

23. DECISION

on the Approval of the Strategy of the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings and of the Action Plan for the Implementation of the Strategy on the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings during 2009-2011 No. 257-XVI of 05.12.2008*

Parliament adopts this Decision.

Art.1. – The following are approved:

- the Strategy of the National Referral System to protect and assist victims and potential victims of trafficking in human beings, as presented in annex no. 1, which is a component part of this decision, and
- the 2009-2011 Action Plan to implement the National Referral System to protect and assist victims and potential victims of trafficking in human beings, as presented in annex no. 2, which is a component part of this decision.

Art.2. – The implementation of the above mentioned strategy will be funded within the limits of allocations from relevant budgets and from funds received from other sources, according to legislation.

Art.3. – Specialized central public administration authorities and local public administration authorities will take appropriate measures for the implementation of the above mentioned strategy and action plan, within the limits of their competences, and will submit semester reports on the results to the Ministry of Social Protection, Family and Child.

Art.4. – The Ministry of Social Protection, Family and Child:

- will monitor and coordinate the process of implementation of the above mentioned strategy and action plans, and
- will synthesize the information and annually, before March 30th, submit a report on the implementation of the strategy and action plan to the Government and the National Committee to Combat Trafficking in Human Beings.

Art.5. – The Government will insure the implementation of this Decision and will periodically inform the Parliament about the implementation of the above mentioned strategy.

Chairperson of Parliament

Marian LUPU

Chişinău, 5 December 2008.

No.257-XVI.

THE STRATEGY
of the National Referral System to Protect and Assist Victims and
Potential Victims of Trafficking in Human Beings

INTRODUCTION

Human trafficking is a pressing issue for modern society. The dimension of the phenomenon on the global scale requires the governments of countries affected by this problem to take immediate action. Human trafficking is a violation of human rights and human dignity and integrity. The principles of democratic society are incompatible with treating human beings as goods for sale. International organizations estimate that there are about 2.45 million victims of trafficking, most of them women and children.

The proportion of the phenomenon requires massive action to mobilize the resources and strengthen the efforts of the governments and civil society in an efficient partnership to prevent and combat trafficking in human beings. Developing a strong system of action against trafficking in human beings is an adequate solution for diminishing this phenomenon. Implementing such a system is a major concern for the Republic of Moldova.

I. SITUATION ANALYSIS

1. Trafficking in human beings continues to be a complex problem for the Republic of Moldova and it needs to be addressed without delay. Existing data proves that citizens of the Republic of Moldova in 2000-2007 were subjects of exploitation in 32 countries around the world. The seriousness of the situation shows that the Republic of Moldova is still a country of origin for trafficking in human beings. Also, to a lesser extent, the Republic of Moldova is a transit country for victims of human trafficking from ex-Soviet countries to the European states. Cases of trafficking for organ and tissues transplantation have also been registered. In most of the cases, victims are individual persons. Victims of trafficking for exploitation and forced begging are minors and mothers with children. The majority of victims of trafficking come from rural areas. Most of them, including the victims of domestic violence, are young people without a profession or a job. Internal trafficking also exists in the Republic of Moldova. Inhabitants of rural areas are trafficked to bigger cities. Under these circumstances, nongovernmental organizations (public and religious) and international organizations make considerable effort, through the implementation of programs to prevent and combat this phenomenon and to prevent, identify and assist victims of human trafficking.

2. Existing tendencies show that the age range of the victims of trafficking is continuously expanding. The cases where victims of trafficking are either more than 25 years of age or children are more frequent than compared with the two previous years when most of the victims were aged 18-25. The methods to recruit and transport the victims of human trafficking abroad and the forms of exploitation have become more diverse. The number of cases when former victims of trafficking have become traffickers and recruited others has also increased. An integrated system to collect data on trafficking in human beings does not exist at the national level. Agencies active in preventing and combating human trafficking and assisting victims of human trafficking offer different statistics, depending on their specific responsibilities.

