

NATIONAL IDENTIFICATION AND REFERRAL MECHANISM OF VICTIMS OF TRAFFICKING IN PERSONS

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Acronyms and abbreviations

NIRM	National Identification and Referral Mechanism of Victims of Trafficking in Persons
TRM	Trans-National Identification and Referral Mechanism of Victims of Trafficking in Persons
NAATIP	National Agency against Trafficking in Persons
CS NAATIP	Central Structure of NAATIP
RCNAATIP	Regional Center of NAATIP
MOFA	Ministry of Foreign Affairs
MOI	Ministry of Internal Affairs
BCOC	Brigade for Combating Organized Crime
DCOC	Directorate for Combating Organized Crime
DIOCT	Directorate for Investigating Organized Crime and Terrorism
GII	General Inspectorate for Immigration
BPGI	General Inspectorate of Border Police
GIRP	General Inspectorate of Romanian Police

SCOC	Service for Combating Organized Crime
IMESV	Integrated Monitoring and Evaluation System for Victims
NAPRCA	'sThe National Authority for the Protection of the Rights of the Child and Adoption
GDSACP	The General Directorate for Social Assistance and Child Protection
IOM	International Organization for Migration
NGO	Non-governmental organization
EU	European Union

Preamble

Beyond the need for a formal framework for action, whether we call it good practices or standards, articulated more or less coherently in an interinstitutional mechanism, when this action is meant to be an energetic response to a type of crime such as trafficking in persons, we cannot deal with superficiality perhaps the most important step in the fighting process understood as the set of judicial and social measures designed for stopping trafficking. This is the step of identifying those harmed by the criminal act which is naturally complemented by the step of entrusting the victims to the service providers involved in assisting them during the process of recovery and reintegration.

Starting from this belief, the responsible institutions in Romania, together with intergovernmental or non-governmental organizations, have set up since 2007 a National Identification and Referral Mechanism of the victims of trafficking in persons, a tool which, as it was integrated into the current activity of those involved, has proven its usefulness and has produced effects on all anti-trafficking plans – detecting trafficking, victims' assistance, criminal prosecution and conviction of traffickers, and often even stopping trafficking before turning into exploitation of people.

Together with other prevention and countering initiatives and measures, NIRM contributed to the development of the capacity for action against trafficking in persons, which unfortunately continues to make numerous victims in our country, in the context of maintaining and perpetuating some vulnerabilities, either individual or socio-economical. As things stand, the interest and concern of many to improve their activity has increasingly shaped the need to eliminate or mitigate the imperfections of the mechanism under discussion, designed more than 10 years ago.

The National Agency against Trafficking in Persons has received the alerts from its partners, both governmental and civil society, and has launched this idea of revising the NIRM as part of the project "Trafficking in persons – a centered victim approach", funded by the Internal Security Fund – component for police cooperation and carried out in the period 2017-2018.

The initiative has benefited from the support and contribution of a consistent number of bodies and specialists in the field, concerned with increasing the efficiency of the process of identifying and

referring the victims of trafficking in persons. Their input has been crystallized in a conceptual construction whose clarity and detail level we believe will add value to the anti-trafficking effort at the national level and perhaps even regarding the victims of Romanian origin exploited abroad but, of course, with the indispensable condition of assuming and implementing the measures with maximum responsibility and professionalism by those called upon to help stop trafficking.

As a last parenthesis, the editing and dissemination, respectively the training sessions of the specialists on the new concept of the mechanism have been considered as the first stage of the adoption of a new NIRM. The legal form of regulation is to be decided alongside all those involved in the project.

We thank all of those who, through their opinions, experience and even criticism, have supported us in developing this tool, and we are convinced that it will be useful to professionals interested in both their professional performance and development.

NAATIP Team

CHAPTER 1. Operational terms and definitions

Trafficking in persons¹

(1) The recruitment, transportation, transfer, housing or reception of a person for the purpose of his/her exploitation, committed by means of:

- a. constraint, kidnapping, misleading or abuse of power;
- b. taking advantage of his/her impossibility to defend or to express his/her will or of the /obvious vulnerability of that person;
- c. offering, giving, accepting or receiving money or other benefits in exchange for the consent of the person having authority over that person, shall be punished with imprisonment from 3 to 10 years and the prohibition of exercising certain rights.

(2) Trafficking in persons committed by a civil servant in the performance of his/her duties shall be punished by imprisonment from 5 to 12 years.

(3) The consent of the victim of trafficking is not a justifiable cause.

Trafficking in minors²

(1) The recruitment, transportation, transfer, housing or reception of a minor for the purpose of his/her exploitation shall be punished by imprisonment from 3 to 10 years and the prohibition of exercising certain rights.

(2) The punishment shall be imprisonment from 5 to 12 years and the prohibition of exercising certain rights when:

- a) the deed was committed under the conditions of art. 210 paragraph (1);
- b) the deed was committed by a civil servant in the performance of his duties;
- c) the deed threatened the minor's life;
- d) the deed was committed by a member of the minor's family;
- e) the deed was committed by a person in whose care, protection, education, guard or treatment the minor is, or by a person who abused of his or her position of trust or authority over the minor.

(3) The consent of the victim of trafficking is not a justifiable cause.

¹ The new criminal code, art. 210

² The new criminal code, art. 211

Exploitation

By the exploitation of a person is understood³:

- α) the obligation to perform a job or a service;
- β) the holding in slavery or other similar procedures of deprivation of liberty or servitude;
- χ) the obligation to practice prostitution, pornographic manifestations to produce and distribute pornographic materials or the obligation to other forms of sexual exploitation;
- δ) the obligation to practice begging;
- ε) the illegal removal of organs, tissues or human cells.

Other definitions:

Art. 4 The Convention of the European Council concerning the fight against trafficking in persons⁴:

- α) the expression trafficking in persons means the recruitment, transportation, transfer, accommodation or reception of persons by threatening or by using force or other forms of coercion, abduction, fraud, deception, abuse of authority or of a situation of vulnerability or by offering or accepting payments or benefits to obtain the consent of a person having authority over another person for the purpose of exploitation.
- β) the consent of a victim of trafficking in persons to exploitation referred to in letter (a) has no relevance when one of the means referred to in letter a) was used;
- χ) the recruitment, transport, transfer, accommodation or reception of a child for the purpose of exploitation shall be considered to be trafficking in persons, even if it does not involve any of the means referred to in letter a);

The Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in persons and protecting its victims⁵

(2) state of vulnerability means a situation in which the person concerned can only obey to the abuse involved, not having a real or acceptable alternative.

(3) The exploitation includes at least the exploitation of prostitution of other persons or other forms of sexual exploitation, forced labor or service, including begging, slavery or practices similar to slavery,

³ The new criminal code, art. 182

⁴ Art. 4 from the Convention of the European Council concerning the fight against trafficking in persons, Varşovia, 2005

⁵ Art. 12, The Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in persons and protecting its victims, European Parliament and Council of the European Union, 2011

servitude, exploitation of criminal activities or organ removal.

The consent of a victim of trafficking in persons to exploitation, whether intentional or effective, is irrelevant when any of the means referred to in paragraph (1) was used.

National Identification and Referral Mechanism (NIRM)

The National Identification and Referral Mechanism is a formal framework for cooperation on the basis of which government institutions and organizations fulfill the statutory tasks for protecting and promoting the rights of victims of trafficking in persons by joining forces in a strategic partnership with the civil society. The purpose of an NIRM is to ensure that the rights of the victims of trafficking in persons are respected and to implement effective procedures for referring the victims to specialized protection and assistance services and to monitor the quality of the services provided.

Country of origin

The country from which a person has been trafficked.

Country of destination

The country in which the person was/will be exploited.

The victim of trafficking in persons⁶

The victim of trafficking in persons is the person who has been recruited, transported or transferred by specific means of coercion, deceit, abuse of power or vulnerability for the purpose of his/her exploitation in the country of origin/residence or transnationally, regardless of whether the exploitation happened or not. Any natural person who is known to have suffered physical or mental harm, emotional suffering, economic loss, or serious harm to his or her fundamental rights through actions or inactions that violate criminal law in the field of preventing and combating trafficking in persons.

The consent of the victim to exploitation is irrelevant if any of the means mentioned for exploitation has been used.

Potential victim of trafficking in persons – the person/ minor detected before being exploited, during exploitation or after escaping from the trafficking situation and who shows specific signs

6 Art. 3 of the Protocol on preventing, suppressing and punishing trafficking in persons, especially that of women and children, in addition to the Convention of the United Nations against transnational organized crime, transposed into the national law by Law 678/2001 on preventing and combating trafficking in persons, improved and completed by Law 230/2010 - also taken in the Criminal Code Art. 210 paragraph 3

of trafficking.

The presumed victim of trafficking in persons - the person/minor who shows indicators that he/she has been trafficked, the decision on his/her status being made on the basis of an identification interview.

Identified victim of trafficking in persons - the person/minor who has acquired legal status of injured person/witness after having collaborated with the criminal prosecution authorities from a legal perspective, or after specialized institutions or organizations gave him/her this status from a victimological perspective. Also, the victim of trafficking in persons can be identified directly by the judicial bodies exclusively through means specific to the criminal investigation other than those involving the hearing of the person/minor, without collaborating with them.

Minor victim - the person under the age of 18 years who has suffered the trafficking in minors crime.

Foreign citizen Victim - any person, EU citizen or third-country national who has suffered the trafficking in persons/minors crime.

