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NRS

International Conference:

“Best Practices in the Implementation of National Referral Mechanisms/Systems for Protection and Assistance of Victims of Human Trafficking”

28–30 June, 2011
Chisinau, Moldova



International Organization for
Migration, Mission to Moldova

International Conference

Best Practices in the Implementation of National Referral Mechanisms/Systems for Protection and Assistance of Victims of Human Trafficking

28–30 June, 2011
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The International Conference “Best Practices in the Implementation of National Referral Mechanisms/Systems for Protection and Assistance of Victims of Human Trafficking” was organized under the auspices of the Ministry of Labour, Social Protection and Family in cooperation with the International Organization for Migration (IOM), Mission in Moldova on June 28—30, 2011 in Chisinau, Republic of Moldova.

The Conference report is a compilation of best practices, conclusions and recommendations made during three successful working days. We would like to thank the Moldovan Ministry of Labour Social Protection and Family, namely Ms. Lilia Pascal and Ms. Viorica Dumbraveanu for their generous contribution and support. We would also like to thank the International Centre “La Strada” in Moldova, namely Ms. Tatiana Fomina, for her valuable contribution in the course of organization of the conference. We would like to express our gratitude to Ms. Irina Todorova and Mr. Andrei Lutenco from the International Organization for Migration (IOM), Mission to Moldova for conceptualizing and coordinating the International Conference, as well as to Ms. Tatiana Jardan for drafting the report.

The authors thank all the experts and participants at the conference, whose valuable presentations, knowledge and expertise added value to the conference and were the basis for this report.

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ACRONYMS

CAP	Centre for Assistance and Protection
CCTiP	Centre for Combating Trafficking in Persons
CIS	Commonwealth of Independent States
CoD	Country of Destination
CoO	Country of Origin
CPA	Central Public Authorities
CPTW	Centre for Prevention of Trafficking in Women
CRIC	Child Rights Information Centre
CSO	Civil Society Organization
CT	Counter-Trafficking
HIV	Human Immunodeficiency Virus
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IO	International Organization
IOM	International Organization for Migration
KCIK	National Consulting and Intervention Centre for Victims of Trafficking
LE	Law Enforcement
LPA	Local Public Administration
MDT	Multi-Disciplinary Team
MFA	Ministry of Foreign Affairs
MFAEI	Ministry of Foreign Affairs and European Integration
MLSPF	Ministry of Labour, Social Protection and Family
NAP	National Action Plan
NGO	Non-Governmental Organization
NMPA	National Mechanism for Providing Assistance to Victims of Trafficking in Human Beings
NRM	National Referral Mechanism
NRS	National Referral System
OSCE	Organization for Security and Cooperation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
QS	Quality Standards
RF	Russian Federation
RM	Republic of Moldova
RSG	Regional Steering Group
SDC	Swiss Agency for Development and Cooperation
SECI	Southeast European Cooperative Initiative
STI	Sexually Transmitted Infection
THB	Trafficking in Human Beings
UAE	United Arab Emirates
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
USAID	United States Agency for International Development
VoT	Victim of Trafficking

1. FOREWORD

The International Organization for Migration, Mission to Moldova has been providing direct assistance to victims and potential victims of trafficking in human beings for the past 10 years. Throughout this time, we have been building a strong partnership with the Government counterparts, NGOs, international organizations, and our beneficiaries.

After many years of assisting victims of trafficking, there was a need for a more comprehensive, inclusive and sustainable approach; this is why the National Referral System (NRS) was established as a cooperation framework between key state institutions, International Organizations and Civil Society to protect and assist victims and potential victims of trafficking following international standards. The NRS was first piloted in 5 districts in 2006, and currently covers the whole territory of the Republic of Moldova. It is recognised as a best practice based on Proactive Prevention by assisting vulnerable women and children *before* they are pushed into the hands of traffickers and it aims to become an integral part of the National Social Protection system.

The International Conference “Best Practices in the Implementation of National Referral Mechanisms/Systems for Protection and Assistance of Victims of Human Trafficking” was organized in order to evaluate the progress of the NRS and to validate the system against current developments. It is a logical and needed follow-up on the recommendations of the previous conference organised by International Center La Strada in 2008. The main goal of the conference is to share best practices, identify main challenges and develop common recommendations for the further consolidation of National Referral Mechanisms in the wider region. This report is a compilation of the best practices, conclusions and recommendations made during three successful working days.

We would like to express our deep gratitude for the support, collaboration and contributions in the preparation and implementation of the Conference to our long-standing partners: The Ministry of Labour, Social Protection and Family, the members of the Regional Steering Groups (from Belarus, Moldova and Ukraine) within the Regional Programme against Human Trafficking in Eastern and South-Eastern Europe. Our special gratitude goes to the donors: the Royal Danish Ministry of Foreign Affairs and the Swiss Agency for Development and Cooperation (SDC) which have supported IOM's regional counter-trafficking efforts for many years in a row.

We also would like to thank all the participants of the Conference for sharing their experience, for their active participation in the discussion sessions, and for providing valuable feed-back for the final recommendations. All the inputs are integrated in the report and will help building effective and sustainable partnerships among those involved in the fight against human trafficking.

Martin WYSS,

Chief of Mission
IOM Moldova

2. AGENDA

DAY ONE: Tuesday, 28 June 2011

08:30	09:30	Registration
09:30	09:50	<p>Official opening: Martin Wyss, Chief of Mission, IOM Moldova</p> <p>Welcome remarks: Valentina Buliga, Minister of Labour, Social Protection and Family of the Republic of Moldova Vadim Misin, Head of the Human Rights and Interethnic Relations Committee, the Parliament of Moldova Georgette Bruchez, Country Director, Swiss Cooperation Office Moldova</p>
09:50	10:00	<p>Aims and objectives of the Conference Martin Wyss, Chief of Mission, IOM Moldova</p>
Session ONE		
Legal and Institutional Framework of National Referral Mechanisms/Systems (NRM/NRS) and National Counter-Trafficking Strategy Implementation.		
<p>Chairpersons:</p> <p>Lilia Pascal <i>Head of Prevention of Violence and Insurance of Gender Equality Policy Department, Ministry of Labour, Social Protection and Family, Moldova</i></p> <p>Ana Revenco <i>President, International Centre “La Strada” Moldova</i></p>		
10:00	10:20	<p>Referral Mechanisms of Victims of Trafficking in Human Beings: Basic Elements and Implementation Approaches in Different Countries</p> <p>Tatiana Fomina, Manager of the Analytical and Lobby Centre, International Centre “La Strada”, Moldova</p>
10:20	10:30	Discussions
10:30	10:50	<p>Experience of Moldova in NRS Development — Legal and Institutional Aspects</p> <p>Lilia Pascal, Ministry of Labour, Social Protection and Family, Moldova</p>
10:50	11:00	Discussions

11:00	11:30	Coffee break
11:30	11:50	National Action Plan against Trafficking in Human Beings. Implementation & Monitoring. Experience of Poland Stana Buchowska , National Coordinator, La Strada Foundation against Trafficking in Persons and Slavery, Poland
11:50	12:00	Discussions
12:00	12:20	Experience of Belarus in the Development of a National Referral Mechanism — Legal and Institutional Aspects Dmitriy Tsayun , Head of Section, Department of Drug Control and Counter-Trafficking, Criminal Police, Ministry of Interior, Belarus
12:20	12:30	Discussions
12:30	12:50	Experience of Ukraine in NRM Development — Legal and Institutional Aspects Iryna Dovgal , Head of Office for Combating Trafficking in Human Beings and Domestic Violence, Department for Family and Gender Policy, Ministry of Family, Youth and Sport, Ukraine
12:50	13:00	Discussions
13:00	14:00	Lunch
14:00	14:20	Azerbaijan Experience in Developing National Referral Mechanisms for Protection and Assistance of Victims of Human Trafficking — Legal and Institutional Framework Nadir Mammadov , Head of Department for Combating Human Trafficking, Ministry of Internal Affairs, Republic of Azerbaijan
14:20	14:30	Discussions
14:30	15:00	Experience of Turkey in Fighting Trafficking in Human Beings. Legal and Institutional Framework Fikret Isgoren , Superintendent, Department for Foreigners, Borders, Asylum Affairs, Turkey
15:00	15:10	Discussions
15:10	15:30	Experience of Moldova in Developing NRS/NRM Monitoring, as Social Policy Monitoring Tatiana Fomina , International Centre La Strada, Moldova
15:30	16:00	Discussions Conclusions to Day One
16:00	16:30	Coffee

DAY TWO: Wednesday, 29 June 2011

Session TWO

Quality Standards in Delivering Protection and Assistance to Victims of Trafficking and Persons At-Risk of Being Trafficked.

Chairpersons:

Lilia Pascal *Head of Prevention of Violence and Insurance of Gender Equality Policy Department, Ministry of Labour, Social Protection and Family, Moldova*

Irina Todorova *Prevention and Protection Programme Coordinator, IOM Mission to Moldova*

10:00	10:20	Quality Standards in Delivering Social Protection and Assistance to Victims of Trafficking. Accreditation of Services and Social Contracting. Experience of Czech Republic Eva Gregorova , Social Services Official, Ministry of Labour and Social Affairs, Czech Republic
10:00	10:15	Discussions
10:15	10:45	Integration of the NRS into the national social protection system: accomplishments and challenges. Experience of Moldova Lilia Pascal , Ministry of Labour, Social Protection and Family, Moldova
10:45	11:00	Discussions
11:00	11:30	Coffee-Break
11:30	12:00	Quality Standards in Providing Assistance to Victims of Trafficking. Experience of Ukraine Lyudmila Kovalchuk , Vice-President, International Centre La Strada, Ukraine
12:00	12:15	Discussions

Session THREE

WORKING GROUPS

12:15	13:00	<p>WG 1: Quality standards in delivering protection and assistance to victims of trafficking Moderator: Lilia Pascal, Ministry of Labour, Social Protection and Family</p> <p>WG 2: Protection of victims' rights through the justice system Moderator: Diana Ionita and Tatiana Catana, Lawyers, IOM Moldova Consultants</p>
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		WG 3: General and operational monitoring and evaluation <i>Moderator: Tatiana Fomina, Manager of the Analytical and Lobby Center, International Centre La Strada, Moldova</i>
13:00	14:00	Lunch
14:00	14:45	WORKING GROUPS (Continuation)
14:45	15:15	Presentations of Working Groups / Discussions: WG 1: Quality standards in delivering protection and assistance to victims of trafficking
15:15	15:45	Coffee-Break
15:45	16:15	Presentations of Working Groups / Discussions: WG 2: Protection of victims' rights through the justice system
16:15	16:45	Presentations of Working Groups / Discussions: WG 3: General and operational monitoring and evaluation
16:45	17:15	Conclusions to Day Two

DAY THREE: Thursday, 30 June 2011

Session FOUR

Priorities and Best Practices in Transnational Cooperation in the Field of Protection and Assistance of Victims of Trafficking in Human Beings.

Chairpersons:

Lilia Pascal *Head of Prevention of Violence and Insurance of Gender Equality Policy Department, Ministry of Labour, Social Protection and Family, Moldova*
Ministry of Labour, Social Protection and Family, Moldova

Viorica Dumbraveanu *Head of Family and Children Protection Department, Ministry of Labour, Social Protection and Family, Moldova*

9:30	9:40	Opening remarks Iurie Leanca , <i>Deputy Prime Minister of the Republic of Moldova, Minister of Foreign Affairs and European Integration, Chairman of the National Committee for Combating Trafficking in Human Beings</i>
9:40	10:00	Transnational Cooperation in the Field of Protection and Assistance to Victims of Trafficking in Human Beings and the Importance of its Development Tatiana Catana , <i>Lawyer, IOM Moldova Consultant</i>

10:00	10:30	Bilateral and Multilateral Cooperation in the Field of Protection and Assistance of Victims of Trafficking in Human Beings. Experience of Moldova Lilia Pascal and Viorica Dumbraveanu , <i>Ministry of Labour, Social Protection and Family, Moldova</i>
10:30	10:50	Best interest of the child in the process of children repatriation. Gaps in Legal and Normative Framework Mariana Ianachevici , <i>Programme Coordinator, Terre des hommes foundation, Moldova</i>
10:50	11:00	Discussions
11:00	11:30	Coffee Break
11:30	11:50	Bilateral and Multilateral Cooperation in the Field of Protection and Assistance of Victims of Trafficking in Human Beings. Experience of Uzbekistan Nodira Karimova , <i>Programme Coordinator, IOM Uzbekistan</i>
11:50	12:00	Discussions
12:00	12:20	Mutual Legal Assistance in the Field of Combating Trafficking in Human Beings. Experience of Moldova Iurie Podarilov , <i>Head of Investigation Unit, Centre to Combat Trafficking in Persons, Ministry of Internal Affairs Moldova</i>
12:20	12:30	Discussions Conclusions to Day Three
12:30	13:30	Summarizing the Conference Conclusions Closing of the Conference
13:30	14:30	Lunch

3. BACKGROUND and RATIONALE OF THE CONFERENCE

SUBJECT	“Best Practices in the Implementation of National Referral Mechanisms/Systems for Protection and Assistance of Victims of Human Trafficking”
DATE	28 — 30 June 2011
LOCATION	Chisinau, Republic of Moldova
ORGANIZER	International Organization for Migration, Mission to Moldova
PARTNER	Ministry of Labour, Social Protection and Family of the Republic of Moldova
AIM	To provide a platform for counter-trafficking actors from different countries (both of origin and destination for trafficking in human beings) to share their experiences of and approaches to fighting human trafficking and establishing cooperation networks between government and civil society as part of the process of development of National Referral Mechanisms/Systems.

OBJECTIVES

- Analyze various approaches to preventing and combating human trafficking through implementation of NRM/NRS — legal and institutional framework, methodology and areas of intervention;
- Compare and analyze standard operational procedures and existing services in participating countries: identification, repatriation, referral, and assistance;
- Explore the experience of participating states in establishing quality standards for social services and Government — NGO cooperation (social contracting) in the field of victim assistance;
- Identify best practices in data collection and monitoring within NRM/NRS;
- Discuss lessons learned during the implementation of the NRM/NRS — constraints and actions taken, best practices and success stories;
- Explore best practices of national and transnational cooperation in the field of counteracting human trafficking;
- Develop recommendations for the efficient implementation of NRM.

