into the general social protection system of the Republic Moldova. The NRS strategy provided for a phased transfer of responsibility, including financial, to assisting victims of trafficking in human beings, from international organizations (especially IOM) and civil society to state structures, so that the state was to develop a network of services necessary for protection and assistance victims of THB, while maintaining the quality of services already provided.

The NRS strategy has made it mandatory to apply internationally recommended principles and approaches in dealing with victims of trafficking in human beings. These include the human rights-based approach, the multidisciplinary and intersectoral approach, the confidentiality of information about victims and their private lives, the prohibition of discrimination, the consent of the victim to participate in the protection and assistance programs, the individual approach to assistance, etc. Taking into account that the NRS is also to ensure protection of children victims of trafficking in human beings, the strategy included a special principle – respect for the best interests of the child, guaranteed by the UN Convention on the Rights of the Child and recommended by UNICEF for working with child victims of crimes.²⁴

²² Decision of the Parliament of Moldova no.257-XVI of 5 December 2008 “On the approval of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009-2016) and the Action Plan for the implementation of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009–2011)” (Official Gazette, 2009, no. 27-29, art. 66).

²³ Law on preventing and combating trafficking in human beings no. 241–XVI of 20 October 2005 (Official Gazette, 2005, no. 164-167, art. 812).

²⁴ Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe (Geneva: UNICEF, 2006), p.11. Available at: https://www.unicef.org/ceecis/protection_4440.html.

A particularity of the SNR, as one of the various models of the NRMs, is the inclusion among its beneficiaries of the *risk group* – the potential victims of trafficking. This was because, at that time, victims of domestic violence were at particular risk of becoming victims of trafficking in human beings as well. In those years, the Republic of Moldova lacked a special protection and assistance policy for victims of domestic violence. That is why MHLSP has decided that this category of persons should also be beneficiaries of the NRS and have access not only to information about the dangers of the trafficking phenomenon, but also to specialized social services, including legal, medical, psychological, etc., as well as to professional training and employment assistance. This provision of the Strategy has also contributed to the fact that people who have suffered from new, insufficiently studied, forms of THB or related crimes could also get access to the necessary assistance. This approach was subsequently recognized internationally by GRETA, the Council of Europe Group of Experts on Combating Trafficking in Human Beings as an effective prevention method of trafficking in human beings, and an example of good practice in the region.²⁵

The objectives of the NRS Strategy included the creation of the necessary conditions for the multidisciplinary and intersectoral interaction of the organizations participating in the NRS:

- Creating the regulatory framework for cooperation, ensuring the creation of the NRS and regulating the main processes within the system;
- Creating Coordination Structures – Territorial Multidisciplinary Teams (hereinafter MDTs) with the participation of representatives of civil society for the operative provision of assistance and protection of victims and potential victims of trafficking in human beings in each district, and then also community of the Republic of Moldova;
- Capacity building of specialists;
- Developing the data collection, monitoring and evaluation system of the NRS as a cyclical process within the policy on the fight against trafficking;
- Developing the mechanism for financing services for victims and potential victims of trafficking in human beings, etc.

The NRS strategy also envisaged the development of a service network at the local level for victims and potential victims of THB, endowment of this network with equipment and materials, as well as improving the quality of services in partnership with international donors and the civil society.

In line with the recommendations of the OSCE / ODIHR Practical Handbook, a Memorandum of Cooperation was signed in May 2008 which launched cooperation in the NRS and established the responsibilities of the main participants. The memorandum was signed by representatives of 6 organizations – participating in the NRS

- Ministry of Interior;
- General Prosecutor's Office;
- MHLSP;
- IOM;
- International Center “La Strada” and
- Association of Women of Legal Career / Center for the Prevention of Trafficking in Women.

It is important to note that the OSCE / ODIHR Practical Handbook contains detailed recommen-

²⁵ Compendium of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (Strasbourg: Secretariat of the CoE Convention against THB, Council of Europe, 2016), p.8. Available at: <http://www.coe.int/en/web/anti-human-trafficking/home>.

dations on the organization of the main processes within the NRM but does not require the development of any standard operational procedures. However, taking into account the legal traditions of Moldova, it was decided to develop a series of interconnected standards / regulations governing the identification, repatriation and other assistance to victims of trafficking within the NRS. In addition, the NRS Strategy also provided for the development of a bylaw regulating MDT activity. At that time there were no such normative acts in the Republic of Moldova, but the actors involved in the development of the Strategy considered it necessary to develop them. This was primarily due to the fact that the Memorandum of Cooperation was signed by only six national-level organizations, while the processes in the NRS cover many more organizations, active both at national and regional levels. Subsequently, this move was confirmed as correct. Similar documents have appeared in other countries. Later, recommendations to develop standard operating procedures as an effective method of coordinating the processes of providing assistance to victims of trafficking,²⁶ became common at the international level. This confirmed the appropriateness of the objectives set by the NRS Strategy.

The obligation to monitor the implementation of the NRS Strategy (2009-2016) as a public policy was taken up by the MHLSP, which has since 2010 developed and published 8 monitoring reports on the implementation of the NRS Strategy throughout the policy period.²⁷ MHLSP is also responsible for the operational coordination of all NRS processes related to the assistance of its beneficiaries.

At the same time, it should be noted that the NRS Strategy did not foresee the development of monitoring and evaluation of all NRS processes from the point of view of human rights as provided by the NRM concept. This can be explained by the fact that, at the time of its drafting, cooperation between state structures and civil society organizations was not sufficiently developed, and most government sector specialists were insufficiently aware of the role of non-governmental organizations in a democratic society, including their democracy “watchdog” role. That is why, at the early stage, the emphasis was placed on creating conditions and developing intersectoral interaction in the assistance and protection of victims and potential victims of trafficking. However, as we have already noted, after a certain period civil society organization have begun to develop the function of independent monitoring and evaluation of the policy implementation and of its impact on the rights of victims.²⁸

From the analysis of the NRS – the NRM model implemented in the Republic of Moldova – it can be concluded that it is based on principles and approaches and includes essential elements recommended by the OSCE / ODIHR in the description of the NRM concept. At the same time, the NRS also has some peculiarities that deviate from this concept, because it has been adapted to the situation in the Republic of Moldova at the moment of its establishment. These particularities can be summed up to the following:

1) A special policy document (strategy) was developed for the implementation of the NRS, which was officially approved by the Parliament of the Republic of Moldova in December 2008 and thus provided political support for the implementation of the NRS. The activities for the NRS Strategy implementation were set out in three successive action plans – the 2009-2011 Special Plan, endorsed by the Parliament together with the Strategy and two National Plans for Prevention and Combating Trafficking in Human Beings for the years 2012-2013 and 2014-2016, approved by the Moldovan Government.

²⁶ Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Person: South -Eastern Europe (Vienna: International Centre for Migration Policy Development/ICMPD, 2009)6 p.33. Available at: <https://www.icmpd.org/publications/publications/2009>.

²⁷ Available in romanian at: <http://mpsfc.gov.md/md/rapoarte>.

²⁸ Tatiana Fomina , “The Impact of the Republic Of Moldova Anti-Trafficking Policy on the Trafficked Persons’ Rights” (Chisinau: “La Strada”/Moldova, 2013).

- 2) Taking into account the national context, the NRS Strategy was aimed not only at protecting and promoting the human rights of the victim of trafficking, but also in transferring responsibility, including financial, for assistance from international organizations, development partners and civil society organizations to state structures, as well as the integration of this assistance into the national social protection system.
- 3) Not only victims and presumed victims but also potential victims of trafficking are assisted within the NRS. This has contributed to the fact that people who have suffered from new / insufficiently studied forms of the phenomenon of trafficking in human beings, related crimes or those contributing to trafficking in human beings (first of all domestic violence) could access the assistance they needed.
- 4) The NRS strategy focused mainly on creating the conditions for multidisciplinary and intersectoral cooperation (normative-legal and institutional framework, capacity building, data collection) and monitoring the implementation of the Strategy as a state policy and did not foresee the development of a monitoring function of the human rights compliance of the assistance to victims of trafficking.

2. Analysis of the current situation

2.1. Processes within NRS

In order to provide an effective framework for guaranteeing the human rights of victims of THB, a number of basic processes have been developed within the NRS, through which participants in the system fulfill their specific roles, assigned by legislation, and the State fulfills its international obligations.

Normally, these processes within the NRM model come together in a series of activities that include all or just some of the elements: identification, repatriation assistance, crisis assistance, reintegration assistance (social rehabilitation).

In what follows we will draw on some of the most important aspects of these processes, the problems encountered in their development, and possible solutions for the future.

Identification of victims of THB

Identification of the victim of trafficking in human beings is an essential function of the NRS and an obligation of the state – as a guarantor of human rights and a main subject of the International Human Rights Law – expressly provided for in the respective conventions. Thus, identification is a guarantee and a way of accessing the protection and assistance needed to restore the human rights of the victim of trafficking.

The OSCE / ODIHR Practical Handbook on the NRM mentions, with regard to identification, that it should involve a complex system of stakeholders that need to be trained and ‘interconnected’ to ensure a referral without gaps. The European Convention on Action against Trafficking in Human Beings makes this desideratum a legal obligation for the States Parties.²⁹ The Handbook also provides a number of practical recommendations for law enforcement bodies that come into contact with the victim, including the need for a reflection period and minimum standards to be observed during the first interview.

Within the NRS, a Guide on identifying victims and potential victims of trafficking in human beings has been developed, the initial idea being to establish common rules and criteria for all NRS actors that would serve as a tool for system specialists. However, the Guide has been approved by the MS-MPS Order and has not become binding for actors outside the social protection system (which would have been had it been adopted by Government Decision as initially planned).

Interviews with SNR specialists have revealed a recurrent problem related to how SNR operates and co-operates – the decrease in the number of victims identified locally by multidisciplinary territorial teams and referred to for assistance and protection. This decrease, in contrast to the large number of victims identified at national level, especially by the law enforcement bodies, indicates that it is not necessarily a fall in the phenomenon of trafficking in human beings per se, but perhaps other causes. This trend is taking place against the background of a perceived decrease (for example, by CAP and UNC) in the EMT’s work and involvement, which the specialists explain by lacking motivation of actors at the local and district level, overloading them, and lack of training. Other causes include the lack of proactive identification activities, the tolerance of the population towards the phenomenon of

²⁹ Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 3.03.2005 in Warsaw, article 10

internal trafficking / forced labor, the fluctuation of the cadres at the local level and the unjustified changes in the police participation in the EMT, the lack of specialized NGOs on the issue of trafficking in human beings at the local level.

Respectively, this is a complex issue of SNR that requires appropriate solutions.

Within the NRS, a *Guide on identifying victims and potential victims of trafficking in human beings* has been developed, the initial idea being to establish common rules and criteria for all NRS actors that would serve as a tool for the specialists working in the system.³⁰ However, the Guide has only been approved by MSMPS Order and has not become binding for actors outside the social protection system (which would have been the case had it been adopted by Government Decision as initially planned).