Identificattion of victims of trafficking in persons

The identification of victims of trafficking in persons is the process of assessing and finding that a person is a victim of trafficking in persons and taking measures to ensure his/her access to protection and assistance services. It is the first stage of the identification and referral mechanism. It is carried out in two directions: the legal approach and the victimological approach.

Detecting the victim in the community

Detecting the victim of trafficking in persons/minors is the process that involves detecting the signs suggesting a possible trafficking situation and the potential victims, causing their notification in the NIRM.

Identification indicators/clues

Identification indicators/clues are signs that can indicate that, in the case of the person, elements of trafficking in persons have been used: actions/means/purpose, showing that he/she is/was in a situation of exploitation, as a result of trafficking in persons.

Indicators are analyzed according to the appendix.

Risk assessment

The formal, standardized procedure designed to identify and assess the risks associated with the situation in which the trafficked person is and on the basis of which the decision to assist and protect the person (in the country of origin or destination; in a protected house/residential center or family) or his/her repatriation is taken. The risk assessment is a continuous process that will take place from the first contact with the victim to the end of the assistance and protection program in which he/she is included. The risk assessment is carried out in two directions: personal security assessment (with police support) and physical, psychological health, and assistance needs assessment (by the assistance provider, in collaboration with partners with responsibilities in the protection and assistance of victims).

Abuse of a state of vulnerability

When identifying the victim of trafficking in persons, it will be taken into account the personal, situational or circumstantial vulnerability, which occurred before the trafficking and which predisposed the person to this form of victimization. The vulnerability of the person includes: a history of the abuse/neglect in the family of origin; poverty; disability; community-related factors and social exclusion; illegal migration; coming from an area with armed conflicts. In the trafficking processes, the recruiter/trafficker intentionally uses the vulnerability of the person for the purpose of his/her exploitation, so that the person comes to believe that giving his/her consent to the form of exploitation is the only real and acceptable alternative to the situation. The victims' personal characteristics and the circumstances in which they are will be taken into account by the professional involved in the identification of the person in terms of establishing the abuse of the vulnerability state.

Referral

To refer is to entrust the victim (presumed/identified) to specialized service providers for protection and assistance.

Assistance to victims of trafficking in persons

Measures, programs and services (specialized) implemented by nongovernmental organizations, local authorities, or through collaboration between the two, which may include but are not limited

to: residential, medical, psychological, material, educational, legal and professional reintegration assistance. Assistance programs can be provided in a crisis regime, on a medium and long term, both in the countries of origin and destination.

Protection of victims of trafficking in persons

The essential component of any assistance program, both with regard to the measures taken for physical safety and for the strengthening of the prospects of social (re)integration of the victim both in the country of origin and in the country of destination or in a third country.

Immediate Risk Management Plan

A set of measures and actions taken on the basis of a preliminary assessment of the risks and of the needs by the multidisciplinary team involved in the evaluation and coordinated by the RC NAATIP specialist, in order to eliminate or mitigate the immediate risks and to cover the needs of the victim.

Beneficiary of the protection and assistance program

The victim of trafficking in persons/minors included in a protection and assistance program (in a long-term crisis, for social reintegration, for repatriation) organized by an assistance provider (NGO or GDSACP).

Recovery and reflection period

The right given to the Romanian or foreign citizens victims of trafficking in persons to have up to 90 days to physically, psychologically and socially stabilize to avoid the influence of the traffickers or to make an informed decision to cooperate with the competent authorities. During the recovery and reflection period, the victims of trafficking in persons receive psychological counseling, medical and social assistance, medicines and food, as well as accommodation, on request, in the shelters or safe houses, and are informed about the applicable legal and administrative procedures.

Manager/case manager

The professional, representative of a non-governmental organization, of the municipality or from the GDSACP, who coordinates and monitors the implementation of the specific techniques and procedures of the protection and specialized assistance intervention to manage the problem situations and increase the physical,

emotional and economic well-being of the victim receiving the services.

Intercultural mediator

A professional working as an intermediary between migrants, local authorities, non-governmental organizations, seeking to solve a vulnerability situation in which the migrant is found, to facilitate his/her integration into the social and cultural context of the host country. The professional works in accordance with the principles of neutrality, professional secrecy and equidistant mediation between the institution and the beneficiary.

Assisted voluntary repatriation

The process of preparing for voluntary return in the country of origin or residence of a/some person/persons trafficked in another state. It assumes a series of standardized actions and measures aimed at ensuring the safe return of the person/minor, with dignity, under the consent of the person/guardian, with specialized assistance and with the takeover of the victim/s in the country of origin or residence.

The best interest of the child⁷

The principle through which the state undertakes, through specific measures, to provide the child with adequate protection and care, taking into account the rights and obligations of the parents. In determining the best interest of the child there are considered:

- a) the needs of physical, psychological, educational and health development, of security and stability and of belonging to a family;
- b) the child's opinion, depending on the age and degree of maturity;
- c) the child's history, particularly having in mind the situations of abuse, neglect, exploitation or any other form of violence against the child, as well as the potential risk situations that may occur in the future;
- d) the capacity of the parents or of the persons that will take care of the child's growth and care to meet his specific needs;
- e) keeping in contact with the people to whom the child has developed attachment relationships.

The competent authorities will set standards for all institutions, services and facilities for children.

(Re) Integration

⁷ The UN Convention on the Rights of the Child, 1989

It is defined as the recovery process and the economic and social integration following a trafficking experience. This inclusion is complex and must take place in social, cultural and economic spaces. This includes living in a stable and secure environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development, and access to social and emotional support. This may involve returning to the family and/or to the origin community. It can also involve the integration in a new community and even in a new country. A key aspect of the success/successful integration is that of empowering and supporting victims to develop independence and self-protection skills and to actively engage in their recovery and (re)integration.⁸

⁸ Rebecca Surtees, "Re-Integration of Trafficked Persons-Development of Evaluation and Monitoring Mechanisms", NEXUS Institute, 2009

CHAPTER 2. Ethical and deontological principles in the application of the National Identification and Referral Mechanism of the Victims of Trafficking in Persons

The NIRM is guided by the principles of the development of the national mechanisms⁹:

- Protecting the rights of the trafficked persons as a priority of all anti-trafficking measures.
- The provided measures will be implemented on the basis of an extended definition of trafficking in persons in order to create the necessary protection and assistance conditions for the victims of all forms of trafficking in persons.
- The protection and assistance services must be equally available to all victims of trafficking in persons.
- The protection and assistance measures for the victims of trafficking in persons will include a wide range of specialized services, starting from the identified needs of the victims.
- The efficient criminal investigation and proceedings will be achieved implementing measures centered on the victim and human rights.
- Countering trafficking in persons envisages a multidisciplinary and intersectoral approach and will involve all relevant partners in the governmental and nongovernmental sphere.
- The roles and responsibilities of all partners involved in implementing the NIRM are clearly defined and described. Transparency of procedures is ensured.
- The NIRM contains provisions on regional and transnational cooperation in the field of preventing and countering trafficking in persons, of protecting and assisting the victims of crime.
- The NIRM measures are based on the principles of legitimacy and responsibility.

Working Principles

The partner institutions and organizations in the implementation of the NIRM will have to keep in mind the following working principles:

⁹ The National Referral Mechanism, Joint Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook, OSCE/ODIHR 2004

Unconditional assistance and protection for the victims of trafficking in persons

All victims of trafficking in persons are entitled to receive specialized assistance and protection services as soon as they have been identified as having this status. The victims of trafficking in persons are entitled to receive residential assistance (in sheltered housing or specialized centers), medical, psychological, legal, social assistance, subsistence assistance, professional reintegration and other measures included in the NIRM. The assistance services will be provided on the basis of the victim's prior (written) consent and regardless of his or her decision to cooperate or not with the investigation and prosecution bodies.

Securization and security

Trafficking in persons is a grave crime involving organized crime networks, which involves risks for both the victims and the providers of assistance and protection services. The decision on the implementation of any of the measures provided in the NIRM will be taken after the completion of a comprehensive risk assessment. The securization and security of the victims of trafficking in persons and of the personnel from the assistance and protection organizations and institutions will be considered as a priority and will be treated as such by all NIRM partners.

Data confidentiality and protection

All measures provided in the NIRM will be implemented according to strict confidentiality rules. The rules will define the ways for transmitting the sensitive information, for collecting, archiving and transferring data related to trafficking in persons cases and they will be applied by the NIRM partners. The organizations and the institutions that provide assistance and protection services will inform the victims of the trafficking in persons, beneficiaries of the services, about the purposes for which the collection, storage and transmission of confidential and sensitive information serves, explaining also how they will be used. The victims of trafficking in persons have the right to access their confidential and sensitive information (contained in a folder or a file) at any time. The personal data of the victims of trafficking in persons will be transmitted only after obtaining their consent and only to organizations or institutions with work responsibilities in their case. Consideration will be given to providing the minimum information needed to implement the measures provided in the NIRM. Under no circumstances will the

transmitted information be likely to expose the trafficked person to risks of discrimination, revictimization or security (example: medical diagnostics, family history, abuse history, information sent to the media). No information that does not relate to the actual resolution of the vulnerability situation of the victim of trafficking in persons will be disclosed.

Protection against discrimination

When implementing the measures provided in the NIRM, the victims of trafficking in persons will receive equal treatment regardless of gender, sexual orientation, ethnic or racial origin, age, religious beliefs and practices, political beliefs, social and cultural background, and will be protected from the effects of the prejudices related to the exploitation situation, regardless of the purpose of the exploitation (sexual services, constraint to commit crimes etc.).