3. During the last few years, the Government took a range of measures to suppress human trafficking and to protect the victims. The Republic of Moldova ratified several international acts on human trafficking: the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); the Council of Europe Convention on Action against Trafficking in Human Beings (2005), and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000). Also, the Law no. 241XVI to Prevent and Combat Trafficking in Human Beings was adopted on 20 October 2005 and the Criminal Code and the Code of Administrative Offences were harmonized with international normative acts in the field (2005). Several documents regulating activities in the field were developed and approved: the National Plan of Action to Prevent and Combat Trafficking in Human Beings during 2008-2009; the Framework/Regulations on the Organization and Functioning of the Centers to Protect and Assist Victims of Trafficking in Human Beings (2006), and bilateral agreements concerning combating human trafficking were reached with Several states (Turkey, Russian Federation, Romania, Ukraine, etc.). Simultaneously with the legal framework development, the Government set up institutional structures: the National Committee to Combat Trafficking in Human Beings (2001); the Coordination Council for Law Enforcement Agencies of the General Prosecutor's Office (2007), and territorial commissions to combat trafficking in human beings (2002). With the support of donors, the Center to Combat Trafficking in Persons was created within the Ministry of Interior (2006). At the same time, the Coordination Unit for the National Referral System to protect and assist victims and potential victims of human trafficking (hereinafter referred to as NRS) was created within the Ministry of Social Protection, Family and Child with the financial support of the International Organization for Migration, based on the Memorandum of Cooperation signed between the two parties in 2006.

During the last years the number of criminal cases and the number of persons convicted for crimes related to human trafficking increased considerably. The Supreme Court of Justice compiled the results of cases related to human trafficking, including trafficking in children, smuggling of children and pimping (2006).

4. The measures taken during the last two years contributed to the stabilization of the situation in this field, however the dimension of the phenomenon requires the Government to define concrete actions and new ways to prevent and combat trafficking in human beings.

II. ARGUMENT REGARDING THE NEED TO STRATEGICALLY ADDRESS TRAFFICKING IN HUMAN BEINGS

5. To better organize the protection and assistance of victims of human trafficking, to implement measures to prevent human trafficking, and to consolidate the efforts of all actors involved in combating this phenomenon in the Republic of Moldova, a systemic approach is needed. The NRS was created to reflect a special framework for cooperation, through which governmental structures would fulfil their obligations related to the protection and promotion of human rights of the victims of human trafficking and coordinate their efforts in a strategic partnership with civil society and with other actors in the field. The NRS is based on common principles guiding the implementation of activities in this field and on international standards on actions against trafficking in human beings.

6. Development and implementation of referral systems at the national level are set forth in the OSCE Action Plan to Combat Trafficking in Human Beings, which was approved by the Council of Ministers in Maastricht in December 2003, and in the Action Plan “Republic of Moldova – European Union” (paragraph 52), which was approved on 22 April 2005 in the Government Decision No. 356. The creation of the NRS contributes to the creation and development of state democratic institutions based on the rule of law, and ensures the protection of fundamental human rights and freedoms through a system of political and legal guarantees.

The structure and the organization of the NRS is designed to involve all levels of society: private persons, nongovernmental organizations and governmental structures at the local, national and transnational levels.

7. The following are the goals of NRS implementation in the Republic of Moldova:

- prevention of trafficking in human beings by providing social assistance to potential victims, and
- development of transnational cooperation, which is so important for the Republic of Moldova.

8. The goal of the NRS Strategy (hereinafter referred to as the Strategy) is to integrate the system to protect and assist victims of human trafficking into the social assistance system.

9. The reform of the existing method to protect and assist victims of human trafficking will be implemented in phases to maintain the quality of the provided assistance and of the victims’ legal rights protection.