Interviews with NRS specialists have revealed a recurrent problem in the operation of and cooperation within the NRS – the decrease in the number of victims identified locally by multidisciplinary territorial teams and referred to for assistance and protection. This decrease, when seen in contrast to the large number of victims identified at national level, especially by the law enforcement bodies, indicates that it is not necessarily evidence of a drop in the phenomenon of trafficking in human beings per se, but perhaps is caused by other factors. The trend is taking place against the background of a decrease perceived (for example, by CAP and UNC) in the MDT's work and involvement, which the specialists explain by the lack of motivation of actors at the local and district level, their overload and lack of training. Other causes include the lack of proactive identification activities, the tolerance of the population towards the phenomenon of internal trafficking / forced labor, the fluctuation of the cadres at the local level and unjustified changes in the police participation in the EMT, the lack of NGOs specialized on the issue of trafficking in human beings at the local level.³¹

With regards to the identification by law enforcement bodies of THB victims and their referral to assistance and protection, the data reported by both the Center for Combating Trafficking in Human Beings (hereinafter CCTP) as well as by other NRS actors shows a discrepancy between the number of victims reported by the Center and those assisted in the NRS.

Thus, according to the data from the National Report on the implementation of the National Plan for Prevention and Combating Trafficking in Human Beings for the period 2014-2016 for the year 2016, CCTP identified 197 victims of TFU (adult) and 35 victims of child trafficking.³² At the same time, according to the same report, only 123 THB victims were assisted in the NRS, out of which 109 were adults and 14 were minors.³³

According to CCTP officers, the difference can be explained, on the one hand, by the fact that many of the criminal cases of trafficking are related to criminal deeds committed two, three or more years before, and victims no longer choose to resort to protection and assistance services, and consequently do not appear in NRS statistics. Still, CCTP representatives have acknowledged that they will take steps to remedy these discrepancies by establishing a procedure whereby the victims, who refuse to

³⁰ To this end, the NRS Strategy established (at pt. 27) as an objective "... developing standardized procedures for the protection and assistance of victims and potential victims of trafficking in human beings (identification procedures, repatriation procedures, referral procedures, protection and assistance procedures)"

³¹ Conclusions of Working Group 2 („Identifying Victims of Trafficking in Human Beings at Local Level, Assigning Victims Status and Accessing Assistance”) at the Workshop „Operation of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings in the Republic of Moldova. Lessons Learned, Challenges and Perspectives”, 20.10.2017

³² National Report on the Implementation of the National Plan for Preventing and Combating Trafficking in Human Beings for the Period 2014-2016 and Achievements in the Field for 2016 (Chisinau: Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings, 2017), p. 11. Available online at http://antitrafic.gov.md/public/files/Raport_national_2016.pdf

³³ Monitoring Report on the Implementation of the Strategy of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Human Trafficking in 2016 (Chisinau: Ministry of Labor, Social Protection and Family, 2017), p. 28. Available online at http://msmps.gov.md/sites/default/files/document/attachments/raport_snr_2016_final.pdf

receive assistance in the NRS, will be asked to certify this by signature. It should be mentioned that at the moment there is already a compulsory procedure for law enforcement to inform the presumed THB victim, under signature, about the possibility to receive assistance and protection within the NRS.

However, this does not seem to produce the desired effects. To achieve the proposed goal, these rights must be explained to the victim in a language that is accessible and easy to understand. At the same time, in order to motivate the victim to seek help, the state should be able to provide services that respond to the victim's needs (and which are guaranteed and free) irrespective of their participation in the criminal prosecution process.

From this perspective, the measure proposed by the CCTP will not so much solve the problem as will formally explain away the lack of assistance / reference. In other words, this effort will remain incomplete if it is not supplemented by relevant changes in legislation and by good practices of effective victim information. At the same time, referral to NRS should also mean granting a status, outside the criminal proceedings, which would guarantee a minimum of services and rights.

Thus, it is recommended that:

Authorities develop an appropriate mechanism and instructions to ensure that, in identifying victims of trafficking in human beings by the law enforcement authorities, the former are informed in an accessible way about the rights to assistance under the NRS, including the (free of charge) services available within the system.

It should be mentioned that, according to the Social Assistance Law no. 547-XV of December 25, 2003,³⁴ the right to social assistance is guaranteed to persons in difficulty and this right is ascertained based on the needs assessment of the person, as confirmed by the Social Screening. From this point of view, specialists in the social protection system often do not understand the need for an additional procedure – of the questionnaire for the identification of victims of trafficking in human beings. Moreover, the Social Assistance Law does not regulate the TFU Victim Identification Questionnaire as a basis for access to social assistance.

This aspect was also noted³⁵ by SNR specialists who have drawn attention to the fact that the procedure for identifying victims of THB does not directly correlate with the case management procedure in social assistance. According to them the completion of Questionnaire A for identifying the victim of trafficking in human beings does not eliminate the need for the initial evaluation of the beneficiary by conducting the Social Survey. Moreover, interviewees noted the too complicated and detailed content of Questionnaire A, which was originally developed with the purpose of, among others, collecting statistical data on the phenomenon of trafficking in human beings, a purpose which is secondary to the identification of the victim of trafficking in human beings.

In this regard, it is recommended that:

- a) The „Case Management” Guide, approved by MMPSF Order no.71 of 3 October 2008, is amended to avoid confusion and duplication in identifying the victim of trafficking as a beneficiary of the social protection system and to explain in detail the actions to be taken by specialists in concrete cases;
- b) The Questionnaire A for the identification of THB victims is simplified so that the identification function takes priority.

³⁴ <http://lex.justice.md/index.php?action=view&view=doc&id=312847>

³⁵ Conclusions of Working Group 2, see footnote 31 above.

Another key issue is related to the outcome of the identification process. The concept of identification itself presupposes that once recognized as a (potential / presumed) victim of trafficking in human beings, the person shall be granted the right to certain assistance and protection services granted free of charge by the state. Consequently, the lack of a minimum package of assistance guaranteed to the victim serves as a factor that discourages self-identification and hinders the identification process in general.

Thus, even if, according to the Guide on identifying victims and potential victims of trafficking in human beings, a filled-in TFU Victim Identification Questionnaire signed by the MDT Coordinator serves as the legal basis for accessing assistance and protection services, access to the services themselves encounters a series of difficulties. Firstly, because, as mentioned, the Identification Guide is not approved by the Government, it does not have a binding legal force for all the NRS service providers. Moreover, at the moment, due to the reduction in external assistance for services to victims, and limited state resources, the identification procedure described in the Guide appears to be very flexible. In this context, proposals for bureaucratisation of the procedure for the identification of victims of trafficking in human beings have been advanced, which represents a risk for the realization of their rights.

In the interviews with the specialists there were two opinions on the procedure for identifying the victims of THB. The first argues the need for a clear centralized procedure whereby an official body confirms victim status through an act serving as a basis for accessing services. The latter advocates for an identification procedure that will be applied, as it is the case now, in a decentralized / deconcentrated manner by several actors in the NRS empowered with this function. In this latter case, the recognition of the victim of trafficking by these actors is to be binding to all organizations participating in the NRS without the need for additional checks.

From this point of view, it is recommended to reconceptualize the identification process so as to develop clear procedures for granting the status of victim of trafficking in human beings (by a certain body or by several actors in the NRS), unconditioned by the person's participation in the criminal proceedings, that would serve as the basis for providing free assistance and protection. For this purpose, it is possible to opt for the amendment of Law no. 241-XVI of October 20, 2015 to introduce a rule stipulating that the procedure for identifying THB victims is established by government decision, i.e. is binding to all NRS actors.

At the same time, it is necessary to establish by law a minimum package of services guaranteed to the person identified as victim of trafficking in and detailing it in a regulatory act.

Repatriation of THB victims

According to the OSCE / ODIHR Practical Handbook on National Referral Mechanisms, repatriation and social inclusion are part of the NRM. The handbook recommends clarifying the financial responsibilities in the repatriation process but also to take into account the risks that may accompany the return of victims of trafficking in the country. In particular, authorities should bear in mind that the victim often returns to the same environment and the same social and economic conditions used by traffickers to recruit them in the first place. In this context, the OSCE / ODIHR recommends exploring alternative possibilities such as remaining in the country of destination or settling in a third country. The Handbook also addresses the issue of persons identified as victims of trafficking in human beings abroad, that lack identification papers. It recommends that victims be issued, where appropriate, provisional documents in a way that avoids stigmatization and re-victimization.³⁶

³⁶ OSCE/ODIHR, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (Warsaw: ODIHR, 2004), p. 80-81

On the topic of the repatriation of victims of trafficking in human beings, the NRS Strategy provides for two main measures – (1) to develop and conclude bilateral agreements between states on the identification and repatriation of victims and potential victims of trafficking in human beings, and (2) to develop standardized procedures for repatriating victims and potential victims.³⁷

In the Moldova these standardized procedures took the form of the *Regulation on the procedure for repatriation of children and adults – victims of human trafficking, persons in difficulty, as well as unaccompanied children* adopted by Government Decision no. 948 of 07.08.2008.³⁸ The Regulation establishes the procedure for repatriation to the country of the categories of persons referred to in its name, as well as for covering the expenses incurred in the process of repatriation, identifying the parents or other legal representatives of the children and the emergency protection by the competent protection services. The Regulation provides for human rights-based principles and approaches – the person's consent to repatriation, the superior interest of the child and the protection of personal data.

NRS specialists, decision makers and monitors outside of Moldova appreciated the impact of national repatriation regulations as a positive one. Firstly, clearly, by approving the repatriation procedure, the state assumed financial and operational responsibility for returning (voluntarily) to the country its own citizens and stateless persons. Until 2008, almost 100% of trafficking victims were repatriated with financial support provided by IOM. Currently, MHLSP covers most of the expenditures, including practically all expenses for children. This can be considered a success in implementing the NRS.³⁹

However, according to NRS specialists, there are some gaps in the repatriation procedure that should be addressed. Following the changes made in the Regulation in May 2017, a new category of beneficiaries – the person in difficulty – took the place of the “victim of migrant trafficking/smuggling”. This category is defined as

“A person over the age of 18, identified and confirmed by the social assistance bodies who can not return to their home country because of the vulnerability of the person in the territory of a other state, caused by the cumulation of the following circumstances: serious health problems, lack of financial resources, lack or loss of documents that can not be re-established by the individual independently, and lack of assistance from family members.“

According to interviewed NRS participants, in practice, this provision means that the persons in this category receives state support in their repatriation only if their status is confirmed by the competent authorities of the destination state, which is not always possible. Taking into account that it is often difficult to identify a trafficking victim at first contact, while one can more easily ascertain that a person is in difficulty, according to the established criteria, this provision, can also affect victims of trafficking. Moreover, there is a risk that the person in difficulty, without the option of repatriation, will become a victim of trafficking.