Protecting the interests of the victims of trafficking in persons

When implementing the measures provided in the NIRM, the rights and interests of the victims of trafficking in persons will prevail. All measures will be implemented in a manner that does not harm the rights or welfare of trafficked persons. These measures may be postponed or discontinued if there are indications that their implementation would increase safety, health or revictimization risks.

Participation of the trafficked person in decision-making on protection and assistance

All adult victims of trafficking in persons have the right to decide for themselves the measures that are in their best interest. The specific protection and assistance measures detailed in the NIRM have been designed based on the assumption that the victims of trafficking in persons know best their situation and their urgent needs. These measures also involve accompanying and supporting the victim in taking the decision on assistance, agreeing the individualized (re) integration plan, and take into account the individual's autonomy.

Informed consent

All measures included in the NIRM are implemented with the consent of the victim of trafficking in persons after having been informed in advance of his or her rights, of the measures taken for his/her protection, and of the consequences the measures have on

him/her and on his/her family in the special law). The victims will be informed in a language accessible to them.

Objective information about the rights

The information provided to the victims of trafficking in persons about their rights and their options for protection and assistance will be objective and appropriate to the reality of practice. The professional who informs the victim will avoid creating false expectations or making promises outside the responsibilities of the organization or institution he is part of.

Approach centered on individual needs and characteristics

Every victim of trafficking in persons will be treated in an individualized manner, in accordance with his or her circumstances, needs and interests. For each victim included in a specialized assistance and protection program, the case manager will draw up an individualized (re)integration plan containing measures regarding: addressing the victim's needs, physical and emotional well-being, life experience and resources (individual, family etc.).

Emotional support and respect for the individual experience of trauma

Trafficking in persons experiences leave marks on the emotional and physical well-being of the victims, having a direct influence on their behavior and on their ability to make decisions and make plans for the future. The victims of trafficking in persons will receive emotional support and company in all their interactions with the NIRM partners. The emotional support includes: an attitude of understanding, acceptance, respect for the person and for his/her values; recognition of the experiences the victim has experienced; will pursue the building of a sense of security; recognition and usage of his/her own resources; respect for free will and encouragement of the autonomy of the victims.

The attitude of the professionals towards the victims of trafficking in persons will be determined by the knowledge of the effects of violence on their quality of life and personality. Each person responds differently to traumatic events, but the victims can experience intense fear, anger, helplessness, loss of hope, depression, loss of self-confidence and of confidence in others, violence towards oneself and others, the need for re-exposure to situations with traumatic potential, consumption of psychoactive substances. Professionals working with the victims of trafficking in persons will address these situations with tolerance and understanding, building together

with the victims specialized psychological assistance interventions (psychotherapy, psychological counseling, psychological support and accompaniment).

Protection against revictimization¹⁰

The victims of trafficking in persons will be protected against the risks of revictimization or aggravation of any physical or emotional suffering which, although occurred during the trafficking process, may increase during the victim identification, during the assistance period, during the legal proceedings, in court and in the monitoring phase. Revictimization is translated by the lack of feelings of predictability and control over one's own person and by the lack of the right to choose; feelings of insecurity and injustice.

Among the factors that may increase the risk of revictimization are: failure to complete the period of recovery and reflection; the lack of information of the victims on their rights; their non-referral to assistance providers; return of victims to the country of origin without assistance; getting statements from victims repeatedly; failure to apply victim protection measures in court; vulnerability abuses by the assistance providers; conditioning the assistance etc.

There have been identified 4 forms of revictimisation for the victims of trafficking in persons:

- negative effects on self-esteem, low trust in the legal system, in state institutions; lack of trust in the world and difficulties in to see himself/herself in the future;
- intensification of post-traumatic symptoms by reliving the traffic situation during the victim's hearing (by the police, prosecutor, in court);
- delay in the victim's physical and emotional recovery;
- reactivation of traumatic memories during the criminal trial.

Protecting the best interests of the child

In the case of minor victims, the best interest of the child is considered to be a higher priority than the interest of the organizations or institutions that protect him/her. Children should receive information appropriate to their age and to their level of understanding, and the professionals should give them the opportunity to express their wishes, doubts, opinions, at each stage of their protection and assistance measures, according to their age and level of understanding.

¹⁰ Marjan Wijers - Second Victimization (2015), Article writing for the Social Worker Manual, EU ISEC Project - Improving legal assistance for the victims of trafficking in persons

CHAPTER 3. National Identification and Referral Mechanism of Victims of Trafficking in Persons - General considerations

The NIRM seeks to adopt a unitary response, coordinated by all the institutions and organizations involved in the anti-trafficking fight, which leads to the improvement of the capacity to identify the victims of trafficking in persons and to ensure their protection and assistance regardless of the person, institution or organization with which they come into contact for the first time.

The NIRM is the set of rules (measures and actions) designed to identify and refer the victims of trafficking in persons in order to ensure their assistance and protection needs.

This document can be modified according to the evolution and situation of trafficking in persons in Romania and according to the involvement of new institutions/organizations in direct activities to counter trafficking in persons and to assist its victims¹¹.

The NIRM is thus the set of measures and actions coordinated at national level by NAATIP and destined to protect the fundamental rights of the victims of trafficking in persons. In this case NAATIP fulfills the role of national coordinator and focal point in the implementation of the NIRM.

According to the statistical data¹² on the victims of trafficking in persons collected by NAATIP, the victims identified over the years can be divided into 3 distinct categories: victims -Romanian citizens trafficked in Romania, victims - Romanian citizens trafficked internationally and victims and -foreign citizens trafficked in Romania. For each category we will consider the subcategories of adult victims and minor victims, and for the victims, foreign citizens, we will take into account their status, namely European citizens and non-European citizens, as well as stateless persons.

¹¹ Order no. 335 of October 29th, 2007 for the approval of the National Identification and Referral Mechanism of the Victims of Trafficking in persons

¹² <http://www.anitp.mai.gov.ro/categoria/cercetare/studii/>

Each measure and every action taken within the NIRM should, on one hand, be individualized and tailored to the profile of the victim of trafficking in persons and of the victim of trafficking in minors and, on the other hand, it should follow standard operational procedures that provide practical instruments to the involved actors, appropriate for each stage of the interinstitutional coordination as a result of local, national or transnational notifications.

The Standard Operational Procedures (SOP) are composed of distinctive, integrated measures tailored throughout the process of identifying and referring the victims of trafficking in persons.

The Standard Operational Procedures are primarily a guide book to identification of victims of trafficking in persons and to their subsequent referral to adequate protection and assistance services. They also have monitoring and evaluation role to provide relevant information for the implementation of the anti-trafficking policies, of the national anti-trafficking strategies, for the improvement of the quality of the assistance and protection services, for planning the prevention activities, for proactive identification of the victims and for supporting the fight against human and trafficking in persons/minors.

Inter-institutional/organizational relations within the NIRM

Within the NIRM, SOPs are designed as a working tool for practitioners and specialists from governmental, non-governmental and international organizations in anti-trafficking field in Romania at different levels. Among the practitioners and specialists we can include:

- NAATIP workers
- DCOC, BCOC, SCOC Specialized policemen
- DIOCT Specialized prosecutors
- BPGI policemen
- Judges
- Gendarmes
- Specialized lawyers
- GDSACP and NGO Specialized social workers
- GDSACP and NGO specialized psychologists
- Intercultural Interpreters and Mediators
- The operators of the anti-trafficking assistance telephone line - Tel Verde
 - The operators of the family violence assistance telephone line
 - The operators of the Child's Phone line
 - Health professionals including specialists in legal medicine
 - Labor inspectors
 - Trade unionists
 - GII Immigration Service officers
 - Staff from the detention and probation centers
 - Representatives of international organizations
 - Officials from embassies and consulates

First Notification Point

For an efficient mechanism, each organization/institution involved in the NIRM has to designate, within its structure, a first notification point. The first notification point is the specialist/person who will act as the central communication point with NAATIP for all the cases that require crisis or long-term collaboration for information, guidance and assistance of the presumed/identified victims. Within the providers of specialized victim protection and assistance services,

the notification point should be the case managers, both for minor and adult victims.

Beside the practitioners in the field, the non-specialist staff and members of the community have an important role in the implementation of the NIRM. Among them there are:

- Local police, transport police
- Street workers; GDSACP and NGO street social services
- Priests
- Teachers
- Notaries
- School counselors
- Medical staff from all areas, including from the Public Health Directorates
- County Agency for Employment workers
- School inspectors
- Social workers, psychologists, GDSACP lawyers and NGOs with various assisting fields for the vulnerable groups: people with disabilities, HIV-infected persons, addicts, family violence, elders etc.
- Members of the community.

Main national actors in the implementation of the NIRM

National Agency against Trafficking in Persons - NAATIP

The Agency is a public order and safety structure with general competence in its own field of activity, which evaluates and monitors the work carried out in the field of the fight against trafficking in persons by the public institutions and by the non-governmental organizations, fulfilling the role of national reporter.

The NAATIP structures responsible for the implementation of the NIRM are: The Central Structure (CS NAATIP) and the 15 Regional Centers (RC NAATIP), without legal personality, established in the counties where courts of appeal operate.

The Directorate for Combating Organized Crime (DCOC)

DCOC is the specialized unit of the General Inspectorate of Romanian Police (GIRP), with general territorial competence, which carries out and coordinates the activity of combating organized

crime at national level. DCOC is in charge of Brigades and Services (BCOC and SCOC), which ensure the fulfillment of the tasks at the regional and county level.