PARTICIPANTS

The Conference gathered 125 participants, representatives of government structures, law enforcement authorities, civil society and NGOs from 10 countries: Moldova, Ukraine, Russia, Belarus, Azerbaijan, Uzbekistan, Turkey, UAE, Czech Republic, and Poland.

RATIONALE

The international conference that took place in Moldova, on the 21–22 October 2008, has shown that throughout the past few years, cooperation of state agencies, civil society organizations and intergovernmental organization had been developing successfully in all countries participating at the conference. Experts from 5 countries — rapporteurs (Bulgaria, Belarus, Moldova, Romania and Ukraine) presented their reports on the studies/evaluations of NRM implementation in their respective countries. These reports showed that different approaches and methods of NRM establishment and development were utilized in these countries. According to these 5 reports, in 2008, 2 countries have formalized (legally) the cooperation between nongovernmental organizations and state agencies in the NRM framework, one country has been planning to formalize the cooperation in the near future and 2 countries have not considered NRM establishment at all, but in one of them a pilot project in this field had to be launched in 2009.

However, as noted at the conference, the experience not only of participating countries, but also of other countries, has shown that the main objective of NRM establishment has not yet been achieved in any country. Each country admitted that the main objective of the NRM establishment was to protect the human rights of trafficked persons. But at the same time, the counter-trafficking actors were not ready to cooperate yet just for the sake of respecting human rights. Therefore, when establishing NRM, the countries were trying to resolve the accumulated problems in the field of anti-trafficking (coordination of operational activities, centralized collection of statistical data on human trafficking cases, monitoring of assistance to victims, financial management, etc.). They were setting clearer and more attainable goals and tasks of cooperation, developing additional functions of NRM. Thereby, according to the conclusions of the international conference that took place in 2008, despite the relevance and efficiency of undertaken measures in the NRM framework, after all, the human rights protection was not the main motivation.

The cooperation between the state and civil society was far from ideal as well. The intergovernmental and non-governmental organizations expressed their concern regarding the fact that, in some countries, state agencies, undertaking responsibility for the establishment and administration of NRM, began, at the same time, taking on functions that formerly were implemented by NGOs, justifying that this was the interest of the state. This disrupted the balance between the state and NGOs, and was leading to the gradual exclusion of NGOs from the niche of social services for victims of trafficking and to lowering the trafficked persons' chances of having their best interests protected by civil society.

Nevertheless, the participants at the 2008 conference agreed that it was necessary to establish NRM, after all. A number of recommendations were developed at the conference: both general recommendations and specific ones for each country on various aspects related to NRM, as well as regarding the whole range of topical anti-trafficking issues.

About 3 years have passed since the previous international conference. During this time a lot has been done in our country and in other countries to further consolidate anti-trafficking efforts, to protect the rights of trafficked persons, to establish and develop the NRM. The level of our understanding of the problem and our view on how to solve it has changed. International politics have also changed, new horizons and possibilities have opened.

As already noted, various countries, due to their differences, chose their specific approaches in the implementation of NRM concept. For instance, Moldova is probably the only country that is implementing its NRM as a policy in the field of anti-trafficking. For this purpose a political document — a Strategy for 7 years and Action Plan on its implementation were elaborated and approved by the Parliament of the country. It is no coincidence that we have chosen this elaborate and long-term approach, since in our country of developing democracy the level nepotism is too high, as shown in a study by the OSCE/ODIHR. The concepts and mechanisms of a rule-of law state struggle through the "concrete" of social relations and traditions, formed in the former totalitarian period of our development. This requires political support at the highest level. An example is the development of a standard identification procedure of victims of trafficking — an essential element of a NRM.

A systematic approach to NRM implementation in Moldova, proposed by us, faces serious difficulties as well. It has transformed elements, approaches and principles of NRM set out in the OSCE/ODIHR practical handbook into

a system of strategic goals and objectives. Furthermore, their implementation measures specify the necessity of monitoring and evaluation, i.e. analysis of efficiency of the current policy with the subsequent introduction of necessary corrections into the process of implementation.

Thus, the NRM Conference in June 2011 was needed to assess the progress made by countries in implementing NRMs and to help identify a set of recommendations in different areas of the CT work. It provided an extensive platform for CT actors from different countries (the programme's target countries, THB destination countries as well as those with considerable experience in the field of CT) to share their experience and approaches in fighting THB (women, men, boys and girls) and establishing National Referral Mechanisms.

It was planned to organize a three day event that would bring together representatives of international, government and non-government agencies from countries that are implementing NRMs or similar CT Strategies, namely the three Danish Program countries — Moldova, Ukraine, Belarus, and Czech Republic, Poland, Russia, Turkey, United Arab Emirates, Uzbekistan, Azerbaijan to discuss:

- Approaches to preventing and combating trafficking through implementing NRMs — legal and institutional framework, methodology and areas of intervention;
- Standard operating procedures for identification, referral, assistance;
- Data collection and monitoring;
- Quality standards of social services and Government — NGO cooperation (social contracting) in the field of VoT assistance;
- Lessons learned during the implementation of the NRM — constraints and measures to overcome them, best practices and success stories;
- International cooperation for establishing standard referral procedures within a Transnational Referral Mechanism/Cooperation;
- New trends and challenges in the field of THB and CT.

In addition, it would provide a framework for discussing draft agreements in the field of repatriation and assistance of victims of trafficking and other vulnerable categories identified beyond the borders of their respective countries.

The participation of these countries' representatives would allow to establish a common platform for further engagement in partnerships and mutual assistance, strengthen links between relevant NRMs to facilitate transnational cooperation to foster identification, transit assistance, return, rehabilitation, reintegration and, where appropriate — create opportunities for integrating VoT in the CoD. It would provide a better understanding of issues from the two perspectives, namely, CoO and CoD, and propose solutions and a way forward.

PREPARATION FOR THE CONFERENCE AND ITS ORGANIZATION

It was agreed during the Regional Steering Group (RSG) Meeting that the scope of the regional conference on NRM, originally planned within the Programme, could be expanded to include more countries, make it broader in terms of topics, and involve more actors, assess the extent of NRM development in target countries and define a way forward. IOM expanded the scope of the regional conference thematically and geographically through additional financial support from the Royal Danish Ministry for Foreign Affairs. IOM invited different actors from relevant countries in order to have a more comprehensive and mutually beneficial debate on the developments in the process of National Referral Mechanisms/Systems implementation. The originally planned exchange of knowledge and best practices on identification and repatriation procedures has therefore been integrated into a wider format and at the same time prioritised so that the 3rd day of the conference was fully dedicated to transnational cooperation.

During preparation for the Conference, the rapporteurs have received guidelines for drafting their speeches and presentations.

The Conference lasted 3 days, was divided into 4 sessions that allowed participants to work in plenum as well as in working groups. During the first session — “Legal and Institutional Framework of National Referral Mechanisms/Systems (NRM/NRS) and National Counter-Trafficking Strategy Implementation” — Ms. Tatiana Fomina presented a general overview of the National Referral Mechanism. Then, 6 experts (Moldova, Poland, Belarus, Ukraine, Azerbaijan, and Turkey) presented the experience of their countries on legal and institutional framework, aspects in the NRM development. Ms. Tatiana Fomina closed the first session with a presentation of the experience of Moldova in developing NRS/NRM Monitoring.

During the second session — “Quality Standards in Delivering Protection and Assistance to Victims of Trafficking and Persons At-Risk of Being Trafficked” — international experts from the Czech Republic and Ukraine talked about their country’s experience in quality standards and Moldova presented integration of the NRS into the national social protection system. The third session was dedicated to working in groups and discussing different issues, such as: quality standards in delivering protection and assistance to victims of trafficking, protection of victims’ rights through the justice system and general and operational monitoring and evaluation. The results of the group work were presented and discussed in plenary session.

During the fourth session — “Priorities and Best Practices in Transnational Cooperation in the Field of Protection and Assistance of Victims of Trafficking in Human Beings” — 6 experts (Moldova and Uzbekistan) presented transnational cooperation in the field of protection and assistance of VoTs. The experience of Moldova, Ukraine, UAE and Uzbekistan in bilateral and multilateral cooperation in the field of protection and assistance of VoTs. Best interest of the child during repatriation and mutual legal assistance in the field of combating trafficking in human beings was also presented.

After the Conference, all relevant materials were processed and are included in this Conference Report.

4. OVERVIEW

4.1 DAY 1

Legal and Institutional Framework of the National Referral Mechanisms/Systems (NRM/NRS) and National Counter-trafficking Strategy Implementation

The first day of the Conference started with the official opening and welcoming remarks, the presentation of the main objectives of the Conference, followed by Session I — “Legal and Institutional Framework of the National Referral Mechanisms/Systems (NRM/NRS) and National Counter-trafficking Strategy Implementation”.

The official opening and welcoming remarks were delivered by Ms. Valentina Buliga, the Minister of Labour, Social Protection and Family (MLSPF), Mr. Vadim Misin, the Head of the Human Rights and Interethnic Relations Committee in the Parliament of the Republic of Moldova, Ms. Georgette Bruchez, the Country Director of the Swiss Development and Cooperation Office in Moldova and Mr. Martin Wyss, Chief of the IOM Mission to Moldova. All of the speakers mentioned the importance of the event as it brought together the main countries from the region working together in the counter-trafficking field (Ukraine, Belarus, the Russian Federation, Poland and Czech Republic), as well as the representatives of the main destination countries (Turkey and United Arab Emirates) to broaden the dialogue between origin and destination countries.

Ms. Buliga highlighted that the Conference provides an exceptional platform for exchanging best practices, identifying needs to be addressed, and therefore consolidating existing partnerships. Mr. Misin assured the participants of the Parliament’s readiness and openness to consider and take action upon recommendations proposed at the Conference. Ms. Bruchez, from the donor’s viewpoint, expressed her expectations in receiving concrete recommendations on how to further develop strategic counter-trafficking actions in the region for a clear vision of the donor’s involvement.

Mr. Wyss, first of all, thanked everybody for coming and bringing their expertise to be discussed and shared in order to improve both national and transnational response to trafficking in human beings. Mr. Wyss also presented the main objectives of the Conference to set the scene and tone for the following three days, and thus opened the floor for the first Session.

Session I — “Legal and Institutional Framework of the National Referral Mechanisms/Systems (NRM/NRS) and National Counter-trafficking Strategy Implementation” was chaired by Ms. Lilia Pascal, the Head of Prevention of Violence and Insurance of Gender Equality Policy Department of the MLSPF, and Ms. Ana Revenco, the President of the International Centre “La Strada” in Moldova.

The objective of the first Session was to provide a retrospective view on the history and development of the NRM concept, as well as provide a platform for participating countries to share their national experience in preventing and combating human trafficking through the establishment of the NRM, including particular national legal and institutional frameworks, methodologies and areas of interventions chosen and elaborated.

The Session was opened by Ms. Tatiana Fomina, the Manager of the Analytical and Lobby Department of the International Centre “La Strada” in Moldova, who presented the NRM concept and its development, as well as its basic elements and implementation approaches in different countries.

The main aspects of the NRM as a social and legal mechanism of human rights implementation

The idea of NRM dates back to the theory of a rule-of-law state — a golden dream of humanity, the most important function of which is to protect human rights and freedoms. Everyone dreams of living in such a state, characterized by the rule of law, harmony between all members of society, justice, with well-coordinated mechanisms of respecting social and legal human rights and legitimate interests of the person. To build a rule-of-law state, it is necessary to develop cooperation between the state and civil society in the field of human rights protection, as well as an inter-ministerial and cross-sector approach. Such cooperation should be focused on the development of an efficient policy, which should include:

1. the development of a regulatory and institutional framework, through which human rights would be recognized and implemented in practice;
2. policy monitoring procedures with the use of measures of efficiency of human rights institutions;
3. public opinion education in the spirit of respect for human rights.

The NRM includes the same aspects/elements — the mechanism of cooperation between public authorities, civil society and intergovernmental organizations, established with the aim of protecting and promoting the human rights of trafficked persons. According to the OSCE/ODIHR practical handbook, the main (political, legal and practical) aspects of the NRM include:

1. the protection of the human rights of trafficked persons (the aim of NRM establishment);
2. institutional cooperation structures of public authorities and civil society (consultative inter-ministerial bodies — to coordinate the activities, and multidisciplinary working groups — to provide direct assistance to victims of human trafficking);
3. a regulatory cooperation framework — principles, approaches and procedures of working with trafficked persons;
4. monitoring of policy implementation, and as a result NRM improvement.

Thus, NRM is just a mechanism for social and legal protection of human rights and legitimate interests of persons, representing one of the most vulnerable social groups — victims of trafficking, which was developed based on the rule-of-law approach. Similar mechanisms can be established to protect the rights of other vulnerable social groups. The establishment of such mechanisms in a specific country represents a contribution to building a rule-of-law state. It is no coincidence that the OSCE/ODIHR practical handbook names NRM a democratic institution (i.e. a cross-sectoral comprehensive amalgamation of norms).

The authors of the NRM concept planned for these mechanisms to be built, first of all, in countries of destination of human trafficking, which are states with highly developed democracies, where there is a long tradition of human rights policies, where a lot has been done to implement human rights in practice and where societies are prepared to accept such concepts, which is essential for exercising human rights. But the practice made its adjustments to these plans, and NRM with donors' support, were established in countries of emerging democracies, that went through totalitarian regimes not so long ago, that didn't value individuality and its rights, where a human being was just a cog in a machine, and not a precious and unique personality. For obvious reasons, in these countries NRM establishment as a democratic institution of a rule-of-law state is complicated by many obstacles.

Presentation of Moldova (by Lilia Pascal)

The first example of NRM establishment and development was presented by Moldova as a best practice in the region.

The first anti-trafficking steps at the national level were taken in 2005 by the adoption of the Law on Preventing and Combating Trafficking in Human Beings, followed by the alignment of the national law to international standards in 2006, such as adopting the amendments to the Criminal Code and Criminal Procedure Code of Moldova.

The NRS as such was piloted and conceptualized during 2006–2008, starting with the first legal act — Order No 33 of 13.01.2006 of the Ministry of Health and Social Protection on Creation of Multidisciplinary Teams and appointment of Social Protection, Family and Child Department specialists as team coordinators. The successful results of the first phase of NRS development in Moldova lead to the NRS strategy signed and passed in Parliament with a view to implementing the Law on Preventing and Combating Trafficking in Human Beings and the Council of Europe Convention. The implementation period of the Strategy is 2009–2016 with the coordination role of the MLSPP.