This is why, in cases where the MHLSP is not able to promptly confirm the status and situation of the person in order to repatriate the victim or potential victim, IOM still has an important role in operating and covering repatriations. Thus, even if the IOM Mission in the Republic of Moldova does the necessary inquiries with the mission in the country of destination or with the civil society organizations that are in contact with the alleged victim or potential victim, the MSMPS, based on the provisions of the regulation, often can not order the repatriation without an official confirmation from the competent authorities in that country.

Given that the repatriation procedure coordinated by the MHLSP usually takes at least three days

³⁷ Pts. 18 si 27

³⁸ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&cid=328840>

³⁹ Interview, IOM.

(which involves the interaction of the main institutions in the arrangement process), this leads to difficulties in responding promptly to urgent cases. In these cases, IOM coordinates and covers financially the repatriations, with the possibility of subsequent reimbursement of costs from the state budget for repatriations, if the vulnerable status / situation of the person is confirmed later.⁴⁰ However, subsequent status confirmation does not always lead to the reimbursement of these costs, when the time period between the repatriation and the assessment of the person's situation is too lengthy.

This issue is particularly relevant in the case of states with which communication and cooperation on anti-trafficking is difficult or even impossible, and where there are no proper victim assistance and protection services. Thus, according to IOM representatives, there are states (e.g. the United Arab Emirates) in which it is unlikely that a status confirmation will be obtained or with which cooperation on trafficking is unstable and sporadic (e.g. Turkey and Russia).

Given that the IOM Mission to the Republic of Moldova is involved in the majority of repatriation cases (approximately 80% of the repatriated adults) and has a reliable network of contacts and sources of information in the destination countries, it is recommended that authorities recognize IOM screenings / confirmations as sufficient for the operation of repatriations by MSMPS.

Another issue raised by NRS specialists is related to the role and importance of the embassies and consular offices of the Republic of Moldova in the repatriation process. They draw attention to the fact that, when reaching to the diplomatic representations of the country abroad, citizens who have suffered from trafficking or exploitation are often not identified as such by the staff. Consequently, victims do not enjoy the rights they should be guaranteed (e.g. free of charge issuing of travel documents, in accordance with point 16 of the Repatriation Regulation). As a result, victims' referral by the consular offices to services in the country of destination is also infrequent.

Although MSMPS and IOM have organized several training sessions with the consular staff of the Republic of Moldova, these are not systematic and are often affected by external factors (e.g. institutional reorganizations).

In this context, it is recommended to institutionalize training for consular staff in the diplomatic representations of the Republic of Moldova, conduct a mapping of services available in destination countries of the trafficking in human beings (and its continuous updating) and to establish contacts between the diplomatic missions of the Republic of Moldova and the services available in these states.

The NRS specialists assert that the rules requiring the consent of the person for repatriation are complied with and there are necessary instruments in place that confirm and guarantee this in accordance with international standards and national regulations in the field.

Assistance in overcoming the crisis situation

The main institution responsible for the assistance of victims in overcoming the crisis situation is the Center for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings (hereinafter referred to as CAP). Established in 2001 as part of an IOM project, since 2008 CAP has been a highly-specialized public institution,⁴¹ financed from the public budget, which provides victims and potential victims of trafficking in human beings with accommodation, food, medical, social, psychological and legal services. The Center operates under the Framework Regulation on the

⁴⁰ Interview, IOM.

⁴¹ Government Decision No. 847 of 11.07.2008

organization and functioning of the Services for the Victims of Trafficking in Human Beings and the Minimum Quality Standards, approved by the Government Decision no.898 of 30.12.2015.

According to the Monitoring Report on the implementation of the SNR strategy in 2016:

“Although the state budget transfers money for the beneficiaries of the center, the current minimum standards for the provision of medical, hygienic and food services are insufficient and the implementation of individualized assistance plans (elaborated on the basis of individual needs of the beneficiaries) necessary for a successful reintegration are not covered.”

The report notes that these needs continue to be covered by IOM.

This was also confirmed by the interviewed NRS specialists, who spoke about, among other things, the very low standards of assistance guaranteed under the current legislation (for food, medical treatment) for the rehabilitation needs of victims of trafficking. At the same time, specialists caution that the standardization of assistance results in a lack of flexibility in dealing with individual cases. While beneficiaries may have different needs, these are not reflected in the expenditures provided for by the normative acts. For this reason, for the rehabilitation of victims of trafficking in human beings, the NRS is also dependent on external financing.

Another problem is the lack of diversification of crisis assistance services and the lack or underdevelopment of services for men.

At the same time, the specialists say that the period of 30 days in which the victims can stay in the CAP is insufficient, especially in the conditions of lack / insufficiency of social reintegration opportunities in their home communities.

The medical rehabilitation of victims of trafficking remains a challenge. CAP specialists have formulated and reiterated a number of issues in this regard. Thus, even if the current legislation recognizes the right of victims of THB to free state-provided healthcare, in practice this right is not exercised in full. There is no clear procedure for free of charge issuing of the Compulsory Medical Insurance policies for victims of trafficking, as the THB Victim Identification Questionnaire is not recognized in practice by the authorities as a confirmatory act of the right to free medical insurance. That is why health insurance continue to be procured from donor funds (especially by IOM). Moreover, even purchasing the policy can become problematic due to the lack of identity documents of the beneficiaries. Another problem is the fact that the covered medical services can be provided only at the place of living, while the beneficiaries who require them are often placed in CAP in Chisinau or in another locality. At the same time, despite the fact that the Law no. 241-XVI of October 20, 2005 (art. 20) guarantees the presumed victims of trafficking in human beings the minimum package of free medical care and free assistance in medical institutions established by MSMPS, in practice the specialized medical services are contracted with IOM support from the respective medical institutions. In terms of quality, the way services are provided and the involvement of medical staff, NRS specialists draw attention to the fact that victims of trafficking in human beings are often subjected to stigmatization by healthcare personnel, while the identification of victims by medical staff remains very low.

Another identified problem is the lack of educational services for school-age beneficiaries. According to existing standards, child victims of trafficking should not be excluded from the educational process while receiving assistance. At the moment, the placement of NRS beneficiaries in educational institutions is cumbersome, mainly because of documentation problems. To address this issue, CAP specialists recommend that simplified (inclusive) educational services are introduced in the Center, so that the right of the children to education is respected in a proper manner.

It is recommended that:

- NRS actors conduct an analysis of the efficiency of rehabilitation and post-rehabilitation services, including the duration of assistance in the CAP;
- Mechanisms are developed to provide educational services during rehabilitation within the CAP for school-age beneficiaries (inclusive / simplified education);
- The legislation is amended to be more explicit as to the services offered free of charge, with discount and for payment;
- The Government clearly regulates the amount of free medical care guaranteed by the state to the (presumed) victims and the basis (justifying document) that ensures access to the given services;
- Healthcare personnel is systematically trained in identifying and assisting victims of trafficking in human beings;

Documentation

One of the specific objectives set by the NRS Strategy is “to provide victims and potential victims of trafficking in human beings access to quality services” and among the expected results – “to improve the quality of protection and assistance to victims of trafficking in human beings (length and diversity of assistance, new services at the local level, etc.)”.

With regards to the functionality of the NRS from the perspective of access to services, a first problem noted by the majority of the interviewed specialists is the lack of identity documents of the NRS beneficiaries, its negative impact on the situation of the victims and the way which NRS actors overcome this problem. In order to explore the situation in this field, the National Center for Training, Assistance, Counseling and Education of the Republic of Moldova issued in 2017 an in-depth study of the main legal issues and developed a series of recommendations for improving the situation.⁴²

The problem of documentation of THB victims is especially important in the light of the fact that missing identity papers makes it impossible for them to access the most important services provided by the state: healthcare, education, legal services etc. Even the Framework Regulation on the organization and functioning of the Service for the Victims of Trafficking in Human Beings and the Minimum Quality Standards requires that the file of the beneficiary placed in the service must contain a copy of the identity document.

The impact of missing ID papers on the rights of the person is enormous. As the study quotes, in the absence of identity papers, the person is restricted in his or her fundamental rights (to identity, health and education). And the more he or she gets older, the more this restriction is felt, the greater the risk of social exclusion, discrimination, being attracting in crime, and, more seriously, of becoming a victim of trafficking in human beings... “⁴³

Thus, the issue of recognizing the identity of victims of THB appears as a systemic one that significantly increases the vulnerability of the affected persons.

Both the findings of the quoted study and the interviews with the specialists highlighted the following aspects of the problem:

a. Difficulties in issuing free of charge (in line with the law) identity papers in the absence of confirmation of the status of (potential) victim of THB, that would result from a mandatory procedure;

⁴² National Center for Training, Assistance, Counseling and Education of the Republic of Moldova (CNFACEM), „Ascertaining the identity of victims and potential victims of trafficking in human beings in Moldova” (Draft- unpublished)

⁴³ Ibid., p. 1-26

According to the quoted study, even if the Government *Decision on facilitaties in issuing identity documents*⁴⁴ provides for the free issuance of the identity card to the victim of trafficking in human beings, in practice this does not happen “on the grounds that the said provisions do not specify which document the Registry State Company must be submitted to confirm the status of victim of trafficking.”⁴⁵

On the other hand, the costs of providing documents are not included in the costs of assisting and protecting victims of trafficking, so they are covered either by the victims themselves or by external donors (especially IOM).

At the same time, even if the free issuance of ID cards on grounds of THB victim status was possible, or in cases where the person is exempted from paying on other grounds (disability, the first act issued), the deadline set for its completion (30 days) is a significant constraint in the rehabilitation process. The length of victims’ stay at CAP is also 30 days, and the collection of evidence for the documentation of the person can take longer.

This leads to a situation in which, a right that exists on paper, cannot be properly exercised.

b. Insufficient development of the multidisciplinary approach in ascertaining the identity of the victim of trafficking

Given the situation described above, it is clear that documentation services for victims of trafficking in human beings are an inherent and necessary part of the process of rehabilitation and reintegration and should be recognized as such. To this end the national legislative-normative framework could introduce the concept of social support/accompanying of the beneficiary of the social protection system in the documentation process.

According to the Regulations on the functioning of territorial multidisciplinary teams (MDTs), the district MDTs include representatives of the territorial subdivisions of the State Enterprise “CRIS” Registru of the Ministry of Information Technology and Communications, responsible for population records and issuance of identity documents.⁴⁶ At the same time, according to the same Regulation, “all the members of the multidisciplinary territorial team have competences in ensuring the access of the beneficiary of the National Referral System, identified by the members of the multidisciplinary territorial team, to the necessary protection and assistance, using the potential of the multidisciplinary territorial team.”⁴⁷

However, the quoted study draws attention to the lack of a well-defined procedure, which would provide for the effective cooperation of representatives of CRIS “Registru”, Local Public Authorities and Civil Status Services in assisting the victims in the documentation process, especially in case where there is lack of evidence confirming the person’s identity.