Directorate for Investigating Organized Crime and Terrorism (DIOCT)

DIOCT is the only structure within the Public Ministry, specialized in countering and investigating organized crime and terrorism. The central structure of DIOCT has national representation through 14 services and 26 territorial offices.

International Organization for Migration, The Office in Romania (IOM Romania)

IOM Romania, in cooperation with or with the assistance of the interested governmental authorities, public institutions and non-governmental organizations, develops information programs on migration, emigration and admission procedures, on living conditions in various countries of immigration, and on issues related to illegal immigration.¹³

IOM Romania provides specialized assistance: assisted repatriation and (re)integration services, both for Romanian citizens in vulnerable situations on the territory of other states, as well as for foreign citizens in vulnerable situation on the territory of Romania.

General Directorate for Social Assistance and Child Protection (GDSACP)

GDSACP is the public institution in Romania that is subordinated to the county councils and to the local councils at district level in Bucharest, providing assistance and support for children, families, single persons, elderly people, people in need, abused, marginalized or with disabilities and for any person in need. GDSACP is functionally organized on the following components: Child Protection Directorate, Adult Protection Directorate and the Economic Directorate.

The main services provided by GDSACP in the cases of children trafficking for labor exploitation, trafficking in minors and in the cases of the repatriated children¹⁴ are:

- Child's Telephone Services to report all child abuse situations and, where appropriate, to report domestic violence situations, for

¹³ GD 568/September 21st, 1992 on the approval of the Agreement between the Government of Romania and the International Organization for Migration regarding the legal status, the privileges and the immunities of this organization in Romania

¹⁴ HG 49/2011

which a mobile emergency response team operates;

- Emergency reception centers for the abused, neglected and exploited child - extending their activity to all forms of child violence;
- Counseling centers for the abused, neglected and exploited child - that expand their work for all forms of child violence;
- Transit centers for the protection and assistance of repatriated children and/or victims of trafficking.

Non-governmental organizations specialized in assisting and protecting the victims of trafficking in persons and of trafficking in minors (specialized NGOs)

Specialized NGOs are organizations and foundations registered as social service providers that provide specialized assistance services for the victims of trafficking in persons and/or for the victims of trafficking in minors according to specific standards in the field.

Specific tasks and roles within the NIRM for the main organizations/institutions

Specifically, within the present NIRM, the main tasks and roles of the institutions and organizations are:

NAATIP:

- Focal point within the National Identification and Referral Mechanism: receives notifications on all victims - potential victims, presumed victims and identified victims both in Romania and transnational; victims - Romanian citizens and victims -foreign citizens, adult victims and minor victims;
- Contributes to identifying the potential victims through community awareness activities and through Tel Verde;
- Contributes to the assessment of the specific needs and to the risk assessment;
- Informs victims about their rights;
- Refer the victims to specialized protection and assistance programs;
- Coordinates the participation of the victims in the criminal trials;
- Contributes to assisting the victim to repatriate;
- Monitors the specialized victim protection and assistance programs;
- Evaluates the implementation of the NIRM at national level and makes proposals for modification and improvement according to the results of the implementation and according to the new trends in the

evolution of the phenomenon.

DCOC with the subordinate structures (BCOC and SCOC):

- Contributes to the identification of the victims of trafficking in persons.
- Notifies NAATIP about each victim of trafficking in persons
- Contributes to the assessment of the risks on physical safety of the victims.
- Supports NAATIP/NGO and GDSACP in the implementation of the National Program for Victims' Coordination during Criminal Trial.
- Informs victims about their rights.
- Provides recovery and reflection period to the identified victims.

DIOCT with the subordinate structures:

- Contributes to the identification of the victims of trafficking in persons.
- Notifies NAATIP about each victim of trafficking in persons
- Contributes to the assessment of the risks on physical security of the victims and imposes specific security measures.
- Calls for NAATIP support within the National Program for Victims' Coordination during Criminal Trial.
- Informs victims about their rights.
- Provides recovery and reflection period to identified victims.

IOM Mission in Romania

- Organizes assisted repatriation for victims, Romanian citizens, trafficked in another country and for victims, foreign citizens, trafficked in Romania.
- Notifies NAATIP about the potential, presumed, identified victim that gives his/her consent.
- Contributes to the identification of the victims of trafficking in persons.
- Contributes to the assessment of the risks for the victims, foreign citizens, who benefit from assisted repatriation.

NGOs and GDSACPs with specialized protection and assistance services for victims of trafficking in persons and trafficking in minors

- Contribute to the identification of the victims of trafficking in persons.
- Notify NAATIP of any potential, presumed, identified victim who gives his/her consent.

- Contribute to assisting the victim to repatriate.
- Contribute to the assessment of the risks and of the special needs.
- Inform victims about their rights.
- Assist and protect the victims in a crisis situation.
- Assist the victims in (re)integration programs.
- Contribute to the implementation of the National Program for Victims' Coordination during Criminal Trial.

CHAPTER 4. The Standard Operational Procedure: Identification

The identification of the victims of trafficking in persons has to follow, besides signs and indicators, the identification of the factors that have led or contributed to the person entering the trafficking process, the person's vulnerability, the suffering during the trafficking process, as well as the long-term consequences such as stigma, health problems, economic loss etc. This is the victimological perspective of considering a case of trafficking on the basis of an individualized assessment of the consequences and prejudice, taking into account the circumstances and particularities of each case.

The victim of trafficking in persons

For the purposes of this National Mechanism, the concept of victim of trafficking in persons means any natural person who is believed to have suffered physical or mental harm, emotional suffering, economic loss or serious harm to his or her fundamental rights through actions or inactions which violate the criminal legislation in the field of preventing and countering trafficking in persons¹⁵.

The NIRM promotes the immediate identification of victims, which allows direct access to specialized protection and assistance services by using trafficking signs and indicators in a first contact with the person suspected to have been a victim of trafficking in persons/minors. The analysis of the indicators attached to this mechanism can help the institution/organization that came into contact with the victim or with his/her situation to notify NAATIP contributing to the early identification of a trafficking case.

ANNEX 1, an integral part of this national mechanism, contains The list of indicators that can be used to initially assess a possible trafficking in persons situation or to identify a presumed victim of trafficking in persons. They do not substitute the definition of trafficking in persons. They are only indications that can trigger the identification and referral mechanism¹⁶.

¹⁵ Order no. 335 of October 29th, 2007 for the approval of the National Identification and Referral Mechanism of Victims of Trafficking in persons in Persons

¹⁶ Idem 11

Which are the trafficking situations and who are the victims of trafficking in persons in Romania?

The trafficking in persons situations in Romania can be characterized as follows:

- Internal trafficking where the victim is of Romanian nationality and he/she is trafficked within Romanian borders
- International trafficking where the victim is of Romanian nationality and he/she is trafficked in another country.
- Romania as a destination country for victims of trafficking, European citizens and non-European citizens, who are trafficked in Romania.

There are trafficking situations of a person, both in domestic trafficking as well as in international trafficking. From the perspective of this mechanism, the focus is on the place where the victim is detected.

The victims of trafficking may be: Romanian citizens and foreign citizens, adults and minors, victims of all forms of exploitation: sexual exploitation, labor exploitation, exploitation to commit crimes, forced begging, trafficking for organ, cells and human tissues removal.

In the case of the trafficking in persons/minors occurring on the territory of Romania, the victim's access to the specific measures provided by the NIRM depends on the detection of the trafficking cases and their notification to the national focal point, namely NAATIP.

Detecting the victim of trafficking in persons/minors is the process that involves detecting the signs suggesting a possible trafficking situation and the potential victims, leading to their notification to the NIRM. The detection can have a reactive form as a response to information or a proactive form by continually analyzing the problems of a community based on raising awareness on the risks involved by trafficking in persons/minors.

Situations when measures in accordance with the NIRM are taken for a person/minor

Victim of Trafficking detected with the help of the specialized judicial bodies in Romania

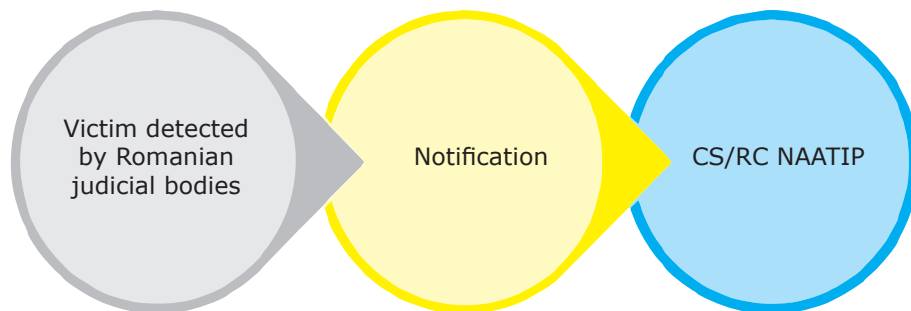
The DCOC and DIOCT actions, with the subordinate structures, are considered to be the primary means of detecting and identifying the victims of trafficking in persons.

The detection and the process of victim identification from the perspective of the specialized judicial bodies take place in the context of the criminal investigation and prosecution activities, aiming at gathering the necessary evidence regarding the existence of the trafficking in persons/minors offense, as well as in the context of the specific law enforcement actions.

The victim of trafficking in persons/minors can be identified by the judicial bodies exclusively by other means specific to the criminal investigation than those involving the hearing of the person/minor.