Therefore, the NRS was officially established as a framework of cooperation between public authorities and civil society in preventing and combating trafficking in human beings, as well as an anti-trafficking Strategy of the Moldovan Government aligned to the international standards and the Human rights safeguarding mechanism. The proposed beneficiaries are:

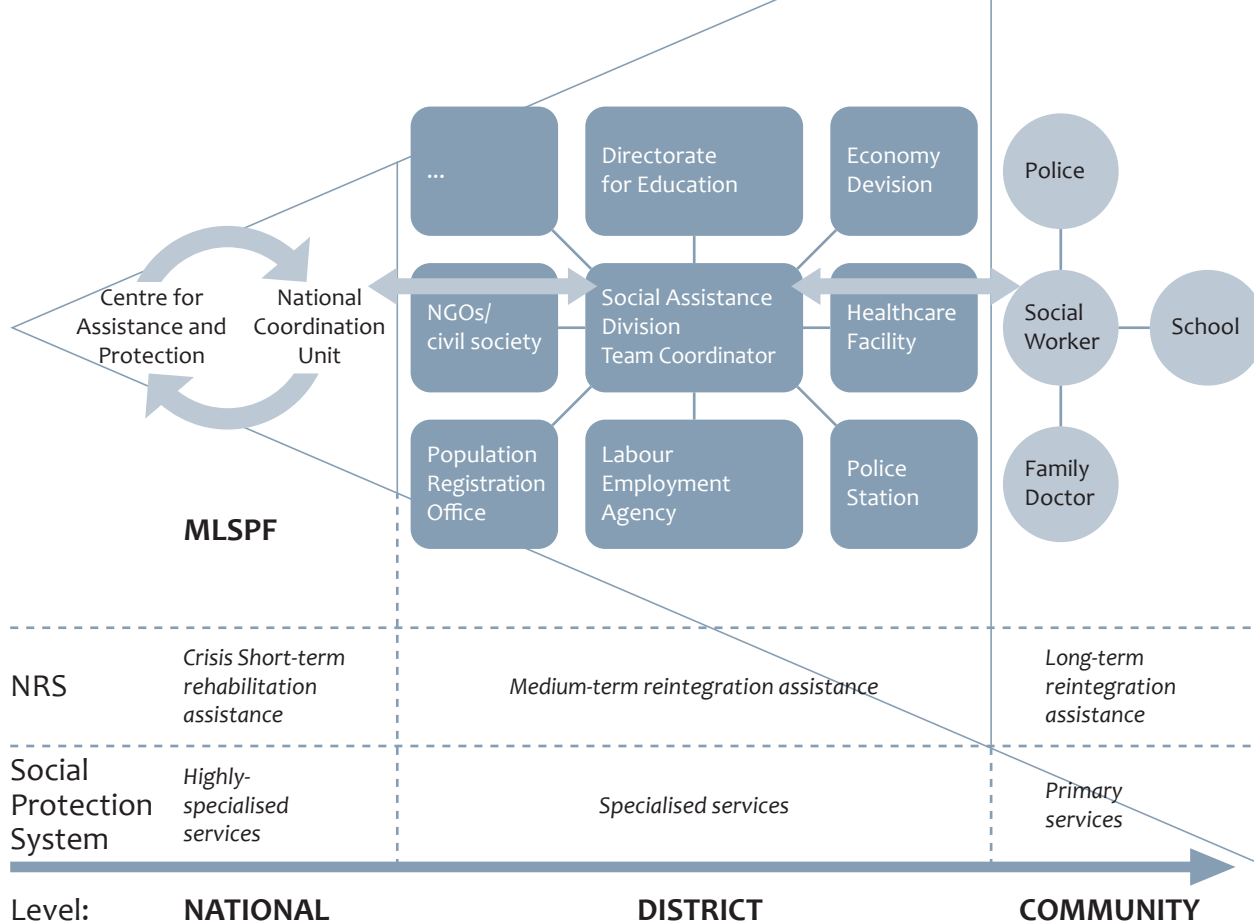
- **Victims of trafficking in human beings**
- **Potential victims of trafficking in human beings**
 - Victims of domestic violence
 - Extremely vulnerable families, single parents
 - Orphans and institutionalized children;
 - Children left without parental care as result of migration, etc.
- **Stranded migrants**
- **Unaccompanied children identified in other states**

The approach of the NRS implementation in Moldova has its peculiarities as, first and foremost, integrating the NRS and multi-disciplinary approach into the national social protection system, thus attributing the Government of Moldova with the **leading role** in the VoT's assistance and protection system. Having the Government at the forefront of the implementation of the NRS allows for insuring the sustainability of the system through increased state's contribution to financial expenses, as well as through aligning the NRS to the main strategies aimed at reforming the general social protection system of Moldova.

Secondly, the referral of cases occurs at different levels of the NRS (Picture 1).

Picture 1

Case Referral / Services within the NRS at Different Levels



The main difference of the NRS in Moldova from other countries is that it envisages the concept of **Pro-Active Prevention** through the **provision of social services to vulnerable people**, based on the following principles:

- Services focused on the person's individual needs instead of her/his status;
- Integrated approach to each person's needs following the case management procedure;
- Case monitoring to ensure successful reintegration.

Another particularity of the NRS in Moldova is that it provides a solid platform for the consolidation of transnational cooperation with destination and transit countries to identify and protect Moldovan citizens — victims of trafficking in human beings, migrants in difficult circumstances and unattended children identified abroad, based on development and promotion of relevant bilateral and multilateral agreements, for instance *Regulations on the Procedure of Repatriation of Children and Adults — Victims of Trafficking in Human Beings and Migrants Smuggling as well as of Unaccompanied Children*.

Picture 2



The institutional framework of the NRS in Moldova is based on the Multi-Disciplinary Teams (MDTs) — the operational unit at the territorial level, ensuring cooperation of local institutions for assistance and protection of THB victims and potential victims. The MDTs include representatives of the rayon (district) Directorate for Education, Directorate for Youth and Sports, Healthcare Facility, Police, territorial Employment Agency, Civil Registration Office, as well as NGOs active in this field. The coordination of the MDTs belongs to the Social Assistance Division (Picture 2). Responsibilities of MDT members include **identification** of beneficiaries, **case analysis**, development of the **rehabilitation and reintegration plan**, **assessment of needs** for development of specialized community based services, and **monitoring** of cases. By 2011, MDTs were created and trained throughout the whole territory of the Republic of Moldova.

One of the key elements of the NRS is the Centre for Assistance and Protection of victims and potential victims of trafficking in human beings that was opened in January 2001 by IOM Moldova, in response to the high demand for rehabilitation services for large numbers of Moldovan women, victims of trafficking returning from the Balkans. Due to the continuous collaboration and growing commitment of the Government of Moldova to address the issue of human trafficking, in 2008 the Centre became a state institution subordinate to the MLSPF, and currently managed in partnership with IOM Moldova. At the rayon level similar assistance and protection centres exist, for instance in Balti, Cahul, Causeni, Drochia, Hancesti, that are financed from district/local budgets and the state budget (since 2009) + donor contribution.

Presentation Poland (by Stana Buchowska)

The NRM in Poland and its functioning is stipulated in the two-year National Action Plan (NAP) against Trafficking in Human Beings (2009–2010 — the 5th NAP). Current NAP envisages the implementation of the Action Plan and of the monitoring system based on the work of the inter-ministerial **Committee for Combating and Preventing Trafficking in Human Beings** and a **Working Group** of the Committee responsible for day-to-day monitoring of implementation of the Programme, comprised of experts representing the involved institutions.

The primary objective of the NAP is to create conditions necessary to effectively prevent and combat trafficking in human beings in Poland and to support and protect victims of this crime, whereas all actions taken should lead to improved detection of trafficking in human beings, and, as a consequence, increased number of criminal proceedings related to human trafficking, as well as increased number of victims identified and assisted.

The National counter-trafficking (CT) response in Poland is coordinated by the Ministry of Interior and a special *Unit for Trafficking in Human Beings in the Migration Unit for THB in Department of Migration Policy*, established in 2006. The Unit is responsible for facilitation of the Committee and Group working, coordination of the Programme for Support and Protection of a Victim/Witness of Human Trafficking, monitoring the National Consulting and Intervention Centre for Victims of Trafficking, making analysis and proposing actions to combat trafficking.

The following state institutions are involved in CT actions: Police — the Central Unit for Combating Trafficking in Human Beings established at the Central Investigation Bureau in the General Police Headquarters in Warsaw, Border Guards — the Unit for Constant Monitoring and Coordination of Actions established at the General Border Guard Headquarters in Warsaw, Prosecutor-coordinator for trafficking in human beings appointed in the Office for Organised Crime in the General Public Prosecutor's Office, and Ministry of Labour and Social Policy with specially trained consultants for social support of victims.

In April 2009 the Minister of Interior and Administration established the **National Consulting and Intervention Centre for Victims of Trafficking (KCIK)** as a public task force that includes the NGOs and assigns their role in preventing and combating human trafficking. The KCIK is financed from the state budget and the coordination role belongs to La Strada Poland. The KCIK is responsible for identifying and providing assistance services to VoTs (both Polish citizens and foreigners), and as a part of prevention — to „at risk” groups. It is also empowered to support and consult other service providers, law enforcement and judiciary institutions. The other activities include maintenance of shelter for victims, running the Program for Support and Protection of a Victim/Witness of trafficking, preventive counselling and raising awareness of the general population.

Although many positive results have been achieved, some gaps still exist. Guidelines for law enforcement agencies, prosecutors, social workers and service providers have been developed and serve as a basis for trainings. These were not shared widely and didn't reach the lower levels entirely. Therefore, there is a continuous need for trainings, dissemination of information and activities to change the opinion and approach towards the issue of trafficking and its victims. Another challenge still persisting in protection of victims' rights is that although the reflection period for victims of trafficking is established by law, in reality it is almost never used.

Presentation Belarus (by Dmitriy Tsayun)

The National Coordinator for counter- trafficking activities in Belarus is the Ministry of Interior. The tasks on rehabilitation of most of the victims are attributed to Ministry of Labour and Social Security, the rehabilitation of children affected by trafficking in persons is the task of Ministry of Education (for the 3–18 years old children) and Ministry of Health is responsible for children under the age of 3. It is considered that a more efficient use of state rehabilitation institutions is possible when not only victims of trafficking in persons are reintegrated, but also victims of other forms of violence (e.g., family abuse etc.).

The national legal framework is under active development. So far, the problematic issues of employment and education abroad, international adoption, activity of travel, marriage and model agencies have been regulated. The concept of “victim of human trafficking” is now legally recognized. There is a plan to introduce an independent crime component named “trafficking in children” by the end of the year, which will be different than “trafficking in persons” (where it is a determinative feature aggravating criminal responsibility). In April 2011 the Parliament adopted in the first reading the draft Law “On counter-trafficking in persons”. In addition, the government is considering adherence of Belarus to the Council of Europe conventions on counter-trafficking in persons, cybercrime, child protection from sexual exploitation and abuse. A National Action Plan against THB has been developed and is being implemented for the 3rd time.

The mechanism of assistance for victims of trafficking in persons is already legally recognized, and the following types of free of charge rehabilitation services are provided by the state:

1. Temporary residences, including housing and food packages;
2. Legal assistance, including free of charge legal assistance offered by the Bar Associations;
3. Medical assistance;
4. Psychological assistance;
5. Search of the families of underage victims of trafficking in persons or their adoption by other families or placement in orphanages;
6. Assistance provided until full-time employment is found.

But also, several problems have been identified. In spite of existing state structures, the republic generally uses the possibilities of international and non-governmental organizations (over the last four years, only 5% of the total number of victims of trafficking in persons received assistance within public rehabilitation agencies). The analysis shows that victims of trafficking in persons, in most cases, receive rehabilitation services at these types of organizations. The existing trend is due, in most cases, to the fact that state rehabilitation agencies do not pro-

vide financial support to victims. At the same time, this type of assistance is well developed within international and non-governmental organizations, and this is the decisive factor that motivates the victim to receive rehabilitation services in these organizations. Only some victims go to all the structures mentioned above for assistance.

In Belarus, most of the victims are identified by law enforcement agencies, and then, upon their request (after studying the kinds of assistance) are referred for rehabilitation services to international and nongovernmental organizations. Currently, redirection of victims in most cases is based on personal contacts established between law enforcement agencies, state rehabilitation agencies, international and non-governmental organizations. Therefore, the rehabilitation assistance of victims of trafficking remains the most delicate issue in the field.

It is expected that the Law “On the counter-trafficking in persons” will transfer certain tasks and responsibilities from international and non-governmental organizations to state institutions. Currently, the mechanism of the state social order in the field of providing assistance to victims of trafficking is being developed within the State program for 2011–2013. In August 2011, the respective legal act was submitted to relevant authorities and non-governmental organizations for approval. The alternative to the compensation fund for victims of trafficking was found in the targeted social assistance to victims of trafficking in persons. The draft law “On counter-trafficking in persons”, provides the payment of non-recurrent of social allowance to victims of trafficking in persons. In addition, the trafficked victim receives compensation from the traffickers under the court decision upon submission of a civil action lawsuit within the trial of the criminal case.

Presentation Ukraine (by Iryna Dovgal)

The importance of the NRM development is underpinned by the growing trend of Ukraine becoming more often the country of transit and destination, whereas previously it was considered only as a source country.

The national legal framework in Ukraine is under its active development. The Draft Law “On combating trafficking in persons” stipulates the procedure of granting a respective status to the persons who suffered from trafficking in human beings with special attention to children-victims of trafficking. It also sets up the National Mechanism for Providing Assistance to Victims of Trafficking in Human Beings (NMPA) that is viewed as a cooperation structure, in the framework of which state institutions fulfil their duties on protection and support of human rights of the victims of trafficking in human beings, in strategic partnership with civil society and other stakeholders acting in this field.

Currently two different models of NMPA are piloted in 2 regions, while additional 3 regions for piloting are planned for the second half of 2011. After the piloting phase, it will be decided, which model should be the basis for the further implementation of the NMPA (Picture 3 — Basic Components; Picture 4 — Strategic steps of the NMPA establishment).

The Ukrainian system divides the services between Ukrainian and foreign citizens. However, the provision of services does not depend on their participation in criminal proceedings. The services provided to Ukrainian nationals include temporary accommodation, medical, psychological, social and legal assistance, one-time financial support, assistance in education, professional training provided upon the individual needs identified. The foreign nationals receive the same type of assistance plus interpretation, as well as temporary (1 month) or permanent residence permit. In case of the former, victims are provided with safe return home, and in the case of the latter with one-time financial support and assistance in further employment. The procedure of getting the status of victim of trafficking goes first through an application or identification by a social assistant, which has to be approved by a commission. The decision takes several months.