Furthermore, according to the CNFACEM study, there is a lack of legal services at the local level, and documentation “is not a priority [...] for Community social services... while the complexity of the cases exceeds the possibilities of the community assistants to get involved, correctly inform and guide the applicants “. In other words, there is a lack of resources and capacities at the local level, which is why this service is provided by the CAP, the cases being reported from the local to the central level.

The assistance provided by CAP lawyers and social assistants consisted in informing the beneficiaries about the official procedures, drawing up the applications on behalf of the beneficiaries, accompanying them to the offices of civil status bureaus and IS CRIS Registru and assistance in completing the necessary forms.

⁴⁴ No. 210 of 24.03.2014 (Annex 1, pt. 1(g))

⁴⁵ CNFACEM, op. cit., p. 13

⁴⁶ Government Decision no. 228 of 28.03.2014 approving the Regulation on the functioning of territorial multidisciplinary teams within the National Referral System” (Official Gazette of the Republic of Moldova, 2014, no. 80-85, art. 251), pt. 9, para 7)

⁴⁷ Ibid., pt. 15, para. 1.

However, CAP specialists themselves face bureaucratic problems in documentation assistance (e.g. the competent bodies ask for the power of attorney, provided that to issue the power of attorney the beneficiary needs to have an ID). The same impediments would also affect the MDT's efforts to assist in obtaining IDs for victims of trafficking in human beings.

c. The inadequacy of the financing mechanism of rehabilitation and reintegration services for responding to the need to document the victims of THB, which results in the coverage of these expenses by IOM;

The Framework Regulation on the organization and operation of the Service for the Victims of Trafficking in Human Beings and the Minimum Standards of Quality provides in Article 18 (Legal Counseling Services) that “the beneficiaries of the Service will benefit from logistical advice and support in the process documentation, restoration of documents”. However, according to the quoted study, the costs of documentation in all cases assisted by the CAP – taxes for the issuance of civil status and identity documents (in urgent terms), the fees for translation of documents, notarial and consular fees, as well as transport of the beneficiaries throughout the documentation procedures – have been fully supported by the Mission of the International Organization for Migration of Moldova. Thus, given that such expenditures are provided for at national level from the state budget, and local governments have not provided financial resources in local budgets for needs related to citizens' documentation, a review of the funding of the assistance and protection services of victims of trafficking is required, including from this perspective.

d) The inadequacy of existing procedures for determining the identity of the person, including the collection of evidence confirming the identity of the victim of trafficking;

The quoted study also draws attention to issues related to the person's identification procedure at the first documentation, in cases where they have no relatives and no documents to confirm their identity. In this context, there is a lack of clear regulations on the obligations of authorities to collect evidence, as well as on the judicial procedures for establishing the identity of the person.

It is recommended to revise the legislative and normative framework in order to ensure the documentation of victims and potential victims of trafficking, including by (1) empowering of social assistance services with competencies to request civil status documents from the respective authorities, (2) amending the Civil Procedure Code for establishing new procedures to ascertain the identity of the person and parenthood, (3) regulating police participation in identifying evidence that confirms the identity of the person. At the same time, it is recommended to allocate budgetary resources for the purpose of providing identity documents to victims of trafficking in human beings.

Reintegration

The social reintegration of victims of trafficking and their post-rehabilitation assistance is a crucial element in ensuring the human rights of this category of persons as well as a guarantee against re-trafficking.

In this context, the interviewed specialists note that people become victims of trafficking because they have been marginalized, excluded, discriminated or ignored in their own community. The role of the reintegration process is to break the vicious circle of precarious social conditions and trafficking in human beings by addressing these negative factors. From this perspective, several of the interviewed professionals reported problems in this regard, including the limited possibilities within the NRS at this time for reintegration of the victim into a community other than their home, for example to avoid stigmatization and isolation from the negative factors that had led to the situation of trafficking.

With regards to the operational aspects of the reintegration process within the NRS, a first problem is the institutional responsibility within the NRS for the reintegration (post-rehabilitation) assistance of the victims of trafficking in human beings. Thus, several central and local actors talked about insufficient MDT involvement in co-ordinating the reintegration and post-rehabilitation monitoring of cases. At the same time, the lack of long-term monitoring is cited as a cause of the decrease in the capacity of the NRS to ensure the success of the reintegration process, or intervention when it faces difficulties.

Thus, issues related to the MDTs' capacity and performance in the coordination of the reintegration process of victims of trafficking in human beings have been reported.⁴⁸ Because of this lack of capacity and involvement, the reintegration process is often *de facto* coordinated or supervised by the specialists of the CAP, even where there are no budget allocations to cover for this process (so it is funded by donors). To this end, the Center's social assistants coordinate each the reintegration processes in one assigned region of the country (North, Center, South).

While recognizing that it is a context-driven solution, the MHLSP representatives believe that the role of the CAP should be limited to interventions in crisis situations, even if the Framework Regulation provides among the objectives of the Victim Assistance and Protection Service facilitating the process of "socialization and reintegration of family and community of beneficiaries with the participation of the multidisciplinary territorial team within the National Referral System."

It should be noted that reintegration assistance has no budgetary coverage, being almost entirely secured from the sources of external donors (IOM, in particular). This is also due to the lack of clear standards regarding the amount of rehabilitation and reintegration services provided to victims of trafficking, the timelines for each service, the funding norms, the evaluation of the results, etc.

Regarding social reintegration services, specialists argue that one of the most effective methods of reintegration is the vocational training service. They note that despite the success of the specialized service in the NRS, it is currently able to assist a limited number of victims of trafficking in human beings.

Other issues are also related to the legal assistance of NRS beneficiaries in the reintegration process. CAP lawyers signaled difficulties in coordination with local level actors when it is necessary to accompany / maintain contact with the victim for his or her participation in the various official (including court) procedures. Thus, it is recommended to clearly establish the responsibility of the local EMT of communicating with the victim to inform and, where appropriate, support him or her in legal assistance procedures.

Alte probleme sunt legate și de asistența juridică a beneficiarilor SNR în cadrul procesului de reintegrare. Astfel, juriștii din cadrul CAP au semnalizat și dificultăți în coordonarea cu actorii de nivel local, atunci când e nevoie de însoțirea/menținerea legăturii cu victima pentru participarea acesteia în diversele proceduri oficiale (inclusiv judiciare). Astfel, se recomandă stabilirea clară a responsabilității de comunicare cu victima a EMT local pentru informarea și după caz, susținerea, acesteia în procedurile de asistență juridică.

In the context of legal assistance available to victims, it was noted that the Law on State Guaranteed Legal Assistance does not explicitly include the adult victim of trafficking as a beneficiary of qualified state-provided legal assistance (defense and representation).⁴⁹ Even if the victim of trafficking is considered a victim of a serious human rights violation, and the State has a positive duty to restore its rights and provide remedies for this violation.

Given that only 6% of the victims benefit from state-provided lawyers in trials related to THB crimes,

⁴⁸ „MDTs have insufficient capacities... this is why CAP also deals with reintegration” (Interviewed CAP representative).

⁴⁹ Law No. 198 of 26.07.2007 on state-guaranteed legal assistance, Article 7: State guaranteed legal aid is provided through: ... e1) defense and representation of the interests of the child victims of crimes, as well as of victims of domestic violence.

and that the highest burden on victim counseling and representation is taken by the CAP lawyers with the support of external donors, it is necessary to revise the legislation in order to guarantee victims' access to legal services, even after the external funding of existing services ceases.

Finally, a problem that dramatically affects the victim's situation, the process of reintegration, and the effectiveness of other services within the NRS is that of housing for victims of THB. Provision of housing for victims has been deemed sporadic, depending on the availability of resources at the local level and the will of the actors involved. Social housing is underdeveloped. It is recommended that future policies on the protection and assistance of victims of trafficking in human beings include among the priorities the provision of housing to victims of trafficking as a prerequisite for the reintegration process.

It is recommended to:

- Establish clear standards regarding the amount of rehabilitation and reintegration services provided to victims of trafficking in human beings, the terms of each service, the financing norms, the evaluation of the results;
- Develop the long-term monitoring function of the NRS cases, its regulation and budget coverage;
- Clearly regulate CAP and MDT responsibilities in post-rehabilitation coordination and monitoring of beneficiaries' assistance, focusing on ensuring the efficiency and sustainability of interventions;
- Further develop professionalization/vocational training and employment services for victims of trafficking in human beings, develop standards in the field;
- Expressly regulate state-guaranteed legal aid for victims of trafficking in human beings and train lawyers;
- Analyse the opportunities for ensuring the victims of human trafficking with social housing and determine the responsibilities of the various actors in this field;
- Develop long-term services for victims of trafficking

2.2. Intersectorial coordination mechanism within NRS

Institutional framework and coordination

According to the NRS concept, as described in the NRS Strategy (2009-2016) coordination of activities within the system is to be performed by the MHLSP with the assistance of MDTs created at the local (district and community) levels. Later, the Government Decision No. 228 of 28 March 2014 approved the *Regulation on the activity of multidisciplinary territorial teams within the NRS*. According to the Regulation, within the MHLSP a National Coordination Unit (hereinafter NCU) is established – a unit of staff within the ministry with the function to ensure coordination between the organizations participating in the NRS. This coordination was to ensure referral of beneficiaries for protection and assistance at national level. The NCU mandate also extends to coordination of repatriation procedures. At the same time, NCU's functions include assessing trafficking cases, collecting data, disseminating information and organizing programs to increase the capacities of multidisciplinary territorial teams at district and community levels. The creation and operation of the NCU was initially supported by IOM, which, for this purpose, delegated to MHLSP a specialist from its own staff to carry out the NRS coordination. It was planned that the MHLSP would subsequently provide a dedicated unit of staff for this purpose.

For a long period of time MHLSP failed to take over this function because it could not itself provide a staff in its thematic department. The Ministry explains this through the decentralization reform that was underway and the need to transfer a series of coordination functions related to the provision of social services to a lower administrative level. At the same time, some social services for children (Child Hotline) are provided directly within the given ministry.

During the work on the present report, MHLSP confirmed that in September 2017, the unit of staff responsible for the NCU was incorporated in the Equal Opportunities Department of the ministry as first consultant.

However, there are still certain doubts as to the role and place of the NCU among the bodies of the central public administration and the resources it requires.

It should be noted that within the Workshop “Assessing the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings”, organized in June 2017, participants discussed the possibility of transferring the NCU to the CAP was discussed. Among others, participants mentioned that such a decision can facilitate work at the operational level. Thus, the tasks of coordinating referrals and case monitoring processes would be concentrated in the same institution, while communication and decision-making on cases would be accelerated. However, among the drawbacks of this proposal were the difficulties in making decisions about placement or repatriation and the creation of a hierarchical uncertainty between different levels of the NRS (the CAP, as a service provider, cannot coordinate / manage the work of other service providers).

In addition, in connection with the adoption of the Law on Rehabilitation of Victims of Crimes No. 137 of 29.07.2016, the MHLSP is responsible for organizing the rehabilitation process not only of victims of trafficking, but also of victims of other types of crimes. Thus, the ministry will have to coordinate cross-sectoral cooperation in order to achieve the rights of victims of all crimes, including trafficking – an absolutely innovative task for the social assistance system.