Figure 1

Access of the victim of trafficking in persons/minors to the specific measures of the NIRM



Victim of trafficking, Romanian citizen, who has been detected and/or identified in another country and whose case is notified before or after repatriation

In practice, three situations are distinguished:

1. The victim detected in the country of destination

If, in relation to the victim, Romanian citizen, detected in the territory of another state, no information on his/her status has been transmitted, he/she will be treated as a potential victim following

NIRM specific measures.

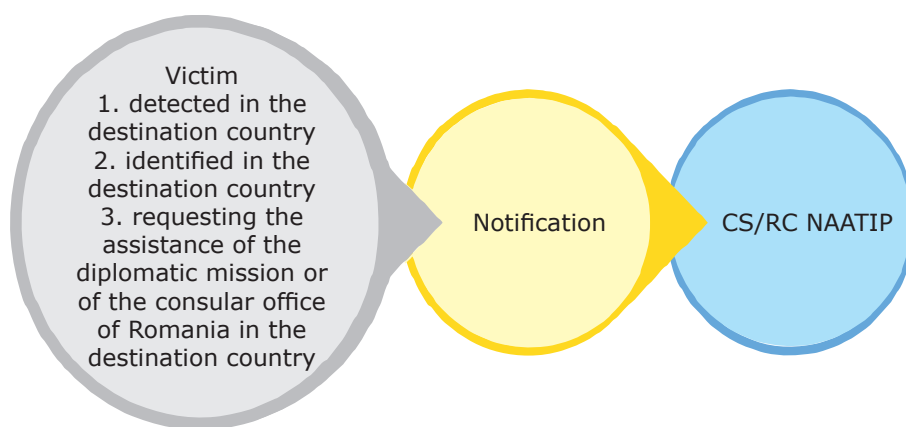
2. The victim identified in the country of destination

In this case, the specific measures taken for identification of the victim in the country of destination are considered/recognized. The victim is registered in the NIRM based on the notification information and based on the information resulting from the information exchange within the Transnational Referral Mechanisms (TRM).

3. The victim seeking assistance from the diplomatic mission or from the consular office of Romania in the country of destination

In this case, the embassy/consulate staff will notify the NAATIP, but also the institutions, organizations with identification and referral tasks in the country of destination.

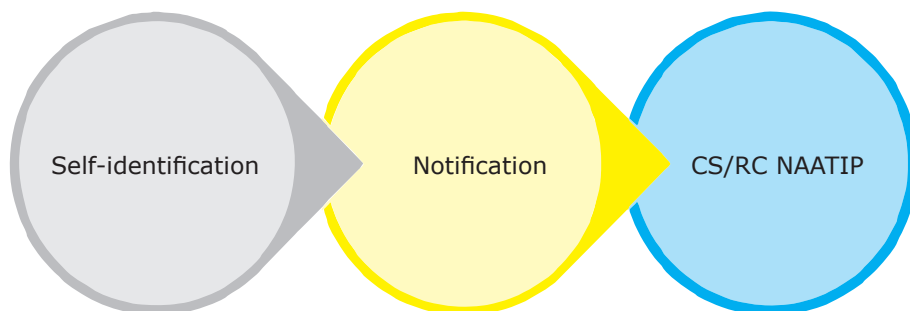
Figure 2 The access of the victim of trafficking in persons to the specific measures of the NIRM



Self-identification

If the potential victims self-identify themselves, they can call Tel Verde, managed by NAATIP: 004 021 313 31 00 (callable also from abroad) or 0 800 800 678 (free national call) and/or they can contact the nearest regional center of NAATIP.

Figure 3 The access of the victim of trafficking in persons to the specific measures of the NIRM



The victim detected in the community

To detect the trafficking situations and their victims a wide range of actors, specialized and non-specialized in the fight against trafficking in persons, are involved.

The actors who may be involved in detecting the trafficking situations belong to

1. the general public (community members)
2. non-specialized professional categories in schools, hospitals, means of transport, community security forces, public non-specialized social services or of various NGOs, operators of emergency telephone lines etc.;
3. top-level professionals from: local police, public social services, specialized NGOs, GII, TLI and others.

Figure 4 The access of the victim of trafficking in persons/minors to the specific measures of the NIRM

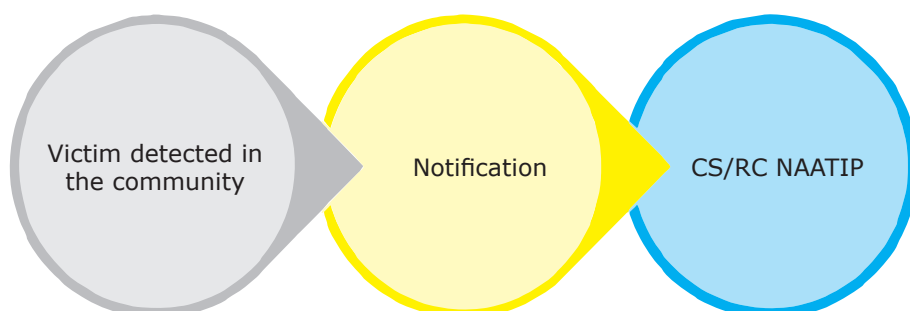
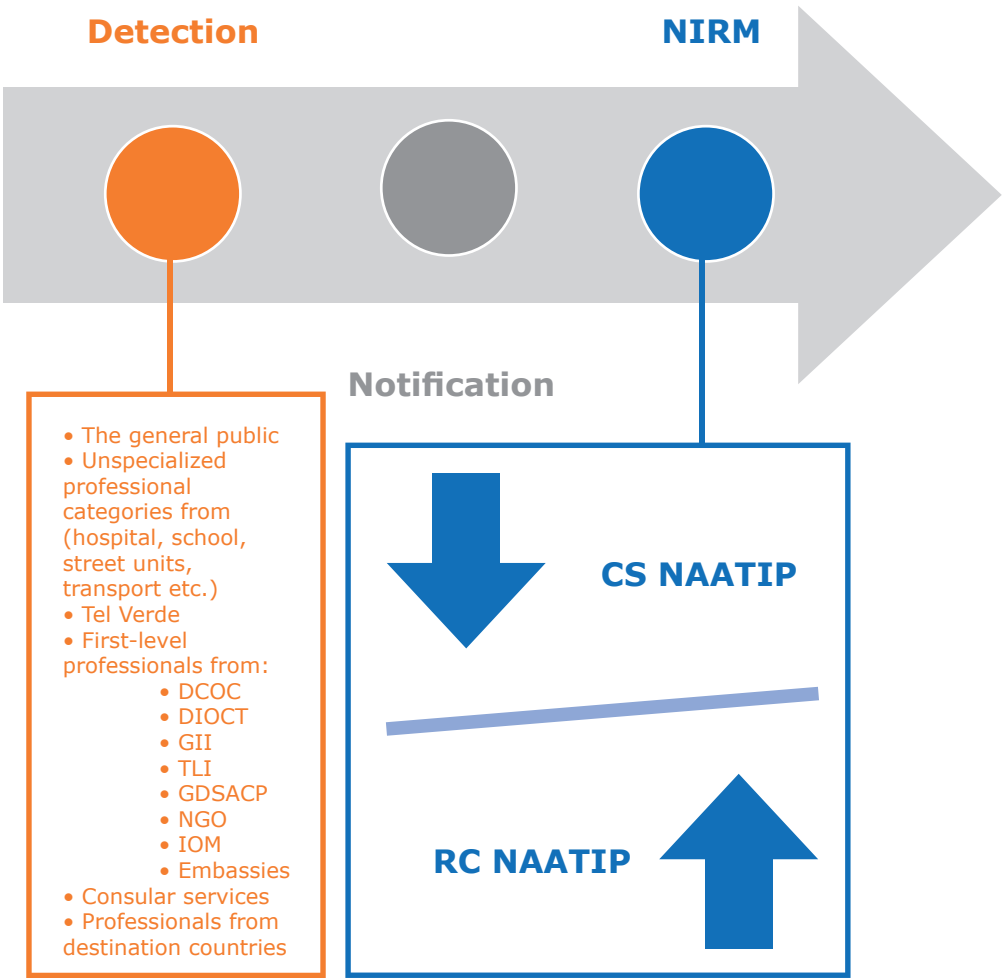


Figure 5 The access of the detected victim of trafficking in persons/minors to the specific measures of the NIRM



SPECIFIC MEASURES FOR THE STANDARD OPERATIONAL PROCEDURE – IDENTIFICATION

4.1. Measure 1: Case Notification

What is it?

The case notification is the transmission to NAATIP, as a national focal point, of the information that a person has been detected as a potential victim of trafficking or he/she has been identified with the help of the criminal investigation and prosecution bodies in Romania or in another country.

The central focal point for notification of all cases of trafficking in persons/minors is NAATIP, The Central Structure (SC NAATIP) or the 15 Regional Centers (RC NAATIP).

When is it used?

As soon as:

- There are signs/indicators in Romania that a person/minor is a potential/identified victim of trafficking in persons/ minors;
- A person identifies himself/herself as a victim;
- There is information that a Romanian citizen on the territory of another state is the potential/presumed/identified victim of / trafficking in persons/minors;

Who uses it?

- Any person, any institution/organization that has detected a potential victim of /trafficking in persons/minors, both in Romania and at transnational level;
- The judicial bodies that detected/identified a victim of / trafficking in persons/minors.

How is it used?