The support to victims of trafficking in Ukraine is based on a network of social institutions. There are no specialized services for victims of trafficking, but they receive assistance at other specialized services such as the Centre for children for psychological rehabilitation and one health rehabilitation centre run by IOM.

In September 2011 the ratification of the Convention of the Council of Europe was expected, as well as the approval of a victim’s status form.

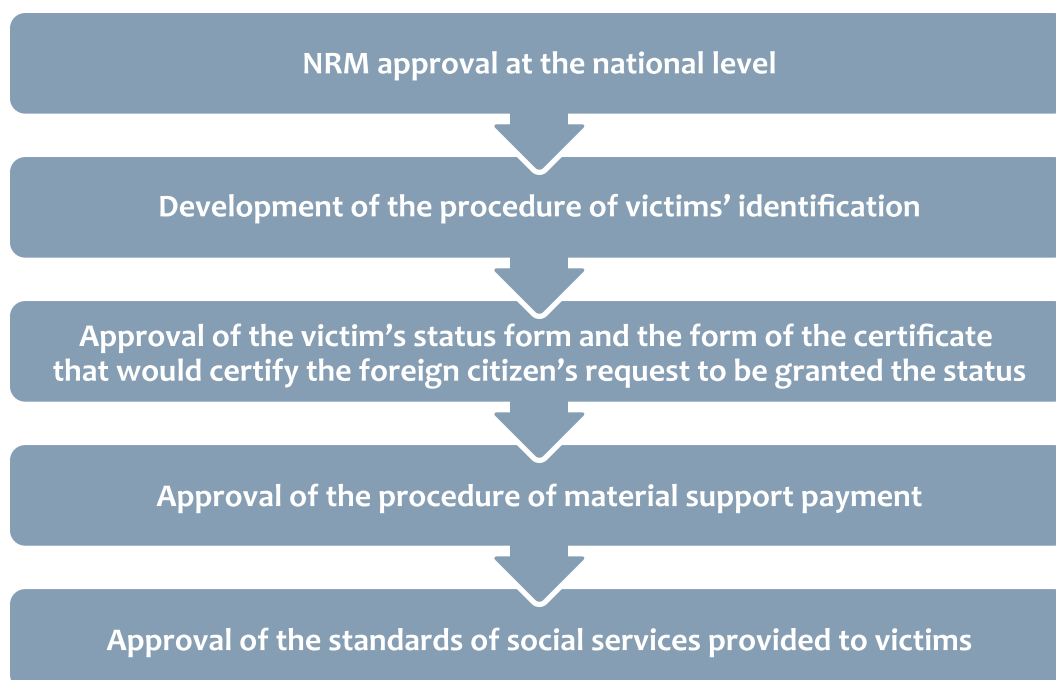
Picture 3

NMPA Basic Components



Picture 4

Strategic Steps



Presentation Azerbaijan (by Nadir Mammadov)

The Government of Azerbaijan has taken significant steps in preventing human trafficking, as part of reforms on adjusting the national legislation to international standards. The first National Action Plan to Prevent and Combat Human trafficking was adopted in 2004, according to which a specialized Department for Combating Human Trafficking within the Ministry of Internal Affairs was created. The Law "On Combating Human Trafficking" was adopted in 2005, and provided an opportunity to enlarge the assistance and rehabilitation services, therefore a Shelter was created where victims can receive temporary placement, legal and psychological counselling, medical and psychological assistance. Along with these legal acts, the Cabinet of Ministers adopted the decree "On the Regulation of the Fund for victims of human trafficking", and the decree "On the rules of conducting social rehabilitation of victims of human trafficking" in 2006.

To ensure proper implementation of the NAP and coordination of the actions among all institutions involved, a National Coordinator was appointed. The interdepartmental information-sharing mechanism started operating; a single database was created, reflecting data about traffickers, about their victims and about defendants and wanted persons. Under the current NAP (2009–2013) the Ministry of Internal Affairs and the NGO-Coalition against Human Trafficking that brings together 45 nongovernmental organizations signed a Memorandum of Understanding and Cooperation in 2009. To enhance the reintegration of victims of human trafficking, to ensure their education, medical and professional rehabilitation and to provide them with legal assistance, a specialized Centre for Assistance was opened within the Ministry of Labour and Social Protection.

The legal and institutional framework for the NRM was developed and ratified in 2009, stating the main purpose of the NRM as a productive system is to ensure the protection of rights of victims and their referral to competent authorities, provision of security measures, repatriation, social rehabilitation of victims and drafting of regulations in this regard. For the implementation of the NRM the inter-agency committee was created, consisting of representatives of 14 Ministries and institutions.

The NRM in Azerbaijan is based on ensuring the following:

- rights and freedom of victims;
- confidentiality of information about the victims;
- equality of victims in applying measures for social rehabilitation;
- protection and social rehabilitation measures, in accordance with the individual victims' necessities;
- mutual cooperation of governmental agencies and non-governmental organizations;
- productive regional and international cooperation.

The Best Practice from Azerbaijan to be extended to other countries is the creation of the compensation Aid Fund, established within the Ministry of Internal Affairs. The compensation and accommodation in the shelter are carried out regardless of the fact whether the victim cooperates with law enforcement authorities or not. Damage, incurred by victims of human trafficking, is compensated in accordance with the procedural law, on the account of the human trafficker; if the human trafficker does not dispose of enough means, the compensation is paid on the basis of the court decision, from the Aid Fund.

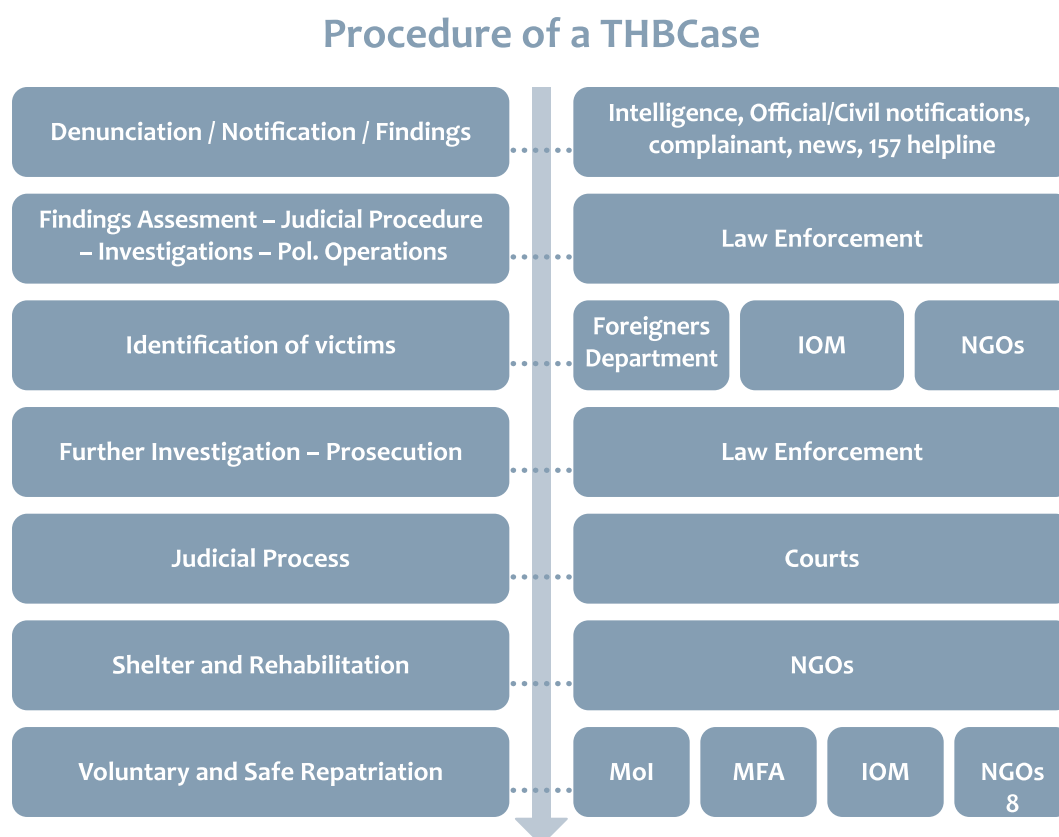
Presentation Turkey (by Fikret Isgoren)

Turkey is considered a country of destination, mainly for victims from the Common Independent States (CIS). One of the biggest challenges in combating THB is to control the borders.

The first counter-trafficking Task Force was created in 2002, and the national coordination attributed to the Ministry of Foreign Affairs, whereas the other members are: the Ministry of Interior (Police, Gendarmerie, Coast Guard), the Ministry of Justice, the Ministry of Labour and Social Security, the Directorate General of the Status and Problems of Women, other relevant Ministries and Governmental Institutions, as well as 15 different governmental & non-governmental institutions. The Task Force currently represents the NRM in Turkey (Picture 5).

Once a victim is identified, usually by the NGOs, Hot Line, IOM, Foreigners Department, the law enforcement agents carry out further investigation of the case, and prosecution of the perpetrator, if relevant. The presumed victim is granted a 30 days reflection period, during which he/she is not deported and/or pressured to cooperate with the law enforcement agencies. Moreover, all victims receive unconditional support, protection and counselling. When the reflection period is over, the victim can be safely repatriated home or, based on her/his will, granted a residence permit after the investigation is complete — a so called Humanitarian visa for 6 month by applying to the Foreigners Police. This type of visa is issued to victims in order to enable them to stay legally, as well as to receive a work permit in Turkey during their rehabilitation period.

Picture 5 NRM in Turkey



The challenges still encountered by the Turkish anti-trafficking actors are framed by recent trends of the phenomenon, namely fewer victims are self-identified due to manipulation techniques of the traffickers. The Hot Line is addressed less and less. The core bodies in combating trafficking are the law enforcement agencies, to which the victims still lack the trust. The phenomenon has only recently been recognized as a problem and there have not been developed mechanisms yet, whereas there is a continuous need in building the capacity of the law enforcement and social assistance social providers.

The main priorities for the future counter-trafficking national actions in Turkey are the following:

- A more comprehensive NRM with a wider approach
- Legislative developments (New Foreigners Law, New-specific Law on THB)
- More combined & high-standard victim assistance policy
- Continuation of AWARENESS & TRAINING
- Creation of Compensation fund (based on a new Law)

Presentation Moldova *(by Tatiana Fomina)*

The results of the NRM implementation can be assessed only through continuous monitoring and evaluation that helps identify the successes, as well as gaps. The results of monitoring and evaluation always provide a solid basis for the development of sound policies and evidence-based strategies.

Moldova has taken the first steps in monitoring and evaluation of the NRS as a form of Social Policy monitoring and the main tool in coordinating the NRS at the national level.

The pilot monitoring and evaluation round took place in 2009 and consisted of an analytical research with recommendations, development of a standard monitoring form and report structure as technical assistance of the International Centre "La Strada" to the MLSPF. As a result, a consolidated national report and draft regulatory instrument on NRS monitoring methodology were developed.

The main *Monitoring goal* is to monitor the implementation of the NRS Strategy, whereas the *tasks* are the following:

- collection of preset indicators for the reporting period
- monitoring of the Action Plan implementation / adherence to the timeframe
- identification of progress and occurring necessities/problems
- development of proposals for making necessary changes to the Action Plan
- evidence-based decision making
- adjustment to changes/challenges
- error limitation
- support in evaluation, action coordination, planning and other NRS elements
- provision of specialist responsibility for NRS functioning
- development of proposals for cost optimization and constant efficient use of resources within the system

The main *Evaluation goal* is to identify the impact of the NRS Strategy-provided policy, the degree of goal achievement, the efficiency and sustainability of actions undertaken, whereas the *tasks* are the following:

- comparison of the general situation before and after Strategy implementation
- determine to what degree the results obtained match the original NRS Strategy goals
- identification and analysis of Strategy implementation progress indicators
- analysis of the degree of impact of external factors on the achievement of results (provided by the Strategy)
- analysis of resource use efficiency (analysis of the means used, correlation with target costs and real needs, etc.)

There are various resources that allow for extensive data collection and in-depth analysis, such as:

- The initial monitoring reports, filled in by the coordinators of territorial multidisciplinary teams (MDTs);
- Reports of MLSPF specialists on the MDT activity monitoring field trips (the recommended list of data to be collected is shown in the research report);
- Data on NRS Strategy implementation at the national level (development of the regulatory framework, training modules, transnational collaboration development etc.);
- Report on the activity of the specialized Centre for Assistance and Protection of (potential) victims of THB;
- Reports of nongovernmental and intergovernmental organizations providing protection and assistance to (potential) victims THB.

One of **the main recommendations** for the further improvement of NRS is for the NRS monitoring methodology to become an integral part of the overall monitoring methodology of the social services system; to regulate monitoring tasks on each administrative level and approve a standard report form; to legally compel service providers, regardless of their status, to provide the necessary information for monitoring (possibly through the accreditation mechanism); to collect qualitative information on risks and challenges to the NRS Strategy implementation and particular assistance cases during the NRS monitoring procedure.

Conclusions of the 1st day

The first day of the conference provided an overview of the main achievements and persisting challenges regarding NRM implementation in participating countries. Based on the recommendations of the last conference held in 2008, all of the participating countries have taken the first steps in the development of NRMs, with Moldova being placed at the forefront. However, all the participants mentioned that even though good legislative frameworks are in place, more knowledge, efforts and resources are needed for its proper implementation. It is important to introduce a monitoring and evaluation mechanism (already exists in the Republic of Moldova), including monitoring of human rights. The main recommendation, the same as before, is to remember that human rights should stay at the core of National Referral Mechanisms and any other efforts to protect and assist victims of THB.

The institutional capacities of governments to handle the protection and assistance measures to VoTs depend on the availability of state funding and the trust that beneficiaries have in those services. Only through a systematic approach can the protection of VoTs be ensured. Regarding this aspect the responsibility of the government is crucial.

The human trafficking trends in the participating countries are constantly changing — countries of origin become countries of transit (e.g. Moldova), countries of transit become countries of destination (e.g. Ukraine). This should be reflected in future approaches and strategies in the field. Pro-active prevention through provision of services to vulnerable groups can be noted as a best practice (Moldova, Poland).