It is therefore recommended to reinforce the role of UNC in referring victims of all crimes.

In general, the NCU is seen by the NRS specialists as an indispensable element of the system, which ensures the communication between different levels from the operational point of view, as well as contributes to the development of the entire system through training activities, monitoring and promotion of best practice.

The NCU actively coordinates the processes of repatriation and referral, making the necessary requests at different levels of public administration – ministries, CAP, MDTs. In this context, at present, transferring the coordination function to a lower level appears to be unadvisable.

Role of CAP. Cooperation with MDTs

CAP is a central service within the NRS, both as a unique provider of specialized rehabilitation and crisis assistance services and through its role of case management. It is also a valuable resource of knowledge and skills on protecting and assisting victims of trafficking.

Of the total number of CAP beneficiaries in 2016 – 575 – only 86 (15%) were victims of THB, while 486 – were potential victims, including 270 victims of domestic violence. 210 persons (36% of the total) have been accommodated at CAP, while 365 receive day care (psychologic, legal, medical and social assistance).⁵⁰

Three social assistants from CAP coordinate/monitor MDTs in three regions of Moldova. They work

⁵⁰ Monitoring Report on the Implementation of the Strategy of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Human Trafficking in 2016 (Chisinau: Ministry of Labor, Social Protection and Family, 2017), p. 34.

closely with the local and district teams and with the NCU in referring and assisting cases and have a major role in their successful resolution. In this context, several interviewed specialists said that it would make operational sense to include the NCU as national coordinator in the CAP structure, even though from the point of view of institutional hierarchy within the NRS this is not possible.

The MHLSP insists that CAP only intervenes in crisis situations through its main functions, leaving the management of cases and the coordination of reintegration processes to the MDTs.

CAP staff is also involved in the training of other NRS actors – MDTs in particular – in identifying and assisting victims of THB and domestic violence (343 specialists have been trained in 2016 at the community level). Besides, CAP periodically organizes, with IOM support, roundtables that bring together CAP, NCU and district and local MDTs, to disseminate best practices and improve communication and coordination both vertically and horizontally. These roundtables have been appreciated by the interviewed specialists as a good practice which improves exchange of practical experience and promotes common models of addressing assistance and protection in NRS. Both national and international experts have recommended continuing organizing these roundtables.⁵¹

In terms of cooperation with the MDTs, at the territorial level, CAP specialists have sensed a decrease in the activity and involvement of local and district teams, which they explain by the lack of motivation of specialists. This trend results in a lower identification and referral and less communication between different levels of the NRS. Another reason of this lack of involvement could be the fact that stakeholders in the country are not yet prepared to treat victims of crimes as beneficiaries of the social protection system. On the other hand, for CAP it is easier to assume responsibility for case management, rather than motivate local MDTs to do it.

Members of multidisciplinary teams perceive their activity in the NRS as additional work. They are discouraged by other actors they cooperate with, such as LPAs, but also by the lack of involvement and passivity even in the most serious cases of local stakeholders – e.g. school teachers. In most cases, as reported by NRS specialists, MDT work depends on the involvement of one or several active members and is relying on the personal character and involvement without being incentivized from the outside. This happens despite the obligations and the mandate described in the MDT Regulations.

There is an additional problem of subordination – where social assistants are often reluctant to comply to orders coming from different MHLSP departments, while being formally and methodologically subordinated to the Social Assistance Department.

On the other hand, specialists from the district and community levels sense a lack of coordination between different structures at the national level. They perceive that some of the state policies overlap or duplicate each other when implemented at the regional and local levels – the same specialist participates simultaneously in several coordination structures created to solve similar social problems (e.g. NRS and the intersectorial mechanism for child protection).

In order to remedy these and other problems in the operation of MDTs, to improve the coordination of their work, communication and motivation of MDT members, several recommendations have been formulated.⁵²

⁵¹ Liliana Sorrentino, Draft “Assessment of Referral Mechanisms for Victims of Trafficking in Human Beings in the Republic of Moldova” (Vienna, International Centre for Migration Policy Development/ ICMPD, 2017)

⁵² Conclusions of working group 1 (Coordination of the work of Multidisciplinary Territorial Teams”) within the at the Workshop „Operation of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings in the Republic of Moldova. Lessons Learned, Challenges and Perspectives „, 20.10.2017

It is recommended that:

- MDT members are incentivized through study visits, exchange of good practices and improvement of their work conditions;
- MDT meetings in full attendance are held at least once in three months;
- Responsibilities within MDTs are clearly distributed and delegated.

Legal framework

In order to insure the coordination of actions within NRS a series of interrelated regulations and minimum quality standards have been developed. These documents regulate the main processes within the NRS and are directed at realizing the human rights of the THB victims, developing multidisciplinary and intersectoral cooperation, as well as recognizing the role of civil society organizations in these processes. The development of these normative acts has been accompanied by significant challenges, because they depended directly on the implementation of several innovative principles and approaches, coming from the international level and which had no analogues in the country.

As discussed already, when the NRS Strategy was adopted (December 2008), the Law on preventing and combating trafficking in human beings was already in force (adopted in October 2005). The law provided for the development of two bylaws by the Government, regulating the process of repatriation of victims and the functioning of assistance and protection centers. The law did not require that the authorities develop a regulation on the identification of victims and the lack of such a requirement (as shown above) is still creating barriers for approving such an act by the Government. This drawback can be explained by the fact that the law was adopted before the ratification by Moldova of the European Convention on Action against Trafficking in Human beings,⁵³ so that, even though in developing the law authorities were provided with the advice of international experts, it nevertheless fails to cover all the provisions and ideas contained in the Convention. It is widely recognized that the European convention has brought significant added value to the measures to prevent and combat THB, compared to other international instruments, including the Palermo Protocol. First of all, this relates to the classification of THB as a human rights violation, to the focus on identification, assistance and protection and, consequently, on increasing the protection of the human rights of the victims of trafficking.⁵⁴

The Law on preventing and combating THB was reviewed several times, but the amendments did not affect fundamental aspects related to the added value brought in by the European Convention, such as those related to identification and assistance of THB victims. More than two years ago, an inter-departmental working group under the Permanent secretariat finally developed and submitted to the Ministry of Justice a draft law on amending this law, which, among others, focuses on identification of victims. The law has been adopted by the parliament.

Still, as a result of the long-term efforts of IOM, civil society organizations and MHLSP, a series of normative acts regulating the main processes within the NRS have been developed:

- *Regulation on the procedure for repatriation of children and adults – victims of human trafficking, persons in difficulty, as well as unaccompanied children (2008);*

⁵³ Law on the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, no. 67–XVI of 30 March 2006 (Official Gazette of the Republic of Moldova, 2006, no. 66– 69, art. 277).

⁵⁴ Explanatory Report to the Council of Europe Convention on Action against Trafficking in human beings, para 36, 51 and 134.:<http://www.coe.int./trafficking>.

- *Guide on identifying victims and potential victims of trafficking in human beings (2012)*⁵⁵;
- *Framework Regulation on the organization and functioning of the Services for the Victims of Trafficking in Human Beings and the Minimum Quality Standards (2015)*⁵⁶.

Besides, a *Regulation on the functioning of territorial multidisciplinary teams within the National Referral System* was approved in 2014, regulating the way MDTs are created and the way they operate. These normative acts contain provisions that are relatively more advanced than those included in the Law on preventing and combatting THB, in what concerns their compliance with the quoted international standards.

With the exception of the Guide on Identification of (Potential) Victims of THB, all of these documents have been approved by the Government.

At the same time, despite the fact that all of the mentioned bylaws were developed with the participation of all interested stakeholders, they often are subject to critique by the specialists tasked with implementing their provisions. First of all, this is because, for most of them, the innovative and progressive elements of these documents are not fully understood, or rather do not correspond to the social relations that are customary and rooted in their work. Consequently, many NRS specialists allege that identification, referral and assistance at the local level often depends on the *personal qualities (humane attitude)* of the people working in the system, which take precedence over their immediate responsibilities.

Traditionally, the beneficiaries of the social protection system were disabled persons who were prevented from being part of the labour market because of various reasons and, consequently, were vulnerable – children, persons with disabilities, elderly or sick people, etc. Victims of crimes (THB, family violence⁵⁷ and other criminal offences) have only recently become legally entitled to social assistance as beneficiaries of the national social protection system. This change has not yet been assimilated and fully acknowledged by MSMPS specialists, nor by its leadership and even less by local specialists. The MSMPS still lacks a special direction to be responsible for developing policies on the rights of victims of crimes and to coordinate the development of specialized services for these categories of beneficiaries. According to the main law of the social assistance system – the Social Assistance Act (Article 1)⁵⁸ only disadvantaged persons and families are entitled to social benefits. This law does not provide access to social assistance based on such grounds as recognition as a victim of trafficking in human beings or of other crimes. In this way, it can be said that the Guide on the Identification of Victims and Potential Victims of Trafficking in Human Beings is at variance with the basic law in the field of social assistance. The same situation can be observed with regard to access to other types of assistance (medical, legal, etc.), which is guaranteed by law to victims of trafficking in human beings but has to be provided in ministries / institutions other than the social protection system. We note that the Law on Preventing and Combating Trafficking in Human Beings (article 35) as early as 2005 obliged the Government to review the normative acts of the ministries and other central public administration bodies, which are contrary to this law. At the same time, the same thing was not foreseen for other laws. As a result, MSMPS and the other ministries have not yet proposed and promoted the necessary amendments to legislative acts that are contrary to the Law on preventing and combating trafficking in human beings.

⁵⁵ Order of the Minister of Labour, Social Protection and Family no. 33 of 20.02.2012 “on approving the Guide on identifying victims and potential victims of trafficking in human beings”. Available in romanian on http://www.mmpsf.gov.md/md/docum_int/.

⁵⁶ Government Decision no.898 of 30.12.2015 “on approving the Framework Regulation on the organization and functioning of the Services for the Victims of Trafficking in Human Beings and the Minimum Quality Standards” (Official Gazette of the Republic of Moldova, 2016, no. 2-12, art. 5);

⁵⁷ Legea cu privire la prevenirea și combaterea violenței în familie nr. 45–XVI din 01 martie 2007 (Monitorul Oficial al Republicii Moldova, 2008, nr. 55-56, art. 178).

⁵⁸ Legea asistenței sociale nr. 547–XV din 25 decembrie 2003 (Monitorul Oficial al Republicii Moldova, 2004, nr. 42-44, art.249).

In addition, it should be mentioned that the provisions of the Social Assistance Act (2003) are obsolete and need to be revised. Currently they do not cover elements such as referral or aiding the beneficiary of social assistance in receiving the necessary assistance from the service providers subordinated to other ministries. Consequently, identification as a victim of trafficking in human beings under the social assistance system does not guarantee automatic access to services provided by other actors.