10. Often victims of trafficking are children at risk (children left without parental care or children from a

family at risk, etc.) or victims repatriated from the Russian Federation and Ukraine by the Ministry of Social Protection, Family and Child in partnership with the IOM Mission in Moldova and the “Terre des hommes” Foundation. The National Strategy on Child and Family Protection, approved on 16 June 2003 by Government Decision no. 727, defined the framework for addressing children and families’ problems and promoted the quality and accessibility of the social assistance and the development of a system of services at the local level.

Specialists in preventing and combating trafficking in human beings (police, social assistants, representatives of local agencies) face some difficulties in identifying child victims. Children’s need for special protection and care is not fully understood. Furthermore, there is a lack of cooperation and communication among the actors responsible for preventing and combating the phenomenon. The Strategy is designed to contribute to the implementation of the objectives related to child and family protection against human trafficking.

11. The provisions of the Strategy are in line with the national medium term priorities set by the National Development Strategy for 2008-2011, adopted in Law no.295-XVI of 21 December 2007 and with the activities

included in the Action Plan to Implement the National Development Strategy for 2008-2011, approved by the Government’s Decision no. 191 of 25 February 2008.

III. GOALS, OBJECTIVES AND PRINCIPLES OF THE STRATEGY

12. The goal of the Strategy is to ensure a systemic approach to the protection and assistance of victims and potential victims of human trafficking and to ensure respect for human rights.

13. The general objective of the Strategy is to implement the systemic approach to the protection and assistance of victims and potential victims of human trafficking.

14. The Strategy is oriented toward achieving the following specific objectives:

- developing the system to protect and assist victims of trafficking in human beings based on a systemic approach;
- harmonizing the legal and normative framework to prevent and combat trafficking in human beings with the requirements of the international treaties in this field;
- ensuring the access to qualitative services for victims and potential victims of trafficking in human beings;
- strengthening the professional capacities of human resources concerning the protection and assistance to victims and potential victims of trafficking in human beings;

- strengthening the institutional framework to prevent and combat human trafficking at all levels of public administration;
- developing the system to protect the victims and witnesses of human trafficking participating in the criminal process;
- developing the mechanism to finance the measures to protect and assist victims and potential victims of human trafficking;
- developing instruments and procedures to refer victims and potential victims of human trafficking within the NRS;
- developing a system to monitor and evaluate the victims and potential victims of human trafficking;
- setting up a system to collect data on preventing and combating trafficking in human beings, ensuring the application of personal data protection;
- developing within the NRS, social partnerships in the field of preventing and combating trafficking in human beings, and
- raising public awareness about preventing and combating trafficking in human beings.

15. The principles of the Strategy:

- respect for and restoration of fundamental human rights;
- respect for the best interests of the child victim or potential victim of human trafficking;
- confidentiality of information and inviolability of the private life of the victims and potential victims of trafficking in human beings;
- responsibility of the state to ensure the protection of the victims of trafficking in human beings;
- nondiscrimination;
- focus on the individual;
- the victim's agreement to benefit from protection and assistance;
- unconditioned access to protection and assistance for the victims and potential victims of trafficking in human beings;
- a social partnership;
- a multidisciplinary and interdisciplinary approach, and
- the development of transnational cooperation.

IV. BENEFICIARIES OF THE STRATEGY

16. The following are the beneficiaries of the Strategy:

- children and adult victims of trafficking in human beings;
- children and adult potential victims of trafficking in human beings;
- families of victims and potential victims of trafficking in human beings, including extended families;
- professionals working to protect and assist victims and potential victims of trafficking in human beings;
- representatives of the specialized bodies of the central public authorities and local public administration authorities, and
- civil society representatives.

V. MEASURES TO IMPLEMENT THE STRATEGY

17. The system to protect and assist victims of trafficking in human beings will be developed based on a systemic approach through:

- consolidating the institutional framework concerning the prevention and combating of trafficking in human beings at all levels of public administration;
- setting up the NRS;
- defining the responsible structure for the general coordination of activities within the NRS, and
- developing a system to monitor and evaluate the victims and potential victims of human trafficking.