Participating countries are at different stages of NRM implementation — some countries are promoting NRM as a national strategy (Moldova) others have piloted it and are still deciding the way to adopt it. Moreover, in this context states should guarantee equal protection and assistance to citizens, foreigners and stateless persons.

In the majority of countries coordination and leading role in combating trafficking in human beings remains in hands of the Ministry of the Interior. In some cases it belongs to the Ministry of Social Affairs and only in one case — the Ministry of Foreign Affairs. This leads to a question, what is the most effective institution in providing protection and assistance to victims of trafficking in human beings.

The NRM/NRS should not only be regarded as a form of cooperation, but a national strategy. It means a much higher commitment from all involved actors. This system provides for the possibility to integrate active NGOs that might have more capacity and expertise to provide social assistance to (potential) victims of trafficking.

The following points and questions were highlighted as further **challenges** by the end of the day:

- Political will remains an important factor for promoting NRM/NRS, as many countries have developed draft laws, or other legal acts, that await approval, sometimes for quite a long time;
- The establishment of compensation funds is still a challenge for many countries. Azerbaijan can be quoted as a best practice, having established a compensation fund which provides unconditional compensation;
- Confidentiality Vs long court proceedings, although some countries prosecute those who provide information about victims. VoTs are still afraid of approaching service providers;
- Access to services for all exploited persons and “at-risk” groups;
- Due to financial issues, improvement of donor coordination is still necessary.

4.2 DAY 2

Quality Standards in Delivering Protection and Assistance to Victims of Trafficking and Persons At-risk of being Trafficked

The second day of the Conference was structured around two sessions. The first session (Session II) was aimed at sharing best practices in establishing “Quality Standards in Delivering Protection and Assistance to Victims of Trafficking and Persons At-risk of being Trafficked”, chaired by Ms. Lilia Pascal from the MLSPF of Moldova and Ms. Irina Todorova, IOM Moldova Prevention and Protection Programme Coordination. The second session (Session III) divided the participants into three working groups: “Quality Standards in delivering protection and assistance to victims of trafficking”, “Protection of victim’s rights through the justice system”, and “General and operational monitoring and evaluation of the NRM/NRS”.

Presentation of the Czech Republic (by Eva Gregorova)

The Czech Republic presented its experience in social services accreditation and social contracting of NGOs by the Government, as it is considered to be a best practice in the region.

It is important to start with the fact that the **protection and assistance to victims of trafficking are regarded in the context of a wide social services system** (social care, social prevention, social counselling), regulated by the Act on Social Services (Act No. 108/2006 Coll.) and related legislation (Decrees) and focused on various target groups.

Definition of social services:

“Activity or set of activities ensuring the assistance and support to persons for the purpose of their social integration or prevention of their social exclusion”.

Accreditation and Social Contracting represents an open system based on authorisation and control defined by the Act on Social Services. The accessibility is framed by three main steps: registration, community planning and public funding available (Picture 1).

Picture 1

Accessibility



NGOs can **register** if they meet a range of set conditions, such as technical (hygiene conditions, ownership conditions to the facilities), personnel (e. g. professional skills and education of social workers) and moral (e.g. integrity of the founder/superintendent). As a result of the accreditation process they receive an Act of entrustment (contract), are included in the Register of Social Services, and have the possibility to obtain state grants and subsidies. **Community planning** comes from the grass-root level reinforced by the regional councils that have to identify needs/services and allocate resources. The community plan includes a mid-term development plan of social services that have to be closely connected to the funding available. The **funding** may come from the state, regional, municipal budgets; care allowance, users' payments, health care insurance funds and private sources (foundations, presents, etc.)

The quality standards are stipulated in the Decree to the Act on Social Services (2007) and include **15 Standards — common for all types of social services types**, for instance *procedural standards* (objectives and methods of providing services, protection of users' rights, contracting, individual planning, documentation, complains); *personnel standards* (human resources, working conditions, professional development); *operational standards* (location and time, availability of information about services, environment and conditions for providing services, services quality assurance). Moreover, quality control is ensured by the inspection of quality standards, control of registration conditions and financial control.

Based on the fact that the social services are a very dynamic area it is important to carry out an extensive consultation process regarding setting any rules and regulations based on a multi-sector cooperation. The driving force for establishing such a mechanism is political will and support.

Presentation of Moldova (by Lilia Pascal)

The systemic approach chosen by Moldova to ensure quality standards in delivering protection and assistance to victims of trafficking and persons at-risk is to integrate the NRS into the national social protection system, which is stipulated as the main goal of the NRS Strategy. This systemic approach strives to align the NRS to the main strategies aimed at reforming the general social protection system of Moldova. This would ensure the sustainability of the system through the Government's commitment and increase of the state's contribution to the NRS. It would also ensure better coordination of the assistance and protection services to victims and potential victims of THB by the MLSPF.

The integration approach was chosen based on the following principles: NRS and Social Protection reform (Picture 2):

Picture 2 NRS integration in the state social protection reform

NRS Strategy	Reform Trends
Common <ul style="list-style-type: none"> • Unconditioned access to services • Nondiscrimination • State responsibility • Individual approach and victim's consent 	<ul style="list-style-type: none"> • Principle of targeted social assistance • Beneficiary based approach • Provision of social services in the community
Specific <ul style="list-style-type: none"> • Respecting and restoring fundamental human rights • Child's best interest • Confidentiality • Social partnership • Multidisciplinary approach • Transnational cooperation 	<ul style="list-style-type: none"> • Availability • Equal opportunities

The NRS integration into the state social protection reform means the following:

1. Integration of *NRS beneficiaries* into the social protection system — *person in difficulty* (vulnerable person) that will allow them to be recipients of cash benefits due to their economic vulnerability;
2. *Services for victims* are part of the integrated system of social services according to the National Programme on the Creation of the Integrated System of Social Services;
3. *Pro-active identification* and long-term assistance at the place of origin is provided through a network of community social assistants, which increases the NRS sustainability.

This meant the harmonization of instruments through (1) coordination and definition of human resource functions at the national and local level done by the MLSPF and its de-centralized units — Social Assistance Directorates/Sections; (2) inclusion of the NRS beneficiaries into the integrated automatized information system in the field of social protection — “Social Assistance”.

The added value of integrating the NRS into the state social protection system is brought through the provision of the NRS methodological framework for social protection — the MDTs. Capacity building has been ensured through the introduction into the National Curriculum and Training Manual for the **initial and continuous training** of social assistants, of a module on protection and assistance of victims and potential victims of THB, as well as through the addition of **identification, referral and assistance procedures/instruments within NRS** to the case management procedure. Another important perspective of the NRS integration is ensured Government’s responsibility through monitoring and evaluation function and focus on individual needs (human rights approach) rather than the status of the beneficiary.

Within the development of the social services the following models of social partnership have been established:

1. Centre for Assistance and Protection (CAP) of THB victims and potential victims

- Creation of CAP as public institution — jointly managed by MLSPF and IOM, based on a cooperation agreement (2008). Government’s financial contribution has been increasing between 2008 and 2011; IOM — extra budgetary support;

2. Regional assistance and protection centres

- Balti, Cahul, Causeni, Drochia, Hancesti;
- Financed from district/local budgets and the state budget (since 2009) + donor contribution through NGOs; managed on the basis of agreements between LPA and NGO and/or CPA, LPA, NGO and IO;

3. Future perspective — social contracting of services through the adoption of the Law on the Mechanism of Social Services Accreditation and the development of the mechanism of state procurement of social services from private providers/NGOs.

While the process of the NRS integration into the social protection system brings successful results, but a number of challenges persist. The following challenges have been identified in Moldova and are proposed for the discussion within the Working group 1: MDTs institutionalization in the field of social protection; development of the quality standards for protection and assistance (reintegration) of victims and potential victims of THB; continuous in-service capacity development of the MDT members.

Presentation of Ukraine *(by Ludmila Kovalchuk)*

To support the discussion of the Working Group 1, the experience of Ukraine in the field of developing quality standards (QS) for social services for VoTs was presented.

The work on the development of the quality standards has been on-going since 2008, and resulted in the Draft Order "On approving standards in the counter-trafficking field": 4 standards (2 on prevention, 2 on assistance services to victims).

The quality standards have been defined as follows (Picture 3):

Picture 3 Standards In Services For Victims

- **General provisions (definition, goal, subjects, target groups...)**
- **Types and content of social services**
- **Terms, conditions and the procedure of service provision**
- **Requirements to specialists**
- **Service provision management**

The following issues have been encountered during the QS development and approval in Ukraine:

- Current national legal framework
- Political instability
- Inadequate social service standardization system
- Inadequate social contracting mechanism

4.2.1 WORKING GROUPS OUTPUTS

4.2.1.1 Working Group 1: Quality standards in delivering protection and assistance to victims of trafficking

MODERATORS

Lilia Pascal, *Ministry of Labour, Social Protection and Family, Moldova*
Ruth Krcmar, *IOM Ukraine*

TASK FOR THE WORKING GROUP 1

The first working group was dedicated to the topic of Quality standards in social services and was based on the results of the three presentations held during the first session of the day.

Due to the complexity of the topics such as quality standards, accreditation system and integration of a NRM into the general social protection system, working group 1 offered the possibility to have a more detailed discussion and in-depth analysis of the challenges and functioning of these issues.

Since NRM/ NRS has been developed in all participating countries, some of them reached the point where the system or mechanism has been fully implemented and might exist in parallel to the general social protection system. To avoid overlapping of the systems and duplication, the integration of the NRM into the general social protection system has become necessary. It also poses a great challenge, as it implicates a restructuring the whole system. Additionally, the development of standards in providing social services raises a lot of questions and presents challenges for the country(ies). Among them are new and quickly changing trends in trafficking, social-economic problems, lack of standardization of social services in general and the task of implementing the standards.

Quality standards and an accreditation system appear to be necessary in order to enable the development of a form of Social partnership to deliver protection and assistance to victims of trafficking and persons at risk of being trafficked.

Terminology

Standards are

- A set of services
- Requirements to the content and the procedure for provision of services
- Requirements to the quality of social services
- Normative
- Standards unify types of services or procedures.

Social contracting / Accreditation system

Social contracting is an advanced form of social partnership where the Government, instead of providing services themselves, could buy services from recognised and accredited NGOs in line with quality standards within the Social Protection System.

QUESTIONS

Integration of NRM/NRS into the General Social Protection System.

- Why is it important to integrate VoT protection into the general social protection systems of states? What counter-trafficking aspects cannot be integrated?
- How should this integration occur?
- What institutions should be responsible for this process and how should they interact?
- What are the financial implications of this integration?
- What reforms are going on in your countries in the social protection sphere and what are the challenges they bring for the counter-trafficking efforts?
- How to insure multidisciplinary cooperation between the different actors involved in protecting and assisting victims of trafficking?

Quality standards of social services for protection and assistance to victims of trafficking.

- What is the official definition of quality standard of a social service in your country? Is there an official definition in the legislation?
- What are the effects of the adoption of a quality standard? What happens if the standard is not met?
- What kinds of quality standards exist? Are standards developed for each state service or are there general standards that are common for the social protection sphere?
- What is the scope of quality standards — do they cover only the provision of the service or also other connected issues — capacity building of specialists, technical conditions, state financing and quality control?
- What legal form is used for adopting a standard: Law, Government decision, Ministerial document etc. or is there a special form for the standard?
- Who adopts the quality standards in the social sphere?
- Is there a state-approved classification of social services in your country? On what criteria is the classification made?
- Do quality standards also regulate the provision of social services by NGOs and private organizations? Are there any specific requirements for this type of organizations?
- What quality standards should be in place to ensure adequate protection and assistance through social services? How should these standards be adopted and implemented?
- Why is accreditation of social services for victims of trafficking important and how should it be carried out?
- Who should be responsible for the accreditation?
- Social contracting — what mechanisms should the state employ to purchase services from NGOs?
- How should this mechanism be implemented?

CONCLUSIONS

Integration of NRM/NRS into the General Social Protection System.

The participating countries are at different stages of implementing NRM/NRS. As a result, the integration of NRM/ NRS into the general social protection system is ongoing in different countries using different approaches.

In the Republic of Moldova the two systems (NRS and Social Protection System) exist in parallel. However, the process of merging the two into one integrated system has been launched by the MLSPF. This will allow persons in difficulty (vulnerable persons) to be recipients of cash benefits due to their economic vulnerability. Services for victims are already a part of the integrated system of social services according to the National Programme on the Creation of the Integrated System of Social Services. Pro-active identification and long-term assistance mostly happens at the place of origin and is provided through a network of community social assistants, which increases the NRS sustainability.

In Ukraine, expert groups drafted standards for social services providing assistance to VoTs (Draft Order “On approving standards in the counter-trafficking field”: 4 standards, (2 prevention, 2 services to victims)).

The accreditation system in the Czech Republic could be seen as a best practice applying quality standards within the field of social protection regulated by the Decree to the Act on Social Services adopted in 2007. The NGOs may register if they meet a range of set conditions. Once accredited, they have the possibility to participate in tenders and obtain state grants and subsidies (see presentation Czech Republic).

In countries with less developed social protection systems, the implementation of social contracting has been presented as a big challenge.

Types of quality standards, the definition and terminology of social standards and their reflection of international standards

Quality standards have a general character covering many different aspects of social services. Thus, they can be divided by type of different groups or institutions. For instance: beneficiaries, centres and service providers which have been identified by the working group as the most important ones or by the type of standards as it is used for example in the Czech Republic where they are divided into three groups: Procedural including goals, documentations as well as information systems, personnel to ensure professionalism of the staff and operational to ensure the accessibility of services through adequate opening times and places.

In the Czech Republic, the Quality standards are stipulated in the Decree to the Act on Social Services (2007) and include 15 Standards — common for all social services types (see presentation of Czech Republic)

In Ukraine, 4 standards have been developed by an expert group differentiated by the type of activity. 2 standards are targeting prevention activities, namely the work with the general public and at-risk groups and the type of beneficiary. The other 2 standards relate to services for VoTs: to children and adults.

Challenges in the development of social standards are, for instance, instability of the political system and inadequate standardization of social services.

Among all services provided to VoTs different types can be identified. Some of them are directly targeting VoTs, such as repatriation and identification. The other type can be seen as a matter for the overall social protection system, such as reintegration.

It was underlined that NGOs should play an active role within the development of social standards, as they can contribute with their own practical experience and analyze international and national approaches in the field. It could be concluded that standards are necessary to ensure citizens with an easy access to social services, to unify and systemize services available. They establish a minimum quality requirement and, therefore, contribute to better protection of human rights. Quality standards should also clarify the responsibilities of social workers. In addition, the transnational aspect of human trafficking leads to the question on how quality standards can be ensured both in the countries of destination and origin.