For example, as the experts surveyed in the present study have confirmed, if the person, recognized by the social protection bodies as a victim of trafficking in human beings, needs free assistance in restoring identity documents and approaches the competent body, it will be asked for a certificate confirming that the person is a victim of trafficking. However, social protection bodies do not issue such certificates, because information about victims of trafficking in human beings must be confidential. Thus, the procedure for identifying / recognizing a person as victim, outside criminal proceedings, must be described in more detail in the Law on Preventing and Combating Trafficking in Human Beings. At the same time, the Social Assistance Act should regulate the referral and the procedure of assisting/accompanying the beneficiary, including the victim of trafficking in human beings, in accessing assistance in other structures.

In addition, in order to ensure the fulfilment of the rights of the victim of THB, it is important that the Anti-Trafficking Law and the bylaws regulating assistance, provide for clear standards regarding the volume of services, the terms of each service, the funding rules, etc. At present, the rules contained in these documents only reproduce the content of international instruments in the field of prevention and combating trafficking in human beings, therefore they are abstract in nature and do not result in concrete rights that can be claimed.⁵⁹

Another issue related to the NRS regulatory framework is the contradictions and overlaps with the existing framework of the intersectoral cooperation mechanism for the protection of the rights of the children at risk. The *Law on the special protection of children at risk and children separated from their parents (2013)*⁶⁰ and the Government Decision no. 270 of 08.04.2014,⁶¹ approved to enforce the law, classify child victims as being at risk, which may be confusing. On the one hand, child victims are not only at risk, they have already suffered from the crime and require specialized services. Contradictions in legislation need to be removed so there is a clear single procedure on access to assistance for child victims of trafficking. Obviously, addressing this issue must aim to protect the rights of the child as fully as possible.

It is recommended to improve the legal normative framework, as follows:

- Amend the Law on Preventing and Combating Trafficking in Human Beings to include innovative elements, introduced by the NRS strategy;
- Revise the normative acts adopted for the purpose of regulating the processes of within the NRS, so as to clarify the volume of assistance provided free of charge.

⁵⁹ Tatiana Fomina , Tatiana Fomina , “The Impact of the Republic Of Moldova Anti-Trafficking Policy on the Trafficked Persons’ Rights” (Chisinau: “La Strada”/Moldova, 2013), p.39-40.

⁶⁰ Law on the special protection of children at risk and children separated from their parents no. 140 of 14 june 2013 (Official Gazette of the Republic of Moldova, 2014, no. 167-172, art.534).

⁶¹ Government Decision no.270 of 08.04.2014 „On approving the instructions on the intersectoral cooperation mechanism for identifying, screening, referring, assisting and monitoring child victims and potential victims of violence, negligence, exploitation and trafficking” (Official Gazette of the Republic of Moldova, 2014, no. 92-98, art. 297).

Capacity building

As noted in the first chapter of this study, to create and coordinate effectively the actions of organizations participating in the NRM, it is necessary, among other things, to hold joint training courses and develop the capacity of professionals from all the organizations involved.

A crucial role in the creation and development of the NRS is played by the development of the capacities of the specialists, both at national and at district and local level, where this is especially necessary given the more limited access to information at these levels. The creation of MDTs within the NRS was accompanied by joint training of these teams on the specificities of trafficking in human beings, victim assistance and human rights, organized with the support of the IOM.

This approach to training – joint multidisciplinary courses for MDT specialists – has unquestionable advantages: establishing common theoretical bases and standards, fostering communication between MDT members and building the foundation for further teamwork, understanding competencies and responsibilities and effective, human rights based, assistance of the beneficiaries.

Unfortunately, at present, there can be no transfer of the MDT training function to any governmental structure, as this sphere is dominated by a fragmentary (departmental) approach. Specialists complain about the sporadic and unsystematic nature of training (usually as a consequence of the projects supported by the country's development partners), the lack of rigorous coordination and planning, and their short-term goals only.

With the creation of the National Social Assistance Agency at the end of 2016, the function of facilitating the process of strengthening the professional capacities of the personnel in the social assistance system is to be part of the mandate of this institution. According to this Agency's Regulation,⁶² the following tasks will be assigned to it:

- a) collecting / systematization of the information on the training needs of the personnel in the social assistance system;
- b) developing of the general annual training plan for the personnel;
- c) analysis and systematization of curricula and course support for staff training;
- d) keeping and updating the database of trainers;
- e) selection and contracting of trainers, based on the criteria approved by MHLSP;
- f) Collaborates with international organizations, the academic environment, territorial structures of social assistance and civil society in order to improve the initial and continuous training process;
- g) Evidence of assessments of accumulated knowledge and skills of the personnel in the training activities carried out as well as the quality of the respective activities;
- h) recording and updating of the data on the professional training in the State Register of the personnel in the social assistance system.

The agency's management interviewed for the present study admitted that it has not yet fully carried out these tasks but will do so in the shortest possible time. At the same time, the Agency agreed that it should be possible to organize multidisciplinary training sessions as part of Agency-facilitated programmes, with the participation of representatives of other fields. Thus, in principle, the Agency's management admits the possibility of including MDTs joined training in future curricula and study plans.

At the same time, the creation of a structure responsible for the organization of training for social

⁶² Government Decision no. 1263 of 18.11.2016 „On approving the Regulation on the organization and operation of the National Social Assistance Agency, its structure and staff” (Official Gazette of the Republic of Moldova, 2016, no. 405-414, art. 1361).

assistance personnel is an opportunity for the systematization of various efforts to strengthen the capacity of social workers, by developing training plans and institutionalizing thematic trainings. In this context, it is recommended to set up a donor committee with the Agency to be used as a platform for coordinating the training of social assistance specialists funded by development partners.

In any case, it is necessary to correlate the attributions of the National Social Assistance Agency in terms of methodological support with the activities of the NCU, but also to fully use the training capacities available within the NRS (CAP specialists, THB experts) within a joint multidisciplinary training platform (SA Agency, Ministry of Interior, Prosecutor's Office, NGOs, etc.).

In addition, within the framework of the Working Group "Institutional Framework and Coordination" as part of the workshop "Assessing the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings", participants talked about the difficulties in involving the mayors (as important local decision makers and MDT members) in MDT training activities and their subsequent work. In order to solve this problem, it was proposed, among other things, to involve the Academy of Public Administration in the MDT training activities, but also to make use of the Territorial Committees to Prevent and Combat Trafficking.

At the same time, in the context of increased turnover, it is recommended to develop training capacities within the MDTs to ensure institutional memory and to rectify staff turnover.

Data collection and monitoring

One of the expectations at the stage of NRS creation was that the process of collecting information on victims of trafficking in human beings in the identification process will allow the analysis of the factors that contribute to the recruitment of people by human traffickers and the actual analysis of the phenomenon. At the time of the adoption of the NRS Strategy, none of the governmental structures was dealing with this task. In line with the strategy, identification questionnaires were to be collected by the NCU and analyzed.

However, since 2013 the institution responsible for this analysis has become the police – the CCTiP – which publishes annual reports on this issue.

At the same time, based on the information collected in its own contribution to the NRS (and its own database of assisted persons) and in co-operation with the NCU and the CAP, IOM publishes annually the THB Victim Statistical Profile containing an analysis of trends in the THB phenomenon, victim's statistical portrait and recruitment methods, as well as other analytical information. A recommendation would be for NRS actors to take over and adapt the IOM methodology to produce their own analyses as originally envisaged in the strategy. The content of the TFU victim identification form can be analyzed in order to simplify the procedure for collecting information and optimizing it.

In addition, information on victims of trafficking in human beings, as beneficiaries of the social assistance system, should be introduced in the Social Assistance Information System (SIAAS) – a unique system for registering all applicants and beneficiaries of social assistance (Government Decision no. 1356 of 3 December 2008). However, at the time the present report was being written, the SIAAS was not fully operational yet. Therefore, data on one and the same beneficiary may be present in the databases of different SNR participants and counted twice in generalized reports.

Regarding the monitoring of the implementation of the NRS Strategy, these reports focus on qualitative indicators of NRS development as well as quantitative indicators, with reference to the number of tasks, measures taken and the number of assisted beneficiaries.

At the same time, it is important to note that the draft National Strategy for Preventing and Combating Trafficking in Human Beings for the years 2018-2023, which contains further development

policies for the NRS, has already been developed. It is necessary to analyze how the collection of information about NRS beneficiaries in the future should be organized, taking into account the changes in the policies in the given field.

Financing of services within the NRS

As shown in the first chapter of this study, one of the goals of implementing the NRS in the Republic of Moldova was the transfer of responsibility, including financial, for assistance from international organizations, development partners and civil society organizations to state institutions as well as integration of this assistance in the national social protection system.

According to paragraph 25 of the NRS Strategy, NRS development requires a gradual increase in financial resources as well as the diversification and flexibility of financial mechanisms. The strategy specifies that the financing of the implementation activities of the Strategy will be carried out within the limits of the approved funds for the respective years in the state budget, in the budgets of the administrative-territorial units and other sources, according to the legislation.

One of the key issues of the NRS, which is indirectly referred to in the Strategy, is that, over a long period of time, victims of trafficking in human beings have benefited from services with the support of Moldovan development partners, especially the IOM. For this reason, the quality of services provided to victims of trafficking in human beings exceeds the average level of social services in the country, financed from the state budget. The NRS strategy provided for a gradual increase of the allocations from the state budget and the budgets of the administrative-territorial units, so that the financial responsibility for the assistance of the victims of trafficking in human beings gradually passes over to the state. However, despite the fact that the state has begun to allocate budget funds for repatriation assistance and support for CAP and other services, these allowances are insufficient. For example, reintegration assistance (post-rehabilitation) remains largely the task of donors, and existing rules on the use of funds allocated from the state budget either create bureaucratic barriers for the operative delivery of aid or provide too much discretion to local decision-makers (e.g. mayors).

The experts working in the NRS reported that although the state has assumed some responsibilities to fund the essential needs of victims and potential victims of trafficking in human beings, the amounts awarded do not correspond to the real needs of rehabilitation and reintegration.

Moreover, even if the Strategy refers to the “diversification” and “flexibility” of the financing mechanisms, the NRS specialists interviewed for the study complained on the rigidity of the existing mechanisms and the lack of flexibility. One example of this is the fact that the expenditure rules for the assistance of victims of trafficking in human beings are still governed by Government Decision no. 520 of 15.05.2006 on the approval of the norms of expenditure for assisting the persons accommodated in the social institutions.

The fact that the state has assumed the financing of the functioning of the centers for assistance and protection of victims of trafficking in human beings is undoubtedly a significant progress made in the implementation of the NRS.

However, reintegration assistance now done in co-ordination between the CAP / IOM and MDTs through support for individual assistance plans is crucially dependent on the support of external partners, and public resources are allocated sporadically from case to case depending on the decision makers at different levels. Assistance, which includes the provision of food and hygiene packages, medicines, medical insurance, goods for children, clothing and footwear, firewood and other heating materials, improvement of living conditions and support with equipment for professional reintegration, expenses for obtaining identity and civil status documents, and so on, remains to be largely procured with the finances of external donors.