18. The harmonization of the legal and normative framework to prevent and combat trafficking in human beings with the requirements of international treaties in this field involves:

- drafting regulations on organizing and ensuring the protection and assistance of victims and potential victims of trafficking in human beings, including the protection of victim-witnesses, etc.;
- amending the regulations of the Ministry of Social Protection, Family and Child on the coordination of activities at all levels of the NRS. The coordination will be conducted as follows:
 - at national/transnational level – by the National Committee to Combat Trafficking in Human Beings;

- at the local level – by the territorial commissions to combat trafficking in human beings; general coordination – by the Ministry of Social Protection, Family and Child, and

- at the operational coordination level – by the multidisciplinary team at local/national/transnational levels;

- developing regulations on the operations of the territorial multidisciplinary team within the NRS;

- drafting and concluding bilateral agreements with other states on identification and repatriation of victims and potential victims of human trafficking;

- developing minimum quality standards for services to protect and assist victims and potential victims of trafficking in human beings, and

- developing the mechanism for accreditation of the services to protect and assist victims and potential victims of trafficking in human beings.

19. Access to qualitative services for the victims and potential victims of trafficking in human beings will be insured through:

- providing protection and special assistance to child victims and potential victims of trafficking in human beings, based on the best interests of the child, with a special focus on: the integration (reintegration) of the child into the family and society; the presence and agreement of the child's parents or legal representatives; providing immediate protection, taking into consideration the child's opinion and the maturity of his/her judgment;

- developing the system of social assistance provided by the state to protect and assist victims and potential victims of trafficking in human beings, including children, in line with the state policy regarding the reform of the system for the social protection of the family and child rights;

- developing the local network of services for the protection and assistance to victims and potential victims of trafficking in human beings in partnership with donors and civil society, and

- equipping a system of services with the necessary supplies and support materials.

20. The professional capacities of the human resources providing protection and assistance to victims and potential victims of trafficking in human beings will be consolidated through:

- developing the curriculum/modules for the initial and in-service professional training of the specialists working within the NRS on preventing trafficking in human beings and assisting victims and potential victims;

- developing didactical materials for the implementation of the professional training modules;

- implementing the curriculum for the professional training of social protection specialists on preventing trafficking in human beings and assisting victims and potential victims, and

- creating a system for the certification of social protection personnel in preventing trafficking in human beings and assisting victims and potential victims.

21. The development of the mechanism to finance the measures of protection and assistance of victims and potential victims of trafficking in human beings, including the creation of a support program for the victims of trafficking in human beings.

22. A system to collect data on preventing and combating trafficking in human beings, respecting the principle of personal data protection, will be created through developing:

- the concept of the data-collection informational system;

- the regulations on the administration of the informational system, and

- the framework agreement on collecting, processing and exchanging information on cases of trafficking in human beings (between the information providers and the possessor – the Ministry of Social Protection, Family and Child).

23. Social partnerships in the field of prevention and combating of human trafficking will be created within the NRS through:

- concluding a common agreement between the parties to the NRS and bilateral cooperation agreements;

- strengthening the interdepartmental structures to coordinate the actions of different NRS actors at different levels:

- at the central level – the groups of experts, and

- at the raion level – territorial commissions to combat trafficking in human beings and multidisciplinary coordination teams, and

- promoting partnerships between governmental structures and civil society while developing and implementing the policies in the field.

24. The public awareness about preventing and combating trafficking in human beings will be raised through:

- developing a communication strategy within the NRS;

- developing information materials on trafficking in human beings;

- encouraging media promotion of the activities on human trafficking, and

- implementing communication campaigns concerning preventing trafficking in human beings.

VI. FINANCIAL RESOURCES

25. The development of the NRS requires a gradual increase in allocated financial resources and diversified and flexible financial mechanisms. The activities to implement the Strategy will be funded within the limits of the financial resources approved for the relevant years from the state budget, the budgets of the administrative territorial units and other sources, according to the relevant law.