Once developed, quality standards can be used as a means of monitoring and control. Moreover, they enable the government to hand over social services to Civil Society Organizations CSO (social contracting), therefore ensuring sustainability. The quality standards are crucial for a successful and effective implementation of a social system.

The interrelation between social standards and social contracting and a monitoring system

The accreditation of social services/ registration can be used as an instrument of quality assurance and as an instrument of monitoring, though in most of the participating countries the financial support is not ensured. Thus, even if quality standards are developed, a control system is needed to guarantee the sustainability of quality services.

Regarding financial aspect, the practice of the Czech Republic can be seen as a best practice, because within their system of social contracting there is a possibility to use additional funds, e.g. State fund, Ministry of Interior or confiscation of assets fund. These funds can be used by NGOs, governmental or community organizations to provide social services.

The use of confiscated assets fund raised further questions on establishing compensation funds specifically for VoTs. This could be seen as one important factor of ensuring quality services to VoTs. Azerbaijan so far, was the only participating country where such a compensation fund has already been established.

Additionally, one major challenge for most of the countries appeared to be the multidisciplinary cooperation (established through MDTs in Moldova). The complexity of the issue of THB requires, besides social service providers, also the involvement of different professionals, such as policemen and doctors. The question remained how to ensure a good cooperation and the commitment of all involved actors to apply quality standards, even if they are outside the social protection system. Implemented standards should be valid for all institutions involved. The division of competences in providing services and ensuring quality has been seen as a big challenge in most of the countries.

RECOMMENDATIONS

The participants agreed that quality standards are needed to ensure the quality of services provided to victims of trafficking and persons at-risk of being trafficked.

An accreditation system for social services can be used as an instrument of quality assurance and monitoring. Thus, social services can be passed over from the government to civil society. It can also strengthen the role of civil society in providing services, and ensure a functional social system. Within such a system the role of the government remains vitally important for its sustainability. Thus, the political support is crucial to implement quality standards for social services.

Different levels of standards lead to the question of who is responsible in the field of social services/ work to ensure these standards. The group agreed that standards for VoTs should not be outside the social system, but be common for all social services, with some flexibility. The standards should be clearly defined and put in law.

Quality standards should be in compliance with the international standards to ensure human rights.

The concluding recommendation was to take into consideration the peculiarities of each country and not just replicate approaches, but just consider them and learn from mistakes of others.

Following the recommendations of the working group it was decided that a 5 day study visit to the Czech Republic would be organized in autumn 2011 for about 25 representatives of Moldova, Ukraine and Belarus (**target countries within Danish Anti-Trafficking Program 2009–2011**, Government and civil society representatives). The main objective of the study visit would be to learn the practical aspects of the implementation of social standards in the field of CT, accreditation of services and social contracting, including legal and institutional framework, standard operation procedures, budgeting, monitoring and evaluation.

As the experience of the Czech Republic was presented during the conference, preliminary agreements for the organization of the study visit with Czech counterparts were made.

4.2.1.2 Working Group 2: Victims' Rights protection through the justice system

MODERATORS

Diana Ionita, IOM Moldova

Tatiana Catana, IOM Moldova

1. Legal representation of VoTs in criminal procedure on trafficking:

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, art. 6.2. Each State Party shall ensure that its legal or administrative system contains measures that allow providing victims of trafficking, when applicable:

- a) information on legal and administrative applicable procedures;
 - b) assistance to do so that their views and concerns to be presented and considered in the appropriate stages of criminal proceedings against offenders, so as not to prejudice the rights of defence.
- The practice of different states;
 - The main obstacles and challenges;
 - Recommendations.

QUESTIONS

- Does a VoT have the right to a Free State attorney guaranteed by law?
- What is the reality in the accessing a Free State lawyer by a VoT?
- Is a Free State lawyer granted automatically or only when the person receives the status of a VoT or submits a special request?
- Who informs a VoT on her/his rights during the criminal processes, including the right to a Free State lawyer?
- How can a VoT access a lawyer who would defend her/his interests in her/his absence?
- How can a VoT, after repatriation to the country of origin, contract a lawyer who would seek compensation for her/his moral (material) damage in the country of destination (power of attorney)?
- Is the Court obliged to inform the repatriated victim about the results of examination of the criminal file in the country of destination?

ISSUES

Herewith, on the issue of provision of legal aid guaranteed by the state to VoTs, it was established that in the majority of states it is impossible due to certain gaps in legal framework (meaning that there is no legal norm in the Criminal Procedure Code that would stipulate the obligation of the state to provide an attorney to the victim). In such cases, the support from the NGO's and IO's is provided (Ukraine and Belarus). It was also mentioned that the situation in the Republic of Moldova is slightly different. According to the law, a VoT should be provided with

an attorney guaranteed by the state (art. 58, par. 4, point 2, Criminal Procedure Code). However, this attorney is provided upon a request after the victim is properly informed of her/his right to have one. Unfortunately, victims in the Republic of Moldova do not understand the significance of this right and, therefore, are not requesting a state provided attorney. In the majority of cases, they accept an attorney paid by the NGOs and IOs.

The situation in this context is different in Azerbaijan. A VoT is provided legal assistance of a qualified attorney at the state's expense. Positive practices in this regard were also established in the Czech Republic, where a VoT is assisted either by an attorney (specialized) or another person of trust.

As for the country of destination, ensuring an attorney always involves support from NGOs and IOs.

Difficulties were identified in establishing the status of a VoT in the country of destination, as the person is often held in detention for committing other crimes. This significantly complicates identification. Some countries (i.e. Russia) argued that victims of human trafficking should not be given a special status different from that of victims of other crimes.

It was also established that currently in Ukraine there is no legal framework on prevention and combating trafficking in persons, a circumstance that complicates the process of combating this phenomenon.

Following the above-mentioned, it was concluded that existing practices show an insufficient level of international cooperation on fighting THB, including under the bi- and multilateral agreements already signed by the states. It was also mentioned that the attitude towards signing such agreements is a formal one, which consequently generates the same attitude in the implementation of their provisions (for ex. cooperation between Belarus and Turkey). It was established that there is also an inefficient international cooperation in implementing court sentences.

Regarding representation, one problem identified by participants is that the authorities from countries of destination don't always inform the consulate of the countries of origin about an identified VoT, in majority of cases invoking the fact that the victim refused it. The representative of Turkey mentioned that in cases when a VoT is identified in Turkey, she/he completes a form where she/he is asked whether she/he wants the Consulate of her/his country to be informed.

RECOMMENDATIONS

1. To monitor how the states, signatories to the Palermo Protocol, respect its provisions, as well as the provisions of cooperation agreements in the field of combating trafficking in persons.
2. To draft an official letter to the Council of Europe with the purpose of raising awareness of the states, countries of destination, about the importance of fulfilling the obligations and recommendations of international treaties in the field of preventing and combating THB.
3. To inform the Consulates of the countries of origin about every identified case of victims of THB, citizen or resident of the country of origin, regardless of the victim's consent.

2. Damages and compensation for victims THB:

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, art. 6.6. Each State Party shall ensure that its legal system contains measures that offer victims of THB the possibility of obtaining compensation for damages.

- The practice of different states;
- The main obstacles and challenges;
- Recommendations.

QUESTIONS

Compensation:

- What legal possibilities are in place for VoTs to collect moral (material) damages? Who should inform VoTs about this right (the prosecuting authority or the lawyer)?
- Does a VoT have the opportunity to submit a civil action suit during the criminal process or only in a separate civil process? Can a civil action suit be submitted in the civil process before the pronouncing of the sentence (the sentence of acquittal) in the criminal proceedings?
- What is the role of the Labour Inspection and the unions in combating Forced Labour (ILO 101)?
- What are the criteria and methods for assessing the moral/material damages? What kind of legal expertise is recommended and what questions should be asked of the experts carrying out the surveys? How to take into consideration the victims' characteristics and level of guilt? How to calculate the amount of compensation for moral damages?
- What are the problems that arise in proving the moral/material damage?
- What are the legal options to ensure the payment of victims' compensation?
- Are there any collaboration agreements on identification of traffickers and their properties (including exploiters) in order to prosecute them, including in countries of destination?
- Are there any funds created by law to compensate victims of crime, including VoTs?
- What are possible sources to supplement compensation funds?
- What are the responsible institutions, criteria and time period for receiving compensation from the fund?
- What are the problems and obstacles faced by VoTs in obtaining compensation from the fund?

ISSUES

Having discussed compensation of the damages caused to VoTs it was established that collection of damages is done by formulating a request, indicating the motivation for the amount claimed as material and/or moral damage. The enforcement of court decisions regarding the compensation claim to the benefit of VoTs is especially difficult in cases when traffickers don't have other sources of income other than the income from the trafficking activity, as well as when they don't have any properties.

One major issue identified by the participants is the fact that the authorities from destination countries don't apply sequestrations on the property of the traffickers (exploiters) and are not receptive to rogatory commissions sent by the countries of origin.

Some countries (i.e. Russia) shared the opinion that applying sequestration on the assets of traffickers in the destination country at the request of the authorities from the country of origin appears to be unacceptable to the policy of the destination country.

It was also identified that in Turkey VoT formulates requests to collect moral/material damages only in the civil procedure, which is separately examined from the criminal process. Moreover, the request would be examined only if there is a final conviction of the offender.

The existing difficulties to prove the damage caused as a result of the crime were emphasised. The material damage very often remains unproved, without any documents to confirm it. The moral damage is very often appreciated at the discretion of the court, without appealing to psychological expertise to find more details on such damage.

All participating countries mentioned that long-lasting criminal proceedings on THB cases discourage VoTs to further cooperate with law enforcement bodies and participate in court sessions. Moreover, victims lose trust and sometimes give up on collecting evidence for the claimed material and/or moral damages, or if under pressure, they can entirely change their statements.

At the same time, the participants identified difficulties in their countries in terms of differentiating acts of labour exploitation as a form of trafficking from violations of the individuals' right to work and labour legislation by employers.

Only a few countries (i.e. Czech Republic, Azerbaijan) have a special state fund for compensation of damage caused to victims of violent crimes, including VoTs. The compensation is paid to the victim upon its identification regardless of the stage of criminal proceedings.

With consideration to all the above mentioned, it was concluded that the fight against trafficking in human beings is largely jeopardized by corruption which was confirmed by the majority of participating states.

RECOMMENDATIONS

1. To create a special compensation fund for victims that suffered damages as a result of the crimes committed against them.
2. To request psychological expertise in order to identify the moral damage caused.
3. To improve cooperation between the Labour Inspection and police, trade unions, local authorities, while establishing a certain method and indicators to differ THB for labour exploitation from other crimes related to forced labour.

4.2.1.3 Working Group 3: General and operational monitoring and evaluation (policy and case)

Moderator

Tatiana Fomina, *International Centre “La Strada”, Moldova*

TASK FOR THE WORKING GROUP 3

According to OSCE/ODIHR practical handbook «National Referral Mechanisms (NRM). Joining Efforts to Protect the Rights of Trafficked Persons», **monitoring and evaluation of NRM (of the conducted policy), as well as improvement /adaptation of NRM based on these** — should become one of the functions of the NRM's coordinating body. These processes should be regular and cyclical: Monitoring — Evaluation — Improvement/Adaptation. The next cycle of the above processes should follow in the same sequence. I.e. the information, gathered in the course of monitoring and evaluation, should be used to manage the processes. These are the interrelated elements of administration/management of policy implementation.

Terminology

Policy Monitoring — inter-system and systematic collection and analysis of information, mainly of fixed quantitative indicators and some qualitative. It is mainly focused on implementation of planned measures and time history. It is aimed at the developing recommendations to improve the policy.

Policy Evaluation — study (analysis) of the monitoring information to evaluate whether the methods and principles of work are being respected. It is focused on revealing the degree of implementation /achievement of objectives of a respective policy, relevancy of the taken measures /degree of their correspondence to the desired result, their efficiency, impact and sustainability. It is aimed at the developing recommendations to improve the policy.

Differences between policy monitoring and policy evaluation:

- 1) 1) monitoring is mainly focused on the implementation process, and evaluation — on achievement of political objectives;
- 2) monitoring represents an inter-system process, and evaluation can be done by an outside expert (an independent evaluation is very valuable);
- 3) monitoring is mainly based on quantitative indexes, and evaluation — on qualitative, though when organizing these processes a quantitative-qualitative approach should be used (to gather quantitative and qualitative indexes);
- 4) monitoring presumes collection of information from experts, responsible for policy implementation, and evaluation — from beneficiaries and other specialists.

The concepts of policy monitoring and policy evaluation are closely linked with monitoring/ management of human trafficking cases. **Case monitoring** implies collection of information on assistance and protection measures provided to a specific person, identified as a victim of trafficking (VoT). It is aimed at ensuring the victim's access to the necessary assistance and protection, rehabilitation and (re)integration processes, adaptation of the (re)integration plan, respect to human rights of trafficked persons.

Organizational aspects

To conduct policy monitoring and evaluation quantitative and qualitative indexes have to be developed. These indexes should be developed **at the stage of policy development**. It requires the following:

- 1) to conduct analysis of the situation to identify a list of existing problems to be addressed by the future policy;
- 2) to develop goals and objectives and political measures, which should be closely linked to each problem identified;
- 3) to develop a logical matrix of quantitative and qualitative indexes for policy monitoring and evaluation, reflecting logical connection of each index with a certain measure, goal or objective of the policy, and with the existing problem, that has to be addressed by this policy.

To monitor cases, it is also necessary to develop quantitative and qualitative indexes, which should reflect and be logically linked with VoTs' needs, (re)integration plan and services/protection measures rendered.

The Working Group 3 had to exchange opinions and develop recommendations on the following aspects in the organization of monitoring and evaluation of the government policy in the counter-trafficking field, as well as monitoring of the human trafficking cases:

- 1) conceptualization and standardization of the monitoring and evaluation processes, including the development of indicators;
- 2) the procedure for collecting the information (volume and participants), as well as its further use;
- 3) respect to human rights during monitoring and evaluation, taking into account the opinion of aVoTs.

RESULTS OF THE WORK IN WG 3

Conceptualization and standardization of the monitoring and evaluation.