The case notification supposes:

Action 1: The filling of the notification form¹⁷ (I1 Notification Form for potential victims of trafficking in persons in the National Identification and Referral Mechanism);

¹⁷ Adapted from "Modern Slavery Victims: Referral and Assessment Forms" Home Office and UK Visas and Immigration

Action 2: Submitting the notification form by e-mail or fax to CS NAATIP or RC NAATIP

For the minors, the consent will be given in the presence of the legal representative.

For the victim, foreign citizen, the consent will be given in a language that the person understands, preferably his or her mother tongue.

INSTRUMENT:

I1 Notification form for victims of trafficking in persons/minors within the National Identification and Referral Mechanism

Personal data of the (potential/identified) victims of trafficking in persons

Last name: First name:

Also known as:

Date of birth: / / Age: Sex:

Nationality:

Immigration status (if known):

For foreign citizens

Other necessary means of communication(for example, sign language):

Contact information of the person making the notification

Name:

Job title:

Organization/ Institution:..... Unit or zone

Telephone: Mobile:

E-mail:

Signature: Date: / /

General details of the meeting, first contact with the potential/identified victim of trafficking in persons

Date of first contact: / /

Location of first contact:

Did you report the case to the police?

Yes ☐

No ☐

first contact was done by the police ☐

The locality and county where you think happened the trafficking in persons

Suspected form of exploitation:

delivery of sexual services ☐

domestic servitude ☐

forced or compulsory labor ☐

commissioning offenses by the victim ☐

begging ☐

unknown ☐

Others ☐ (*Please specify*).....

General indicators for trafficking in persons (*mark everything that applies and add any from the list as "others" - this is not an exhaustive list*)

Check all relevant boxes:

Lack of trust in the authorities ☐

Expression of fear or anxiety ☐

Signs of psychological trauma (including post-traumatic stress disorder) ☐

The person acts as if instructed by another person ☐

Signs of physical abuse as a result of control measures ☐

Proof of control on movement, either as a person or as a group ☐

Found or connected to a location type that could be used for exploitation ☐

Restriction or limitation of movement freedom at work or at a particular area ☐

Passport or identity documents held by another person ☐

Lack of access to healthcare ☐

Limited social contact/isolation ☐

Limited contact with the family ☐

- Signs of vulnerability abuse ☐
- Abuse of substances ☐
- Person intimidated or forced to provide services ☐
- Does not know the home or work address ☐
- Perception of being tight to debts ☐
- Money deducted from salary for food or accommodation ☐
- Threat to be handed over to the authorities ☐
- Threats against the person or his/her family members ☐
- Limited access to bathroom or hygiene facilities ☐
- He/she self-identifies ☐
- Any other indicator:.....Please ☐

For minor victims - trafficking in minors, the following possible indicators are added:

- Displays signs of physical neglect - basic care, malnutrition, lack of attention to health needs ☐
- Displays signs of emotional neglect ☐
- Social isolation - lack of positive, meaningful relationships in child's life ☐
- Poor concentration or memory; irritable/unsociable/aggressive behavior ☐
- Psychological - indications of trauma or emotional anesthesia ☐
- Expresses self-confidence and maturity unusual for a child of such an age ☐
- Evidence of abuse of drugs, alcohol or other psychoactive substances ☐
- Low self-image, low self-esteem, self-harm behavior, including cutting, overdose, eating disorder, promiscuity ☐
- Sexual activity ☐
- Not registered with a doctor or did not benefit of medical care ☐
- Not enrolled in school or absent ☐
- Has money, expensive clothes, mobile phones or other goods without plausible explanations ☐

Proves that back up the motives for the Notification

.....

Use this section as follows:

- *Explain the circumstances or the details of the meeting or of the contact with the potential/identified victim,*
- *Provide evidence of the indicators you have identified (if*

possible)

- *Note whether later information is likely to be available at a later date*
- *Provide any other relevant information that you consider important and would like to include, for example, living or working conditions, behavior, appearance, etc.*
- *Information about the suspected operating site (if known)*
- *Name (nickname) of the exploiter or of the dealer (if known)*
- *The names of other victims (if known)*
- *Write down any immediate concern about the health, the psychological state or the safety of the potential/identified victim.*

4.2. Measure 2: Determining the age, the identity and covering the basic needs

What is it?

The measure that determines the age and identity of the potential victim (if not already known) to ensure the services that meet the basic needs.

When is it used?

As soon as possible after the notification of the case to CS NAATIP or RC NAATIP, in relation to the particularities of the case.

For an adult or minor victim, foreign citizen, age and identity determination can be a long-lasting process that involves more than one institution from Romania and from the country of origin or residence.

Who uses it?

The specialized inspectors of the RC NAATIP in cooperation with the case managers (NIRM notification points) from the NGOs and the GDSACP with specialized services for assistance and protection of victims of /trafficking in persons/minors.

How is it used?

Action 1: Establishing the age and identity of the victim

For the potential victim, Romanian citizen, whose identity is uncertain, the specialized inspectorate of the RC NAATIP will request the support of the competent authorities for determining age and identity.

For the potential adult victim, foreign citizen, the specialized

inspectors of the RC NAATIP will request, as the case may be, the identification of the person through the GII/embassy/consulate in the country of origin.

For the minor victims, foreign citizens, living in Romania¹⁸, NAATIP will contact the GII¹⁹, which through its territorial structures undertakes:

- to establish the identity;
- to determine how they entered the country;
- to collaborate for naming a legal representative (GDSACP), who will ensure their protection, including accommodation in special centers for minors under the same conditions as for the Romanian minors;
- measures are taken to identify the parents, regardless of their place of residence, for family reunification;
- until the identification of the parents, school-age minors have access to the education system.

Action 2: Ensuring the basic needs

Ensuring the basic needs implies the facilitation of access to food, clothing, emergency medical services, and shelter by entrusting the person to a specialized or non-specialized emergency service of GDSACP and/or NGO. The RCNAATIP will facilitate the victim's access to primary services by calling on the service network in the area of competence.

Any victim declaring to be minor will benefit from specific primary services until the exact age is established.

4.3. Measure 3: Identifying the potential victim as presumed victim

What is it?

The measure determining the status of the victim following the assessment of the signs and of the indicators of /trafficking in persons/minors

When is it used?

Immediately after covering the basic needs, when the potential victim is physically and emotionally able to give his/her informed

¹⁸ EMERGENCY ORDINANCE No. 194 Republished*) of December 12th, 2002 on the regime of foreigners in Romania

¹⁹ Citizens or third-country nationals

consent (I2 Instrument) to take part in the identification interview (I3 Instrument)

Who uses it?

Specialists from RC NAATIP, GDSACP and/or from NGO with specialized services for the victims of trafficking in persons/minors and/or IOM Romania

How is it used?

Action 1: Obtaining the informed consent to participate in the interview for identification

It is the action through which the person/minor's consent is obtained for the identification interview, after explaining its role.

The informed consent will be given in writing using the I2 instrument and will take into account the opinions and the fears of the person/minor, as well as the cultural, religious, ethnic characteristics etc.

For the minors, consent will be given in the presence of the guardian or of other legal representative.

For the foreign citizens, the role of the interview will be explained and consent will be obtained in a language they know, preferably in the mother tongue.

INSTRUMENT:

Informed consent for the identification interview

I2

Organization/Institution
Informed consent for the identification interview

Beneficiary

Last name

First name

Date of birth

Has the person been informed that (the name of the institution/organization) has the right to share the individual case data for protection and assistance purposes within the NIRM?

(Yes/No)

Has the person been informed that (the name of the institution/organization) has the right to disclose limited non-personal data on the basis of the information gathered in the interview, for law enforcement in order to save other victims who remain under the

control of the traffickers or to prevent other potential victims from being trafficked?

(Yes/No)

Has the complete and informed consent been obtained from the person to conduct the identification interview based on the information provided regarding the role of the organization, the voluntary nature of the interview and the use of the information provided by the individual as outlined above?

(Yes/No)

If the person is a minor, has the consent of the parent (s)/guardian (s) been obtained?

(Yes/No)

Signature of the interviewer: _____ Date: _____

Action 2: Interview to identify the victim of trafficking in persons/minors

It is the action by which the notified cases are filtered, analyzed and evaluated by conducting an interview that involves asking questions in order to find out identification signs and indicators, designed to determine the status of presumed victim of trafficking in persons and to guide the access to protection and assistance services.

The identification interview will be carried out by the specialized inspectors of RCNAATIP, by specialists from GDSACP and NGO with specialized services for the victims of trafficking in persons/minors and/or by IOM Romania, using I3 instrument (Identification Interview) and the indicators in the ANNEX.

INSTRUMENT:Instrument 3. Identification instrument²⁰**I3****CONFIDENTIAL**

Organization/Institution

Identification interview

Last name

First name

Date of birth Place of birth

Gender Country of origin

Residency

Identity Document

Type Country

No. Series

Date expiration

Case and interview data

Type organization/person that conducts the interview

Date evaluation

Place of evaluation

Who conducted the interview?

Last Name, First Name

Organization

Telephone/Fax

Email

Language used:.....

Intercultural mediator/Translator

Last Name, First Name

Process: Trafficking entry

1. How did the person enter the trafficking process (specify more options, if necessary)?

Kidnapping

Visit family member

Work promise

Visit friend

Sold

Marriage

Adoption

Other

Educational opportunity

Please, specify:

²⁰ Adapted after transnational reference tools of the International Organization for Migration

2. Was there a recruit process?

Yes

No

2.1 If YES, how was the contact between the person and the recruiter initiated?

Personal contact

Radio advertisement

Talent agency

Internet advertisement

Tourism agency

TV advertisement

Newspaper advertisement

Other

Please, specify:

3. In what activity/activities does the individual believe he/she will be involved when arriving in the destination country?