Besides, according to experts in the field, one of the most expensive but also important needs of the individual assistance plan – the provision of housing – remains uncovered even by external donors.

In this context, a thorough analysis of the NRS funding mechanism and the development of flexible mechanisms tailored to the situation in the field are required. Obviously, it is necessary to conduct needs assessments before budgeting the respective services.

With a view to regulating the minimum service package for presumed victims of trafficking in human beings (provided under a defined procedure and guaranteeing simplified access to the range of services), it is necessary to estimate the costs and budget these amounts.

Another proposal within the Workshop “Assessing the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings” was to create a cooperation mechanism between LPAs for the joint financing of specialized (cost-effective) services at regional level, but also to include victim assistance / reintegration measures into local plans, and the respective budgets.

2.3. Impact of reforms in related fields

The NRS development process is inevitably influenced by developments in other related areas and needs to be adapted to them. Since the start of the implementation of the NRS Strategy, several reforms have been taking place in the related fields, which must be taken into account in the future.

2.3.1 The cross-sectoral cooperation mechanism for identifying, screening, referring, assisting and monitoring child victims and potential victims of violence, negligence, exploitation and trafficking

A first challenge raised by the interviewees in the study regarding the correlation between the NRS and other social protection policies is the one related to the mechanism established for the implementation of Law no. 140 of 14.06.2013 on the special protection of children at risk and of children separated from their parents.

The challenge lies primarily in overlapping the scope of the two policies – NRS, on the one hand, and the Cross-sectoral Cooperation Mechanism for identifying, evaluating, referring, assisting and monitoring child victims and potential victims of violence, neglect, exploitation and trafficking (CSCM), on the other, an overlapping sensed at all levels – national, regional and local – that creates misunderstandings and challenges at all these levels.

As a consequence of the parallel development and implementation of two distinct cooperative systems in cases involving trafficked children, the specialists in the territory, especially the social workers, according to their testimonies, are overburdened and sometimes confused about the way and procedure of action in a concrete case. Moreover, this situation is able to affect the confidence of specialists in and the credibility of the central authorities’ decision-making and Moldova’s development partners who promote these reforms. This is the case especially because the policies have been adopted without an active involvement of specialists directly affected by their implementation (especially social workers).

For this reason, it is recommended that any concept or policy document on the implementation and further development of the NRS be developed with the active participation of the specialists directly involved in the implementation of this policy – the representatives of the authorities, services and civil society at district and local level.

However, both the specialists in the field, the central institutions and the representatives of the development partners consider that the connection of the two mechanisms is not only desirable but also

possible. This is because both cooperation mechanisms have the same task – streamlining the process of assistance and protection for vulnerable social workers, involving different actors. Thus, cross-sectoral and multidisciplinary organization and cooperation could become the general framework for access to specific services. Moreover, some interviewees believe that, despite the impression that could be created, the NRS and the MIC are already interconnected in the day-to-day work of the specialists.⁶³

At the same time, some specialists, especially at local level, also notice the opportunities for bringing the two mechanisms together in a single approach by the state in cases of trafficking and exploitation, as well as other cases requiring multidisciplinary intervention.⁶⁴ The fact that the composition of the multidisciplinary teams provided by the CSCM, on the one hand, and the EMT Regulation, approved by Government Decision no. 228, on the other hand, is approximately the same, and processes / procedures and intervention instruments, even if they are distinct, can be unified. Specialists consider an advantage of the provisions of the Government Decision no. 228, that it contains clear regulation of EMT activity, which is an important guideline for dealing with cases.

It is therefore recommended to reconceptualize the existing NRS and CSCM within a single framework of multidisciplinary / cross-sectoral cooperation focusing on case management to provide access to specific services.

What is important, experts think, is the development of capacities and tools for monitoring and evaluating the process of reintegration of beneficiaries, both from the perspective of Law no. 241 and Law no. 140.

Reform of the MHLSP

The creation of the National Social Assistance Agency at the end of 2016 is seen by most interviewees as an opportunity, including in the context of the NRS, to strengthen the training function in the field of social protection. Although the institution is at an early stage, efforts are being made to ensure that it fulfills its mandate as efficiently as possible. Thus, according to a representative of an International Organization surveyed for the Study, the Agency already benefits from technical support in the mapping / inventory of training materials in the field of social protection.

Both the donors and the representatives of the organizations participating in the NRS agreed that the National Social Assistance Agency could become an extremely important structure and resource if it would ensure coordination between different donors that promote activities to strengthen the capacity of social workers, preventing and combating trafficking in human beings.

In this context, a recommendation would be to set up a Donor Coordination Council for the National Social Assistance Agency, to ensure the coordination of training activities supported by Moldovan development partners.

Representatives of the country's development partners have expressed their conviction that, despite the need for institutional reforms and cost-optimization, this will not “harm” the beneficiaries of the system

⁶³ As part of the Workshop „Operation of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings in the Republic of Moldova. Lessons Learned, Challenges and Perspectives „, the special working group proposed “the unification of MDTs in a single platform – same participants, discussing the same cases in the same meetings”.

⁶⁴ Conclusions of working group 3 (Policy alignment in NRS development with other social assistance policies) within the Workshop „Operation of the National Referral System for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings in the Republic of Moldova. Lessons Learned, Challenges and Perspectives”, 20.10.2017

2.4. NRS specifics on the left bank of the Nistru River

Assistance and protection of victims of trafficking in human beings on the left bank of the Nistru River took a special path due to the frozen conflict with the separatist regime in the region and the impossibility for the authorities on the right bank to directly carry out their tasks related to the prevention and combating of trafficking in an area which they do not effectively control.

Importantly, with the IOM support, the NRS model is being implemented in the region through the activity of several key NGOs and the relationships developed by them with other elements of the NRS in Moldova. These NGOs participate in the co-ordination and referral processes of the NRS based on a common methodology, even if they are operating in different conditions than the other actors and face specific problems. In order to provide assistance and protection to victims and potential victims of trafficking in human beings, these NGOs cooperate with other NRS actors to assist beneficiaries, but also with unrecognized left-wing authorities.

Future policies in this area should take into account the experience of these organizations and continue their integration into the NRS in order to protect victims' human rights as effectively as possible by using and enhancing their resources and capabilities.

Thus, «Взаимодействие»/“Interaction”/„Interacțiune” operates a Hotline for THB Victims, as well as a Trust Line for cases of domestic violence. With the support of IOM, the organization provides legal and psychological assistance to victims of trafficking in human beings (three cases identified in 2016). The organization also implements prevention activities through youth professional services (webinars / video lessons) and consultations aimed at preventing trafficking in human beings.

NGO «Женские Инициативы» / “Women’s Initiative” is dealing with direct assistance to victims of trafficking and domestic violence, migrants in difficult situations, unaccompanied children identified outside the country (Ukraine, Russia). It conducts identification as well reintegration of beneficiaries through legal, medical and social assistance services, services fully supported by the IOM. The organization operates on the left bank of the Nistru River on the basis of an agreement with the so-called Ministry of Social Protection of the unrecognized Moldovan Transnistrian Republic. Due to this agreement, authorities refer cases to the organization (including trafficking in human beings) identified by the administrative structures of the de facto authorities on the left bank of the Dniester River. Under an agreement with other organizations in the region (“Interaction”, “Resonance”), NGO “Women’s Initiatives” receives referrals from these organizations, including cases identified through the hotline and the trust line maintained by NGO “Interaction” in the region. The beneficiaries are from across the region.

For the purpose of identifying victims of trafficking in human beings and other beneficiaries at risk of trafficking, mobile teams consisting of psychologists and lawyers are formed in the region. With the help of local administrations, these teams pay visits to the people who are known to be at risk. As a result of identification, the organization provides legal and psychological services, but also reintegration (social support) or refers to the beneficiaries of other services.

Referral processes take place on the basis of instructions agreed upon by the parties involved, and Questionnaire A of the NRS is used to identify victims of trafficking.

The NGO “Women’s Initiatives” also has an important role in the Transnational Referral Mechanism of Trafficking Victims between the Odessa region and the Republic of Moldova, ensuring the assessment of the (potential) victim’s situation at the place of residence, as well as post-repatriation assistance.

The organization's specialists evaluate very positively the NRS processes and cooperation with actors on the right bank of the Nistru River. "We feel part of NRS" – mentioned a person interviewed in the study. Cooperative (informal) relations and referrals of cases, in line with the NRS methodology, are established between NGOs "Women's Initiatives", the NCU, IOM, CAP and the Center for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings in Căușeni. The NGO "Women Initiatives" participates in the annual reporting in the NRS and takes part in the coordination meetings within the system. Organization specialists say they have had many success stories, when, in response to referrals by the NCU, based on reports by NGOs on the left bank, right bank authorities were able to intervene to protect the rights of victims of exploitation and domestic violence.

As to the problems faced by the NRS actors on the left bank of the Nistru river, it is worth noting that the difficulties in obtaining identification documents for the persons in the region are even more serious, given the non-recognition of the documents issued by the unrecognized authorities. At the same time, specialists in the region also complain of difficulties in (self) identification of victims of trafficking (including stigmatization and stereotypes), insufficient training on the phenomenon of trafficking in human beings, its developments and signs and the unsatisfactory response of the criminal justice.

As regards the assistance and protection of victims of trafficking in human beings on the left bank of the Nistru River, it is recommended to:

- Use of the platform of the Sector Working Group on the use of labor resources and social protection of the population in the Chisinau-Tiraspol Dialogue in order to establish cooperation for the protection of the rights of victims of trafficking in human beings;
- Further involve organizations in the region that assist victims of trafficking in human beings in NRS events, including multidisciplinary training and policy development in the field;
- Development of the research capacities on the trafficking phenomenon on the left bank of the Nistru River and training of specialists on its new trends, identification of victims and assistance;
- Strengthen efforts to inform the population of the left bank of Nistru about the documentation procedures on the right bank and review / adopt normative acts to facilitate the documentation of these persons, including the guardians / curators who can act in the interests of the children.

Conclusions and recommendations

The most important issues and challenges in the NRS coordination can be summed up as follows:

Main issues

A. Processes within the NRS:

Identification:

- Lack of victims' access to services which, by law, should be free of charge (identification as THB victim within the social protection system does not guarantee automatic access to services provided by other state actors);
- Decrease in the number of victims identified at the local level and referred for assistance and protection by territorial multidisciplinary teams;
- Difference in the numbers of victims identified as reported by the law-enforcement bodies and those assisted within NRS;
- Insufficient development and standardization of the victim identification processes and those for granting victim status; no standardized access to assistance and services provided by different institutions and organizations; the Regulation on the identification of victims is not approved by the Government, and therefore has no mandatory power for all NRS actors and stakeholders.
- Lack of a minimum package of services guaranteed to the person with a (presumed) victim status, that has been identified in line with the existing procedures;
- The concept of "potential victim", as defined in the NRS Strategy is no longer necessary, in the light of the state policies targeting different categories of vulnerability, developed and implemented starting 2006.