Members of the working group — representatives of Azerbaijan, Belarus, Moldova, Poland, Russia, Turkey and Ukraine discussed that all countries have developed legal framework (international agreement, law, standard/procedure, national action plan/programme) in the field of combating human trafficking. However, monitoring and evaluation of the policy have not been defined and conceptualized. There are no standards for policy monitoring and evaluation, as well as recommendations on this topic.

The main difficulty for conceptualization is the fact that the counter-trafficking policy does not fall under the responsibility of a single Ministry/institution. Various government institutions, NGOs and intergovernmental organizations are involved in its implementation.

At the present moment, the science-based monitoring and evaluation are mostly used to assess the implementation of different projects of the intergovernmental and non-governmental organizations. Only in Moldova, the Ministry of Labour, Social Protection and Family has conceptually developed policy monitoring (terminology, logical framework of indicators, standard templates of the primarily reporting and standard structure of the consolidated report of the country). Ukraine has developed the indicators for policy monitoring.

The definition of monitoring of the THB cases has not been conceptualized yet. There are no standard templates/forms for the case monitoring. The government institutions and NGO are using different templates.

The procedure for collecting information (volume and participants), as well as its further use

Most countries collect the information on the performed measures/actions. As a result, a summary report is prepared. However, it does not include policy evaluation, therefore no recommendation are included on how to

adapt/improve it. This work is usually done by the Ministry, responsible for coordinating the implementation of the counter-trafficking policy (usually, Ministry of Interior or Ministry of Social Protection). NGOs share the information about their work that is included in the country report. Policy monitoring and evaluation by independent experts is not yet applied.

In some countries, NGOs develop an alternative report on policy evaluation, quality of the assistance and protection provided to VoTs, as well as respect to VoT's human rights. NGOs are interested in working in this field, but they have problems with funding.

Standard forms for collecting information are rarely used. The information exchange between responsible government institutions of the same level is problematic, as ministries do not want to share accumulated information. Interagency approach in providing assistance to beneficiaries makes it difficult to compile the information from all the sources, because the same beneficiary can receive assistance from different agencies, programmes and is included in the data base of these organizations.

It is worth mentioning that monitoring and evaluation are expensive processes. Therefore it is important to collect the information that can be used effectively for the policy adaptation/improvement and provision of assistance to the beneficiaries for their successful reintegration.

Respect to human rights during monitoring and evaluation, taking into account the opinion of a trafficked person

Taking into account the opinion of VoTs is a priority for NGOs throughout case monitoring. Government structures also agree on the necessity of such an approach. At the same time, experience of some NGOs (Poland) shows that long-term case monitoring (3 years and more) and insistent attention to VoTs may provoke a negative attitude and re-victimization.

RECOMMENDATIONS OF WORKING GROUP 3

1. To develop standard procedures (regulations or instructions) for counter-trafficking policy and case monitoring, as well as to develop standard report templates.
2. To develop standard procedures for policy monitoring based on science/theory and according to the logical matrix of monitoring indicators (qualitative and quantitative). Established monitoring indicators should be included in the standard report templates for a proper information collection.
3. Inter-agency and multi-sectoral nature of the cooperation between state and civil society in the field of counter-trafficking should be reflected in the standard procedures of the monitoring.
4. Standard monitoring procedures should include obligatory mutual exchange of the statistical data on human trafficking cases between the government institutions of the same level.
5. To introduce independent policy monitoring and evaluation by outside experts (alternative reports of NGOs, reports of independent National Rapporteur and equivalent mechanisms of monitoring in line with art.29 of the Council of Europe Convention on Action against Trafficking in Human Beings).
6. Standard monitoring procedures should be based on a human-rights based approach. Procedures should consider VoT's opinion and should respect the balance between the monitoring interest and interest of beneficiaries.
7. Information collected during counter-trafficking policy monitoring and evaluation should be efficiently used and serve as a tool for the country's policy adaptation to the external risks and challenges.
8. Regional standards/recommendations are needed for the standardization of the policy monitoring in order to harmonize the monitoring approaches in countries of origin and destination.

4.3 DAY 3

Priorities and Best practices in Transnational Cooperation in the Field of Protection and Assistance of Victims of Trafficking in Human Beings

The third day of the Conference included the last session — Session IV — “Priorities and Best practices in Transnational Cooperation in the Field of Protection and Assistance of Victims of Trafficking in Human Beings” aimed at extending the discussion of exchanging best practices and identifying challenges at the national and transnational levels. It was chaired by Ms. Lilia Pascal and Ms. Viorica Dumbraveanu, Head of Family and Children Protection Department of the MLSPP. The second part of the day was dedicated to drawing the conclusions of the Conference.

Presentation of Moldova *(by Tatiana Catana)*

The importance of the development and strengthening of transnational cooperation in the field of victim’s protection and assistance is indisputable, as stated and agreed by all the participants.

Recognizing THB as a violation of human rights and a form of violence against women, the main principle and objective of transnational cooperation is to ensure the protection of the victim’s rights, gender equality and investigate and prosecute the perpetrators. Transnational cooperation is necessary throughout all stages: identification and establishing the VoT’s status (Picture 1 and 2); documentation and providing residence permits to VoTs (if relevant in the CoD) and/or during the preparations for and repatriation of the VoTs to the CoD; ensuring quality risk assessment; providing legal assistance to VoTs, including representation both before repatriation (CoD) and after (CoO); ensuring compensation to VoTs, etc.

Picture 1

COOPERATION DURING VICTIM’S IDENTIFICATION

- Enforcing cooperation in search of missing people, especially children, in case when law enforcement agents possess information reasons to believe that he/she might be a VoT
- Establishing competent authorities and responsible contact persons for receiving timely information about the person in the destination country
- Identified victim should be immediately referred for assistance and protection
- If the victim is identified in the country of transit or destination, the reflection period should be aligned with the period of the residence permit or any other similar agreement that will allow the VoT to start rehabilitation and receive necessary consultations regarding her/his rights and duties

Picture 2

COOPERATION IN ESTABLISHING THE VICTIM'S STATUS

- Parties have to be ready to transfer mutually all the information upon request necessary for establishing the victim's status, as well as protection and assistance measures (family identification, social questionnaire, risk-assessment and possible consequences upon return to the country of origin)
- Granting victim's status should not depend on:
 - presence or absence of citizenship
 - anti-social attitude prior to becoming a VoT, as well as her/his unwillingness to change such an attitude in the future;
 - consent of the person during recruitment, transportation and exploitation if the traffickers used various methods of coercion, deceit, abuse of power and her/his vulnerability situation;
 - presence of procedural victim's status in a penal case;
 - readiness and consent of the victim to cooperate with the law enforcement during investigations

The international legal framework is well-developed and provides a solid basis for transnational cooperation, setting common quality standards for victim assistance based on a victim-centred approach. According to international standards all types of necessary assistance to VoTs should be provided regardless of her/his citizenship, and should include as a minimum:

- Adequate living conditions, such as safe and secure shelter,
- Psychological and financial support,
- Access to immediate medical assistance,
- Interpretation services,
- Consultations and information on her/his rights and available services;
- Legal assistance, including representation with respect to her/his rights and interests at the respective court proceedings;
- Access to education for children.

The underlying internationally recognised principle of victim assistance is **Confidentiality** — information about victims of THB or the circumstances of the crime committed, disclosure of which may jeopardize the life or health of the victim or of her/his close relatives, as well as information concerning the security measures taken for their protection, shall not be disclosed at any stage of working with a victim.

Although according to international standards, VoTs have a right to compensation from the trafficker for psychological and material damages and the right to access compensation from state funds, in line with the right to free legal assistance that makes the compensation possible and efficient, in the majority of countries (both CoDs and CoOs) the process of executing this right still encounters a number of challenges. Among the main could be named:

- Lack of information and assistance to victims in claiming compensation (especially in countries such as Turkey, the Russian Federation and UAE);
- Absence of interstate agreements in the field of claiming compensations from the countries where the exploitation occurred
- Insufficient information provided to victims regarding their rights and possibilities to receive compensation (especially in Turkey and the Russian Federation);

- Absence of legal assistance in presenting the compensation claim;
- Exile of victims/ denial in granting a residence permit in the country of destination that would allow her/him to present the compensation claim (Turkey, the Russian Federation and UAE);
- Upon return to the countries of origin, the victims are not informed about the result of the penal cases against the traffickers.
- Limited possibilities to receive legal assistance in the countries of destination

In the countries of destination, the compensation process is also restricted due to the limited financial possibilities of the VoT to receive representation that would continuously protect her/his interests in court even after the victim's return to the country of origin.

Another important factor impeding the compensation process that can only be addressed in the framework of international cooperation is the difference in legal frameworks between countries of origin and destination (for example: In Turkey it is not possible to present the claim in the criminal proceedings, but only in civil ones).

The recommendation made to ensure better victim's rights protection and assistance through international cooperation are the following:

- To strive for full implementation of international and national commitments and obligations;
- To facilitate and foster cooperation and coordination of efforts in combating human trafficking, in particular between countries of origin, destination and transit;
- To ensure the victim's right to compensation is reflected in anti-trafficking policies and action plans;
- To assess the legislative and procedural frameworks on damage compensations in order to evaluate whether these frameworks are sufficient basis to do justice to the victims; if not — to carry out necessary reforms to provide access to justice for victims of trafficking.

The first presentation set up the general scene for presenting the particular experience of several participating countries in establishing bilateral and multilateral cooperation in the field of victim's assistance and protection.

Presentation of Moldova (by Lilia Pascal and Viorica Dumbraveanu)

The experience of Moldova in establishing bi-lateral cooperation builds on the examples of signing repatriation agreements with Russia and Ukraine, agreements which have come as a result of historical background, geographical proximity, cultural and language similarities and easy border-crossing due to no visa requirements. All of which are push factors for migrants originating from Moldova.

The first efforts done in the field, representing the nationally recognized standard, brought validation of the **“the Regulation on Repatriation for Children and Adult — Victims of Trafficking, Illegal migration and Unaccompanied children”**, approved in 2008. The Regulation on Repatriation, firstly, brings the definition of **a victim of THB (adult or child), victim of illegal migrants' trafficking and unaccompanied child**, and sets the general principles based on international standards, such as the best interest of the child, prior risk assessment and safety measures, confidentiality and data protection, voluntary participation, as well as the responsibilities of relevant stakeholders, possible expenses related to the procedure and the time frame for the authorities to act. The MLSPF **is responsible** for undertaking all actions related to initiation and preparing for repatriation procedures.

Throughout three years, extensive negotiations have been held between Moldovan and Russian/Ukrainian authorities, namely the Consular Departments of the Ministries of Foreign Affairs, Border Guards, Migration services, etc. As a result, a draft of the bi-lateral agreement with Ukraine was circulated for comments between the responsible authorities, nevertheless unified and standardized repatriation procedures are already set in practice

(Picture 3). As for the Russian Federation, the negotiations continue, however the positive context was created by signing a Bilateral Agreement in the field of labour migration between the Federal Migration Service of RF and the MLSPF of RM.

Picture 3

Ukraine: Practicing unified and standardized repatriation procedures

Area: **Moldova, Odessa Oblast, and Transnistrian region of the Republic of Moldova**

- Long-term expertise in provision of direct assistance and settlement of problems of victims of trafficking and migrants in difficult situations between RM and Odessa oblast with involvement of IOs, NGOs and government authorities on both sides including Transnistrian region
- Improving instructions and regulations and specify particularities of work with a break-away region through Grassroots collaboration on identification, return and assistance of (potential) VoTs with Ukrainian and Transnistrian NGOs
- Training of Border Guards at strategic Border Crossing points between Moldova and Ukraine on (potential) VoTs identification/referral, transit assistance and their role in repatriation procedure

Intervention of Ukraine (by Natalia Savitskaya)

The intervention of the NGO Veritas representative, Odessa region, brought added value and is worth mentioning due to the NGO's practical experience in identification and repatriation of victims and potential victims originated from the republic of Moldova. This example shows how the Transnational Referral Mechanism should be operating based on the main components, such as identification, referral, assistance and protection, repatriation, reintegration in the countries of destination, origin or transit, and monitoring.

As mentioned before, in case of repatriation of children, the most important principle is the best interest of the child that often becomes disputable and difficult to define per individual case.

The transnational referral mechanism is first and foremost built on the existing referral mechanisms in Moldova (national) and in Odessa region in Ukraine. The cooperation framework in Odessa region includes various state actors, such as border guards, department on family and minors issues, registration authorities, police, migration service, security service and NGO partners. Referral and repatriation to Moldova, as the CoO, is implemented in partnership with relevant authorities, such as Consular Department of the MFAEI (Moldovan Consulate in Odessa), the MLSPF, Border Guards Service, IOM Mission, etc.

The key factor is **timely** identification, referral and assistance to (potential) victims of trafficking that is ensured by consolidated efforts of the multi-stakeholder partnership mentioned above between the CoD and CoO.

Although many successful results have been achieved, a number of **challenges** remain:

- Low level of self/identification, especially in rural areas;
- (Potential) victims of trafficking do not know their rights and are afraid of being punished for illegal border crossing and/or stay;

- Most (potential) VoTs are isolated, lack financial resources, do not speak the language (Russian, Ukraine)
- Most (potential) VoTs are mistaken for prostitutes and/or illegal migrants, therefore deported without any adequate assistance;
- Many illegal migrants become VoTs due to their vulnerability, and the process may go vice versa;
- Some beneficiaries have serious psychological/psychiatric issues, HIV/ITS infected, other diseases, as well as drug/alcohol addictions;
- Due to long-term (illegal) stay in Ukraine, they might have families there;
- Men do not identify themselves as victims;

Recommendations to improve transnational collaboration, based on Moldova and Odessa region of Ukraine example:

- Integration of the Moldovan NRS into Ukrainian national social protection system through harmonization of the main normative acts, standards and services provided;
- Referral to be held according to the legal frameworks of Ukraine and Moldova, including normative framework of the NRS (Moldova);
- Pro-active prevention through direct assistance to Moldovan citizens in Ukraine;
- Further development of transnational cooperation
- Continuous training and capacity building, in particular for border guards and social services providers;

As mentioned above, in case of repatriation of the children, the most important principle is the best interest of the child that often becomes disputable and difficult to define per individual case.

Presentation of Moldova (by Mariana Ianachevici)

Swiss NGO Terre des Hommes office in Moldova has experience in repatriating Moldovan children in partnership with IOM and the MLSPF. Moldovan children are identified unattended and are in need of repatriation due to various reasons, such as abandonment at birth or shortly after, often in life-threatening conditions; remain without parental care as a consequence of death of one or both parents, deprivation of parental rights, and detention of parents; exploitation by parents or caregivers (work in the markets, beggary, pick pocketing, etc.; vagrancy, etc).