VII. EXPECTED RESULTS AND PROGRESS INDICATORS

26. The implementation of the Strategy will contribute to ensuring the protection and assistance to victims and potential victims of trafficking in human beings, increasing the efficiency of the entire system of preventing and combating human trafficking, and improving the coordination between the structures and institutions involved in the process.

27. The expected results are:

- a developed NRS;
- the Ministry of Social Protection, Family and Child will be responsible for the coordination of the activities at all levels of the NRS from the operational point of view;
- optimization of measures to prevent trafficking in human beings;
- harmonization of the legal framework in the field of prevention and combating of trafficking in human beings;
- improved quality of protection and assistance provided to victims of trafficking in human beings (length and diversification of the assistance, new services at local level, etc.);
- increased efficiency of the actions to protect and assist identified victims and potential victims of trafficking in human beings;
- more efficient prosecution of the criminals for trafficking in human beings;
- developed standard procedures for the protection and assistance of victims and potential victims of trafficking in human beings (procedures for identification, repatriation, referral, protection and assistance);
- the curriculum for initial and in-service professional training developed and implemented;
- informational and didactical materials developed and distributed;
- training for human resources in the field of preventing human trafficking and assisting victims and potential victims, and
- increased awareness about trafficking in human beings.

28. The indicators of progress are the following:

- integration of the NRS in the protection system;
- increased number of identified and assisted potential victims of trafficking in human beings;
- increased identification of victims of trafficking in human beings;
- increased number of addressed cases;
- increased number of professionals trained in the field of preventing and combating trafficking in human beings;
- decreased number of victims and potential victims of trafficking in human beings;
- increased number of victims and potential victims of human trafficking included in protection and assistance programs;
- defined standard procedures for the protection and assistance to victims and potential victims of trafficking in human beings;
- increased number of criminal cases investigated by the law enforcement bodies, and
- increased number of victims of human trafficking whose rights are restored by the courts of justice.

VIII. IMPLEMENTATION STAGES

29. The Strategy will be implemented during 2009-2016.

30. The Strategy will be implemented according to the Action Plan presented in the annex no. 2.

31. The implementation of the Action Plan for the implementation of the Strategy during 2009-2011 requires an intersectorial and multidisciplinary approach of the protection and assistance of victims and potential victims of trafficking in human beings.

32. The Action Plan, as an instrument to implement the Strategy, updated at the end of each year, ensures flexible adjustments to the immediate changes and needs.

IX. CONSTRAINTS

33. The following are potential constraints for the implementation of the Strategy:

- opposition to the cooperation between representatives of state structures and civil society;
- prejudices against the victims of trafficking in human beings;
- limited knowledge and skills of the professionals working in the fields related to the NRS;

- high turnover and insufficient human resources in the field of protection and assistance of victims and potential victims of trafficking in human beings;
- insufficient financial allocations to insure protection and assistance of victims and potential victims of trafficking in human beings, and
- insufficient services for the protection and assistance of victims and potential victims of trafficking in human beings.

X. MONITORING AND EVALUATION

34. The monitoring and the evaluation of the system to protect and assist victims and potential victims of trafficking in human beings are based on the coordination of activities of NRS participants at all levels.

35. The monitoring will be conducted on permanent basis by completing standard monitoring forms and drafting quarterly monitoring reports.

36. The evaluation of the Strategy implementation will be conducted every 6 months by the permanent experts group.

37. The Ministry of Social Protection, Family and Child will:

- based on the results of the evaluations, annually prepare and submit to the Government and the National Committee to Combat Trafficking in Human Beings a general report on the implementation of the Strategy, and

- based on the results of the evaluations and identified needs, develop proposals at the end of each year for updating the Action Plan for the implementation of the Strategy during 2009-2011.