Agricultural work

Prostitution

Begging

HORECA

Child care

Study

Domestic work

Marriage

Constructions

Commerce

Mining

Transport

Small offences

Other

Other type of work Please, specify: Please, specify:

4. What were the benefits promised after arriving at the final destination?

4.1. Salary

4.2. Other benefits

5. On which date (day, month, year) did the person enter the trafficking process?

6. Minor when entering the process?

Yes

No

7. From what place/country did the individual enter in the process?

8. What is the final destination/(intentional) destination country for the person?

9. Did the individual travel alone?			
Yes		No	
9.1. If not, with whom did he/she travel (indicate as many options as possible)?			
Husband/wife		Recruiter	
Partner		Transporter	
Relative		Unknown persons	
Friend		Other	
Please, specify:			
10. Did he/she spend time in any transit place (s)/country(s)?			
Yes		No	
10.1. If so, please specify in chronological order with the most exact period:			
10.2. Did he/she involve in activities in this/these country/ countries?			
Yes		No	
10.3. If so, what activity/activities?			
Agricultural work		Prostitution	
Begging		HORECA	
Child care		Study	
Domestic work		Marriage	
Constructions		Commerce	
Mining		Transport	
Small offences		Other Please, specify:	
Other type of work Please, specify:			
11. Were any of the following means used to control the person?			
	Yes	No	Not known
Physical abuse			
If YES, who?			
Psychological abuse			
If YES, who?			
Sexual abuse			
If YES, who?			
Individual threats			
If YES, who?			
Threat if they appeal to law enforcement			

	Yes	No	Not known						
If YES, who?									
Threats to the family									
If YES, who?									
False promises/deception									
If YES, who?									
Movement freedom									
If, YES, who?									
Incitement to drug use									
If YES, who?									
Incitement to alcohol use									
If YES, who?									
Medical treatment									
If YES, who?									
Food and hydration									
If YES, who?									
Wage retention									
If YES, who?									
ID retention									
If YES, who?									
Travel documents retention									
If YES, who?									
Debts									
If YES, who?									
Excess working hours									
If YES, who?									
<p>11.1. If there were other means of control, please specify using the NIRM ANNEX:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>									
<p>Process: Exploitation phase</p> <p>12. What activity/activities did he/she do when arriving at his last destination?</p> <table><tbody><tr><td>Agricultural work</td><td>Prostitution</td></tr><tr><td>Begging</td><td>HORECA</td></tr><tr><td>Child care</td><td>Study</td></tr></tbody></table>				Agricultural work	Prostitution	Begging	HORECA	Child care	Study
Agricultural work	Prostitution								
Begging	HORECA								
Child care	Study								

Domestic work	Marriage
Constructions	Commerce
Mining	Transport
Small offences	Other
Other type of work Please, specify:	Please, specify:
13. What was the age when starting the activity?	
13.1. How long was the most significant activity?	
14. Were any of the following means used to control the person?	
	Yes No Not known
Physical abuse	
If YES, who?	
Psychological abuse	
If YES, who?	
Sexual abuse	
If YES, who?	
Individual threats	
If YES, who?	
Threat if they appeal to law enforcement	
If YES, who?	
Threats to the family	
If YES, who?	
False promises/deception	
If YES, who?	
Movement freedom	
If YES, who?	
Incitement to drug use	
If YES, who?	
Incitement to alcohol use	
If YES, who?	
Medical treatment	
If YES, who?	
Food and hydration	
If YES, who?	
Wage retention	
If YES, who?	

	Yes	No	Not known
ID retention If YES, who?			
Travel documents retention If YES, who?			
Debts If YES, who?			
Excess working hours If YES, who?			
<u>For sexual exploitation</u> Freedom pale to refuse the client If YES, who?			
Freedom pale to refuse certain acts If YES, who?			
Freedom pale to use condoms If YES, who?			
<p>14.1. If there were other means of control, please specify using the NIRM ANNEX:</p> <p>.....</p>			
<p>15. Was he/she exploited?</p> <p>Yes No Does not know</p>			
<p>16. If there was no exploitation, there was a sign of real and substantial threat of exploitation</p> <p>Yes No Does not know</p>			
<p>16.1. If YES, which were the reasons why the exploitation never occurred?</p> <p>Rescue Does not know</p> <p>Escape Other Please, specify:</p>			
<p><i>Note: Supporting materials will be attached: forensic reports, medical reports, etc.</i></p>			

Action 3: Communicating the decision regarding the identification

It is the action by which the specialist conducting the identification interview informs the victim in writing of the decision regarding the status of the presumed victim of /trafficking in persons/minors.

If the decision is that the status of the person/minor is that of presumed victim, the specialist conducting the interview will inform the person/minor about his/her rights using the I5 instrument and will assess the special needs for assistance and the risks.

If the decision is that the status of the person/minor is not that of presumed victim, if the person presents a form of vulnerability and/or is a victim of another offense, the specialist conducting the interview will refer the person/minor to the social assistance and protection system or to other institution, depending on the specificity of the case.

Both the identification decision and the additional measures will be assessed and analyzed together with the presumed victim.

The person/minor will receive in writing the decision on the identification, using I4 instrument "Notification of the decision according to NIRM".

Any person presumed to be trafficked must be considered and treated as a victim as soon as the competent authorities have indications that he/she was the subject of the trafficking offense.

During the identification process, the presumed trafficked person must be treated as a victim and must have immediate access to assistance and support, regardless of whether the person is fit or willing to cooperate with the criminal investigating authorities.

For the minors, the communication of the decision will be made in the presence of the guardian and/or of the legal representative.

For the presumed victims, foreign citizens, the communication of the decision will be made in a language that they understand and there should be no expulsion order before the identification process is complete.

INSTRUMENT:

Instrument 2. Notification of the decision according to NIRM

I4 Organization/Institution
Notification of the decision

NIRM Specialist

Last name

First name

Location

Number Decision

Date Decision

Beneficiary

Last name

First name

Date of birth

CNP

The institution/organization
decided that in the case of the beneficiary there are indicators
that the person (the minor) is a presumed victim of (.....
trafficking (in persons/minors),
..... (persons / minors), with the right
to a recovery and reflection period of up to 90 days.

Date of the communication of the decision:

Acknowledge, Signature:

NIRM Representative

Last name

First name

Position

RCNAATIP

Telephone

E-mail

4.4. Measure 4: Informing the victims about their rights under the law and the informed consent regarding the referral to assistance and protection services

What is it?

It is the measure that follows the identification of the person/minor as a presumed/identified victim and it involves providing information to the presumed/identified victims for:

- Awareness of the rights they have under the law;
- Procurement of the informed consent to refer them to specialized protection and assistance services;
- Awareness of the importance of collaborating with the investigation and prosecution bodies in the case of the presumed victims;
- Procurement of the agreement for the implementation in SIMEV of the personal data and of the information related to the trafficking situation.

When is it used?

After communicating the decision of presumed victim by the NAATIP specialists, NGOs or GDSACP, IOM Rumania, or after the victim has been identified by the investigation and prosecution bodies and prior to the NAATIP notification and, in this case, only to inform the victims about their rights according to the law.

Who uses it?

The information on the rights of the trafficked presumed/identified persons/minors will be made by the NAATIP, NGO and/or GDSACP, IOM Rumania specialists, as well as by the investigation and prosecution bodies.

Action 1: Information and awareness of the legal rights

The representatives of the specialized institutions will inform the presumed/identified victim about the rights and obligations that he/she has. Understanding the rights is the first condition of the victim's consent for all subsequent NIRM measures.

Information on the rights of the victims of trafficking in persons shall be made in a simple language, in plain words, regardless of whether he/she is an adult or minor, Romanian citizen or a foreign

citizen; with the separate explanation of each right.

Action 2: Presentation of the protection and assistance alternatives

The representatives of the specialized institutions will inform the presumed/identified victim about the alternatives of protection and assistance, giving him/her the possibility to make a choice.

The victims will be informed of all protection and assistance services available at local and regional level, with their role and with the possible period of assistance.

Action 3: Getting the consent for the referral, in writing, using the Instrument I5 "Informed Referral Consent"

For the minor victim, the informed consent will be signed by the guardian or in their presence, depending on the age of the minor.

For the victim, foreign citizen, the consent will be signed in a language he/she understands, desirable in his/her mother tongue.

INSTRUMENT:

Instrument 3. Informed consent for the referral

I5 Organization/Institution
Informed consent for the referral

CONFIDENTIAL

Today, date:

Last name

First name

Date of Birth

I became aware of the legal rights I have as a presumed/identified victim of trafficking in persons, namely:

a) the right to have a recovery and reflection period of up to 90 days in order to recover, in order to avoid the influence of the traffickers or in order to take a decision on cooperation with the competent authorities;

b) the right to residential, psychological, medical, physical, legal and social assistance;

c) the right to lodge a complaint with the criminal investigative body;

- d) the right to receive compulsory legal assistance at all stages of the criminal trial and during the related civil cases;
- e) the right to protection of the witness identification data, to the protection methods of the
the witness, his/her rights and obligations;
- f) the right to financial compensation granted to the victims of certain offenses.....

☐ I understand/☐ I do not understand my rights.
☐ I agree/☐ I disagree with my referral to a protection and assistance program.

The motives of the refusal:

.....

☐ I agree/☐ I disagree with the implementation of the personal data in the Informatic System for Monitoring and Evaluation of the victims of trafficking in persons (SIMEV)

The motives of the refusal:

.....