Repatriation (return)

- The procedure by which the person who is abroad is identified and his or her situation of vulnerability is confirmed in order to initiate the repatriation procedure is made difficult by the inaction of authorities in the destination country; this in turn increases the risk for the vulnerable person to (re)become a victim of trafficking or being otherwise in danger;
- Lack of assistance and protection services in some of the THB destination countries;
- The consular personnel of the Republic of Moldova is insufficiently trained in identifying, referring and assisting victims (e.g. by issuing free of charge travel documents/IDs);
- Assessments/screenings made by IOM or civil society organizations in the destination countries are not recognized as proof of the person's vulnerability abroad, thus making the return difficult, especially where authorities of the country in question are inactive.
- Difficulties in accompanying persons in serious medical conditions in the repatriation process.

Rehabilitation and reintegration

- Documentation (recognition of the identity) of victims and potential victims of THB as a systemic problem of NRS, restricting the access to assistance and protection services:
 - a. Difficulties in obtaining free of charge identification papers (in line with the legislation in force) where there is no standardized procedure to confirm the victim status;
 - b. Insufficiently developed multidisciplinary approach in recognizing the identity of the victim and presumed victim (insufficient involvement of some of the state actors);
 - c. The state financing of rehabilitation and reintegration services for victims of trafficking, does not take into account the costs of documenting NRS beneficiaries, which results in IOM covering these costs;
 - d. The situation of persons from the left bank of the Nistru River is even more uncertain, since their ID papers are not recognized by the Moldovan authorities;
- The ambiguity of the legislation and its application by authorities pertaining to the services that are provided free of charge, with discount or for payment; lack of a clear classification of social services;
- Difficulties in accessing free of charge medical services by THB victims and/or obtaining free of charge medical insurance – IOM continues to purchase healthcare insurance for NRS beneficiaries;
- Lack of diversification and specialization of services in the context of the ongoing reforms in the social protection sphere;
- Insufficiency of the efforts to provide post-rehabilitation assistance and lack of a common understanding of the agency to be responsible for coordinating the reintegration of beneficiaries and monitoring this process (the role of the Centre for Assistance and Protection and that of the multidisciplinary teams). Lack of standards for the post-rehabilitation assistance.

B. NRS coordination mechanism:*NRS institutional framework and coordination of actions within the system*

- Lack of a clear vision about the state institution to be responsible for the coordination and oversight of actions within the NRS, its role and place in the system;
- High turn-over of the specialists within the system, presumably because of low motivation;
- Discrepancies in the involvement of multidisciplinary teams in different regions/communities in the identification, referral and assistance processes within NRS.

Capacity building

- Lack of a single government structure that would be in charge of capacity building for NRS specialists;
- Lack of a multidisciplinary approach to capacity building/training. Challenges in bringing mayors (as members of multidisciplinary teams and important decision makers at the local level) to capacity building programs within NRS;
- Training programs and training events within NRS are sporadic, unsystematic and fragmented, relying on financial support of donors and suffering from lack of coordination;

- High turnover frustrates the capacity building efforts and make them unsustainable – without other incentives, trainings alone are insufficient to make people stay in the system and apply their capacities.

Data collection and monitoring

- Lack of a vision on the way that data collection and monitoring at different levels of NRS should work;
- As the present report was being written, the Automated Informational System “Social Assistance” was still not operational for NRS purposes, and therefore there was no single tracking system for beneficiaries, the same person being part of different databases of NRS organizations.
- The need to monitor and evaluate NRS services from the point of view of human rights compliance.

Financing of services within the NRS

- Reintegration (post-rehabilitation) assistance is still mostly supported with donor funds. The continuing dependence on foreign donors is due to both the issue of confirming the victim status and the deficiencies of the regulatory framework and availability of services;
- The existing rules on the use of funds allocated from the state budget either create bureaucratic barriers for the timely delivery of assistance or provide too much discretion to local decision-makers (e.g. mayors);
- NRS specialists report the rigidity of existing mechanisms and lack of flexibility in financing the process of rehabilitation and reintegration of beneficiaries;
- Some services such as documentation assistance are not covered by budget funds and remain to be financed by donors;
- The allocation of resources for local reintegration of victims often falls within the discretionary power of LPA / mayors.

C. Influence of other policies

- Contradictions and overlaps between policies on assistance and protection of victims of THB and policies on child rights and those on rehabilitation of victims of crimes.
- Lack of coordination of actions between different structures at the national level or parallel action of different policies – as a result, the same specialist is simultaneously involved in several mechanisms created for solving issues that are often similar;
- Insufficient adaptation of the social protection system to a new category of beneficiaries included in the legislation – victims of crimes. The Social Assistance Law does not provide access to social assistance on such grounds as recognition as a victim of trafficking in human beings or of other crimes;

Recommendations

A. Processes within the NRS:

Identification:

- Develop a procedure to ascertain THB victim status, outside of the criminal proceedings, whereby the victim is granted access to free of charge services, without additional bureaucratic impediments;
- Establish a victim identification procedure through Government decision, so that it is mandatory for all NRS stakeholders;
- Establish through law a package of minimum guaranteed services for persons identified as victims or presumed victims of THB;
- Develop regulations and guidelines for law enforcement officers, whereby, when identifying victims of THB, police duly informs them in accessible language about their right to assistance within the NRS, including about the free of charge services guaranteed.

Repatriation

- When the status/situation of the alleged victim of THB cannot be confirmed/informed by the authorities of the destination countries, as well as in emergency cases, **recognize assessments by IOM and civil society organizations participating in the NRS as sufficient for authorizing the person's return by Moldovan Authorities;**
- Institutionalize trainings for the consular staff of the Moldovan diplomatic missions on attending to the rights of victims of trafficking and on cooperating in their assistance;
- Conduct a mapping of services available to victims of THB in the main destination countries; establish contacts between diplomatic missions of Moldova and services in these countries;
- Improve pre-repatriation health assessment procedures to achieve better decisions on accompanying beneficiaries in their return.

Rehabilitation and reintegration

- Establish clear standards on the volume/quantity and quality of rehabilitation and reintegration services provided to victims of THB, as well as standards on time-limits, financing and evaluation of services;
- Amend the legislative and regulatory framework in order to ensure documentation of victims and presumed victims; among others, to authorize social protection services to request registry documents; amend the Civil Procedure code to introduce a procedure for ascertaining the identity of the person; regulating the participation of police in identifying evidence that confirms the person's identity;
- Develop the long-term case monitoring function within NRS and provide financial coverage for it;

- Clearly regulate the responsibilities of Center for Assistance and Protection and the multidisciplinary team in coordinating and monitoring post-rehabilitation assistance to NRS beneficiaries, to ensure efficient and sustainable interventions;
- Conduct an efficiency analysis of rehabilitation and post-rehabilitation services, as well as assess/revise the time limits for services;
- Continue to develop vocational training and employment services for victims, develop standards for these services;
- Develop mechanisms to provide educational services for school-age beneficiaries during their stay at the Center for Assistance and Protection (inclusive / simplified education);
- Explicitly regulate the right to state-guaranteed legal assistance for victims of THB and train legal professionals to provide specialized assistance.

B. NRS coordination mechanism:

NRS institutional framework and coordination of actions within the system

- Analyze opportunities for developing alternative motivation / incentive models for NRS actors – promotion, non-pecuniary benefits – to reduce staff turnover and improve performance within the NRS.
- Continue organizing (systematically) roundtables with the participation of National Coordination Unit, the Center for Assistance and Protection and multidisciplinary teams at district and local level to disseminate good practices and improve communication and coordination both vertically and horizontally;
- Develop and / or replicate best practices of using information technologies in NRS communications and activity (monitoring, supervision, case solving).

Regulatory framework

- Include NRS development in the new Strategy for Prevention and Combating Trafficking in Human Beings (2018-2023) and the National Plan (2018-2020) for its implementation, as well as the National Action Plan on Human Rights;
- Regulation of the NRS as a model of interaction at the intersection of different areas, by including it in the Social Assistance Law, the Law on Social Services and the Law on Rehabilitation of Victims of Crimes;
- The Social Assistance Law should regulate a special procedure of referral and accompanying the beneficiary, including the victim of trafficking in human beings and other crimes, in his/or her efforts to receive assistance from services other than social protection ones.

Capacity building

- Institutionalize and systematize the training of NRS professionals by developing training plans and structured curricula. Develop knowledge transfer skills at all levels of the system. Identify the role of key actors in the field: The National Social Assistance Agency or possibly the Academy of Public Administration;
- Organize, as part of the training provided by the National Social Assistance Agency to social protection professionals, multidisciplinary training sessions with the participation of represen-

tatives of other fields. Include joint trainings of NRS multidisciplinary teams in future curricula and study plans;

- Establish a donor coordination board with the Agency, to serve as a platform for coordinating capacity building of social assistance specialists funded by development partners;
- Develop trainers' abilities within NRS multidisciplinary teams to ensure institutional memory and compensating staff turnover;
- Identify ways to involve mayors in multidisciplinary teams' training and activities.

Data collection and monitoring

- Develop, within the NRS, capacities of qualitative data analysis and produce relevant reports/studies on the THB phenomenon;
- Ensuring the operation of a common mechanism for registering and tracking beneficiaries at different levels of the NRS.

Financing of services within the NRS

- Thoroughly analyse the NRS funding mechanism and develop flexible (non-bureaucratic) funding mechanisms. Assessing needs for budgeting NRS services;
- With a view to regulating the minimum service package for presumed victims of trafficking in human beings (provided according to a defined procedure and guaranteeing simplified access to a determined range of services) costs estimation and budgeting is required;
- Establish a cooperation mechanism between LPAs for the shared financing of specialized (cost-effective) services at regional level, as well as the inclusion of victim assistance / reintegration measures in local action-plans with the allocation of corresponding budget financing.

C. Influence of other policies

- It is advisable that any concept or policy document on the implementation and further development of the NRS be developed with the active participation of the specialists directly involved in its implementation – representatives of the district, local and regional authorities, services and civil society;
- The Ministry of Health, Labour and Social Protection should develop a clear policy on the rehabilitation of victims of crime, including THB; the NRS model should be gradually adapted for the assistance and protection of victims of other categories of crimes – particularly victims of violence against women;
- Analyse the possibility of excluding the category of “potential victim” from the NRS model, given that it covers, to a large extent, victims of other crimes (domestic violence, sexual offenses), which have acquired new status within the social protection system through the new legislation. **Importantly**, this should not reduce the level of protection currently afforded to vulnerable people in these categories;
- Eliminate legal contradictions so that there is a clear procedure on the access to assistance for children, victims of THB.
- Reforming the existing policies on THB and child protection so as to provide a single framework of multidisciplinary cooperation, centered on the case management model.