Among the **main challenges** encountered in the repatriation of children the following should be outlined:

- 1) In majority of cases, unaccompanied minors and separated children outside the country of origin receive **conditional access (!!!) to services**, particularly education and health (absence of registration in the destination country), although according to international standards, **the best interests of the child** should be ensured regardless of being non-national and of their migration status, including full access to education and health services.
- 2) Lack of protection in closed-type structures (including social) with the basic objective aimed at return, for instance both delinquent and non-delinquent children are placed together, and the option of integration in the country of destination is not taken into account. However, international standards clearly stipulate the obligation to provide care to the children; prohibition of an automatic detention that is based on the state's obligation of non criminalization of unaccompanied or separated children for reasons of illegal entry or presence in the country, including those who are victims of trafficking and exploitation; obligation to take into account the **best interests** with **aims to identify durable solutions** for a child, including the possibility of integrating the child in the host country, family re-unification, and return to the CoO or resettlement in a third country.
- 3) Repatriation is very often organized without considering the child's opinion and without any preliminary risk assessment, excluding any ways of appeal. Whereas international legal acts clearly state that the child has the right "to be heard in any judicial **and administrative** proceedings affecting the child". The risk assessment should be taken as the main priority before making any decision about the return.

As **the main recommendations** to improve the bi/multi lateral collaboration between the states in the field of child repatriation, the following should be considered:

- Protection of children = engagement/ obligation both of countries of origin (prevention), and countries of destination (protection)
- Access to services for unaccompanied and separated children outside their country of origin is unconditional and non-discriminatory
- Every child has a guardian who ensures compliance with the child's best interest
- Return is not the only option for non-citizen children; it is a decision based on risk analysis and child's opinion and there should be ways of appeal. Moreover, it should have a single "entry gate" (a single norm) and a single responsible structure (ex.: tutorial authority).

Presentation of Uzbekistan *(by Nodira Karimova)*

The experience of Uzbekistan can be summarized thus: during 2004–2008 the counter-trafficking effort were primarily undertaken by NGOs in cooperation with IOM. Since 2008, the Government recognized the problem of human trafficking through adoption of the National Action Plan, assigning the coordination role to the Ministry of Interior.

The main actors in building the transnational cooperation with countries of destinations are the MFA of the Republic of Uzbekistan, IOM Missions and Non-governmental organizations, specialized in gender issues.

Uzbekistan was invited to share its experience in building bi-lateral cooperation with the UAE, as it represents a CoD for many Eastern European countries. This experience appeared to be very valuable and relevant for Session IV (nearly 60% of VoTs identified in UAE are girls or young women from Uzbekistan).

The communication strategy between the two countries has been built around a number of visits through NGO cooperation, for instance Centre for Human Rights in Dubai (2004), Women's Support Centre, Dubai (2007), and EVA Shelter in Abu Dhabi and Crisis Centre for Russian speaking women and children (2008). The latter has become the most reliable partner in providing identification/rescue, temporary placement, legal aid, transit assistance to the VoTs.

The presence of UAE representatives has been very welcome and their experience very valuable; thus, they were asked to present and share their counter- trafficking experience and challenges encountered in order to identify common solutions for the main CoOs present.

Presentation of UAE *(by Jelena and Juergen Gasiecki)*

The experience of the Gasiecki family started with a personal initiative of helping Russian speaking women who got trafficked and forced into prostitution, and gradually grew-up into the activity of an NGO with an established Crisis Centre for Russian speaking women and children and multilateral contacts both at the national and trans-national levels. The support was provided by a Swiss NGO Vivere in 2009.

Representing the Russian Orthodox Parish in the UAE, the access to jails and detention centres was facilitated, therefore making it possible to identify Russian speaking VoTs. Building on the cooperation with embassies and Consulates it became possible to set up safe return and repatriation of VoTs to their home countries, with support from the IOM Missions in the respective countries. Kyrgyzstan, Uzbekistan, Kazakhstan, Ukraine and Moldova are the main partners in repatriation.

Even though the police and prosecutors recognize the Crisis centre, the collaboration is built on personal contacts. Unfortunately, the Crisis centre does not have an official status in UAE, as according to the Law 2/2008 is allowing this kind of activities only for UAE nationals, not foreigners.

With due respect to all successes achieved in these years, a number of challenges should be outlined:

- Lack of support from the Russian Orthodox Church, as it is still not a social church like other churches in Europe;
- Lack of financial resources due expensive costs of assistance and repatriations;
- Lack of partners in the RF (around 14% of cases) which would accept and provide support to VoTs. Most Russian speaking VoTs are coming from the Muslim-dominated parts of Russia, where victims cannot tell anybody about their fate in the UAE, but they still need highly qualified assistance;
- Most of the cases come from the jail/detention centres for breaking the Immigration Law, which creates problems for providing necessary assistance and exit permit;
- Time-consuming, often bureaucratic, process of confirmation of the VoT's identity by the MFA of the CoO;
- Often VoTs are mistaken for illegal migrants and deported home without any investigation. Therefore, the VoTs do not receive adequate assistance and protection of their rights, whereas the traffickers continue their criminal activities without any punishment.

Despite all the challenges and provocations, it is important to continue identifying VoTs in UAE and build bridges with relevant actors in the CoOs.

The importance of the bi/multilateral cooperation in the field of prosecution of criminals should not be diminished. The best practices in the field were presented by the Centre for Combating Trafficking in Persons (CCTiP), Ministry of Interior of the RM.

Presentation of Moldova (by Iurie Podarilov)

The Republic of Moldova has ratified all relevant international conventions and developed its national legal framework in accordance to international best practices, thus setting a solid basis for building cooperation with relevant countries in prosecuting traffickers. The main actions are stated in the NAP 2010–2011 for investigation and prosecution based on international cooperation (Picture 4)

Picture 4

National Plan on prevention and combating trafficking in human beings for 2010–2011

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

- Proactive and reactive investigation
- Prosecution and sentencing of offenders
- Legal rehabilitation and compensation for victims
- Police and judicial treatment of victims / witnesses

INTERNATIONAL COOPERATION

- Enhancing international cooperation
- Police and judicial international cooperation

REPUBLIC OF MOLDOVA
MINISTRY OF INTERNAL AFFAIRS
CENTER FOR COMBATING TRAFFICKING IN PERSONS

Taking into account that International cooperation in combating THB is listed as one of the main objectives of the CCTiP, many joint activities are being carried out in the field, such as study visits to exchange experience of law-enforcement counterparts, working visits to relevant countries (Romania, Ukraine, Turkey, etc.). Over 25 international operations have been carried out during the last three years resulting in dismantling of several criminal human trafficking networks. The international cooperation is build on partnership with the main international organizations working in the field, as well as on bi/multilateral collaboration with the law enforcement of separate countries (Picture 5).

Picture 5

INTERNATIONAL COOPERATION



INTERNATIONAL COOPERATION

Due to the Regional SECI Center it was established an efficient cooperation between the SECI member contries during the organization of the international Operations, our partners being: Hungary, Austria, Slovakia, Ukraine



The **main challenges** mentioned by representatives of the CCTiP are:

- Discrepancies in national legal frameworks between the CoO and CoD;
- Bureaucratic structures and procedures in obtaining information based on requests, delays in actions, etc.;
- Unwillingness of the VoTs to collaborate with the LE agencies due to lack of trust (both in the CoD and CoO);
- Lack of financial resources.

To **conclude**, in order to efficiently combat human trafficking, which mainly remains a transnational organized crime, the key recommendations are:

- The main anti-trafficking actions should rely on close co-operation between origin, transit and destination countries;
- Exchange of information, bi-lateral common action between 'contact' law enforcement units is a key factor;
- Sharing best practices would allow extending the approaches and intensifying the efforts;
- Prosecution should include a serious effort against the 'organized crime' side of the problem in origin, transit and destination countries;
- Cooperation should include the Social Protection authorities both at the national and international levels in order to ensure timely assistance to victims, as well as respect of their rights once their status has been established and ways of assistance are considered (whether return to the CoO, or stay in the CoD).

5. CONCLUSIONS AND RECOMMENDATIONS OF THE CONFERENCE

The International Conference “Best Practices in the Implementation of National Referral Mechanisms/Systems for Protection and Assistance of Victims of Human Trafficking”, organized on 28-30 June 2011 in Chisinau by IOM Moldova, has evaluated the progress made by the countries in implementing NRMs.

The NRM conference provided an opportunity for participants to strengthen partnership links between relevant authorities and civil society actors to facilitate cooperation and foster identification, transit assistance, return, rehabilitation and reintegration of victims of trafficking.

Compared to the first Conference held in October 2008, which focused on the theoretical foundations of NRMs and the first experiences of states implementing the concept, this Conference mainly explored the practical aspects of NRM implementation. Participants analyzed the legal and institutional frameworks of this process, ways of integrating NRMs into national social protection systems and perspectives for international cooperation in the field. Among the conclusions was the belief that NRM remains a best practice in ensuring the protection and assistance of VoTs and that human rights should be at the core of this mechanism.

In addition, some progress was made in the negotiations of repatriation agreements between Moldova and Ukraine/ Russian Federation. Authorities of the concerned countries recognized the necessity to adopt these bilateral instruments to better regulate the repatriations of children and adults, taking always into consideration the best interest of the child.

The Conference also served as an additional lobby and advocacy tool for Moldovan Government in relation to key Countries of Destination in promoting Protection and Assistance of (Potential) Victims of Trafficking and a call for commonly recognized standards.

As a result of the Conference the following recommendations have been made:

- The National Referral Mechanism (NRM) for assistance and protection of victims and potential victims of trafficking in human beings remains a best practice in the field of protection and promotion of the human rights of trafficked persons — which was recognized by all participating countries. Therefore it is important that states should continue to implement the NRM as a cooperative framework between public authorities and civil society.
- Participating countries have adopted different models for implementing NRMs and are now at different stages of implementation. In some states, the referral is based on informal cooperation (Belarus). In others different models of NRM were piloted (Ukraine) and the final decision on the NRM model will be made in the nearest future. At the same time, there are countries where the NRM is promoted as a national strategy (Moldova).
 - Depending on the models adopted, the target groups and the institutional structure of NRM differ.
 - Assistance and protection of vulnerable groups (Moldova, Poland) that are at risk of being trafficked has been established as a best practice for the pro-active prevention of trafficking as part of a strategic approach.
 - In most of the participating states, the NRMs are managed by Ministries of Interior (Turkey, Azerbaijan, Poland, Belarus, Czech Republic) in close partnership with the Ministries responsible for Social policies. In some coun-

tries there are good examples of complementarities between the two leading Ministries (Czech Republic), as well as the NRM's coordination by the Ministries of Social policies/protection (Ukraine, Moldova).

- Most of the participating states have a relatively developed normative framework in this field. Still, political will remains an important factor in this context, since some states have developed comprehensive laws or other normative acts that are awaiting adoption.
- The states' involvement in the protection and assistance of human trafficking victims depends on the availability of resources, political will, as well as on the trust of beneficiaries in the services provided by the state.
- All participating countries have confirmed that the trends of trafficking are constantly changing; for instance, states traditionally considered CoO have become transit, while those considered transit have become CoD. These facts should be reflected in the strategic framework and intervention measures undertaken in the CT area. Given the context, the recommendation by the participants was to make sure that the states guarantee equal protection to its own citizens as well as foreigners and stateless persons — VoTs.
- Protection of victims' rights through the justice system remains a major challenge for the states — starting with the problems related to the confidentiality of information about the victim, difficulties in collecting evidence against traffickers, corruption and impunity, to the issue of compensation to victims for harm caused by traffickers. The establishment of a compensation fund remains a challenge for all countries, only few being able to show best practices in this field, by establishing an unconditional compensation fund for the victims of human trafficking (Azerbaijan).
- All countries agreed that in order to ensure the quality of services provided to victims within NRS, quality standards should be developed and approved. This will facilitate the process of service accreditation and will increase the role and the efficiency of NGOs in providing services.
- The role of the Government in the protection and assistance of victims of trafficking is still a major factor for ensuring stability and sustainability. Thus, in Moldova the National Referral System is undergoing a process of integration into the national social protection system, with all the benefits (such as thematic expansion of NRS methodology on other categories of beneficiaries) and challenges (alignment to the reforms in the field, avoiding overlaps, etc) pertaining to this process.
- General (policy-level) and operational (case-level) monitoring remains a key component of the NRM. States should establish efficient monitoring mechanisms that would be based on human rights and feedback from beneficiaries.
- States should make consolidated efforts in order to improve international cooperation in the field of protection and assistance of trafficking victims by establishing formal bilateral and multilateral mechanisms.
- Human rights should remain at the core of NRM as well as of all other efforts to protect and assist victims of trafficking in human beings.

FEEDBACK OF THE PARTICIPANTS

Irina Dovgal, Ministry of Family, Youth and Sports, Head of the Office for Combating Trafficking in Human Beings and Domestic Violence

"Allow me to express my deep gratitude for the offered possibility to participate and present at the International Conference of such a high level. It was a great honour for me to learn about the best practices in counter-trafficking of other countries. I hope for the further collaboration and cooperation".

Viorica Cretu, Deputy Country Director, Swiss Cooperation Office in Moldova. Swiss Agency for Development and Cooperation (SDC)

"The Conference was indeed very interesting and offered an excellent opportunity for an exchange between organizations and professionals (governmental and non-governmental) from different countries. It helped reflecting on the results achieved by Moldova so far, as well as on the weaknesses / challenges that we still need to address. Although Moldova made significant progress in terms of putting in place relevant legislation and developing the NRS, learning from the experience of other countries is really useful."

Stana Buchowska, La Strada International Founder

"...The best organized international conference I've ever been to..."

Tatiana Panko, NRM Training Programme Developer / Trainer (Ukraine)

"...The Conference is greatly organized, the presentations are very professional...I will distribute the materials and results in my city, maybe even organize a press conference..."

Mike Hawley, Salvation Army, UAE

"...I would be remiss if I didn't thank you for the incredible conference you allowed me to attend. The presentations were filled with historical information reflective of approaching a significant challenge for a period of more than a decade. Kudos to those in the fight and the advances they are making! Kudo's to IOM for this outstanding gathering of government and non government agency staff each facing this problem from slightly different perspectives but needing each other to get it done..."

6. ANNEX 1

NRM Conference
List of participants
28th — 30th of May 2011

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