Signature:

4.5. Measure 5: Assessing the risks and the special needs of assistance and protection

What is it?

It is the measure for identifying the potential risks related to the physical and emotional security of the presumed/identified victim, as well as the specific protection and assistance needs, in order to determine the future measures to protect and assist the victim.

When is it used?

The assessment of the risks and of the special needs of assistance and protection is a continuous process that begins with the notification of the case to the specialized institutions and organizations and it improves/adapts during the implementation of the subsequent measures of the NIRM, depending on the evolution of the case. For cross-border trafficking, the assessment of the risks and of the special needs begins with the notification of the case and, the

risks and needs related to the organization of the victim's transport between two or more states are considered.

The assessment of the special risks and needs will also be carried out in the situation where the Romanian citizen who integrates in the country of destination needs to return to Romania for administrative, judicial or medical situations; for example, reissuing of the identity papers, appeals in court in civil cases (divorce, custody) or in criminal proceedings or for medical investigations.

In order to avoid repeated interviewing of a person/minor, the assessment of the risks and of the special needs of assistance and protection will be carried out together with the identification interview.

Who uses it?

For the victim presumed/identified in Romania, the assessment of the risks and of the special needs is carried out by the CRC NAATIP specialists in collaboration with the case managers or with the case responsible of NGOs and/or of GDSACP with specialized services for the assistance and protection of the victims of /trafficking in persons/ minors. Depending on the specificity of the case, the RC NAATIP specialists collaborate with GIRP representatives at local level and/or with the local social services.

For the victim, Romanian citizen, to be repatriated from the country of destination, the above-mentioned specialists and the IOM Rumania specialists will collaborate with their counterparts from that country, contributing with information to the assessment of the risks and needs, after the notification of the case within the MTR.

Given the complexity of the risks and of the needs specific to victims of /trafficking in persons/minors, their assessment is desirable to be carried out by a multidisciplinary team: psychologist, social worker, police officer, doctor and others, according to the requirements at individual level.

For the minor victim, for the assessment of the risks and of the special needs, the multidisciplinary team will include specialists from GDSACP. The interview will be conducted in the presence of the guardian.

For the victim, foreign citizen, for the assessment of the risks and of the special needs, the multidisciplinary team will include specialists from IOM Romania and/or GII. The interview for evaluation is conducted in a language that the victim understands, preferably his/her mother tongue.

How it is used?

The assessment of the risks and of the special needs of assistance and protection is made for all victims of /trafficking in persons/ minors:

- presumed or identified victims;
- victims of internal and/or external trafficking;
- victim, foreign citizen identified in Romania;
- victim, Romanian citizen who has been identified on the territory of another country.

Two specific actions are distinguished: the interview for evaluation and the implementation of the plan for the immediate risk management

Action 1 The interview for assessing the risks and the special needs of assistance and protection

It is the action by which the multidisciplinary team, coordinated by the RC NAATIP specialist, with the consent of the victim/guardian, gathers information regarding the risks and the needs related to the particular situation of the victim and analyzes them for the purpose of establishing specific protection and assistance measures: assistance and protection in a crisis situation, assisted repatriation, long term assistance and protection (assistance for (re) integration), support for the victims during the criminal and civil proceedings.

The risk assessment cannot be considered separately from the assessment of the (immediate, medium and long-term) needs for assistance and outside an effective protection measures plan.

The interview for the assessment of the risks and of the special needs of assistance and protection will initially be done using the I6 Instrument The Assessment of the risks and of the special needs of assistance and protection, as follows:

- For the presumed victim: together with the identification interview; before the referral for assistance and protection in a crisis situation;

- For the identified victim: after the notification of the case and before the referral for assistance and protection in a crisis situation;

- For the victim, foreign citizen, who requests or requires assisted repatriation: together with the exchange of information in cases of transnational trafficking, before the repatriation;

- For the victim, Romanian citizen, who has been identified on the territory of another country and is to be repatriated, the interview for assessing the risks and the special needs of assistance and protection is carried out in the country of destination, and the Romanian specialists can bring their contribution together with the realization of the exchange of information in the transnational trafficking cases, prior to the repatriation, which is why the notification of the case to the latter should be done in a timely manner

For the victim to be repatriated, the risks involved in transporting/transferring him/her to the country of origin or residence, regardless of whether he/she is a victim Romanian citizen trafficked on the territory of another state or a victim foreign citizen trafficked in Romania, are also considered.

For the victim, Romanian citizen, who is to be repatriated and the notification of the case was transmitted to an organization or institution in Romania other than NAATIP, the institution/organization will notify CS NAATIP which through the RC NAATIP and with the support of the territorial partners (national police at local level, GDSACP, etc.) will take measures to assess the risks in the origin/home community.

For the victim, foreign citizen, prior to the repatriation, the CS NAATIP in collaboration with IOM Romania notifies the case to the national focal point in the country of origin/residence or to the IOM office in charge of that country and requests support for collaboration to assess the risks and the special needs. Depending on the specificity of the case, CS NAATIP and/or IOM will request GII support.

For the minor victim who is to be repatriated, the case notification is made both to CS NAATIP and NACRPA, so that in the assessment of the risks and of the needs are involved specialists in the protection of children's rights within the GDSACP, according to the legal provisions regarding the repatriation of unaccompanied minors.

If the presumed/identified victim is unable to provide information due to stress or other reasons, and urgent protection and assistance

measures have to be taken, the specialist who is in contact with the victim can assess the risks and the needs based solely on observation.

The interview for evaluation will be carried out when the victim is physically and emotionally stable.

INSTRUMENT:

Instrument 6. Assessment of the risks and of the special needs of assistance and protection

I6	Organization/Institution Assessment of the risks and of the special needs of assistance and protection
CONFIDENTIAL	
Date of the interview	
Type of the organization/institution that notified the case: (NGO/International Organization/Police or Judiciary Bodies/ Embassy/Other/ NR)	
.....	
Name of the organization/institution and the location:	
.....	
..... Name of the interviewer:	
.....	
<u>Beneficiary</u>	
Last name	
First name	
Gender	
Date of birth	
Parents	
(last name, first name)	
Mother's name	
Father's name	
Place of birth	
- City	
- Village	
- County, Country	
Country of origin	
Nationality	
Marital status	
(Single/Married/Divorced/Separated/Stable relationship/Widow/NR)	
.....	
.....	

Children
 (Yes/Number of children/No/No answer – NR)
 Origin Background
 (Rural/Urban/Capital)
 Does the victim have identity documents with him/her?(Yes-No-NR)
 If yes, specify:
 (Identity document/Birth certificate/Driving license/Other/NR)
 Address:
 (primary residence - optional)
 Telephone:

 Is this address the final destination (YES/NO/NR):

 Who he/she lived with before leaving:
 (Family/Friends/Relatives/Alone/Institution/Partner/Someone else/NR)
 If not, is there another address available (optional):

Family structure
 (nuclear/extended/none/NR)
 Parents
 (Stable relationship/Parents are divorced/One of the parents died/One of the parents remarried/lives with someone else/Both parents died/He/she no longer has contact with them or he/she did not know them/NR)
 Family relationship:
 (Good/Normal/Difficult/Bad/None/NR)
 Financial situation of the family

 (Good/Medium/Poor/Very poor/NR)
 Suffers/has suffered physical or mental abuse in the family

 (Yes/No/NR)
 If yes, who abused:
 (Parents/Step Mother/Step Father/Husband/Wife/Brothers/Relatives/Lover/Acquaintances/Friends/Neighbours or family friends/Aliens/Someone else/NR).
 Has there ever been sexual abuse at home: (Yes-No-NR)
 If yes, by whom?
 (Parents)/Mother/Father/Step mother/step father/Husband/Brothers/Relatives/Lover/Aquaintances/Friend/Neighbor or family friend/Alien/Other/NR).
Financial resources
 (Does not have/Own revenues - Not secure/Benefits of family support/Benefits of partner support/Own revenues - sufficient/Other/NR).

Education level
 (Primary Level (1-4 years) | Secondary Level (4-8 years)/High School/University/Other/No Studies/NR).

Study Duration

Has he/she been to vocational school/vocational classes?

Field of study/professional training:

Experience in the field studied:(Yes-No-NR)

Professional experience

Before departure, did the victim have a job? (Yes-No-NR)

If yes, where?

In the country of origin?(Yes-No)

Previous occupation:

(Self-employed/Worked for family members/State employee/
 Private sector/Housekeeping/Offered sexual services/NR/Other,
 specify field, job).

Did he/she usually have a job or not?

(Usually he/she has a job/Most often he/she did not have a job)

Salary

Salary was paid: (Occasionally/Regularly/Never/NR)

Payments were made: (cash/with goods/NR)

In another country?(Yes-No)

Which is the country where he/she had the longest
 working experience?

What job did he/she have?

(Self-employed/Worked for family members/State employee/
 Private sector/Housekeeping/Offered sexual services/NR/Other,
 specify field, job).

How often did he/she have a job? (Often/Occasionally/NR)

Salary

Salary was paid: (Occasionally/Regularly/Never/NR)

Payments were done: (cash/with goods/NR)

What was the victim's professional status at the time of the
 recruitment?

(Student/Employed/jobless/Other/NR)

Health

Does/did the victim suffer/suffered from diseases? (Yes/No/NR)

Did he/she have access to medical services? (Yes/No/NR)

Is he/she registered as a disabled person?

Before the trafficking or during the period of trafficking, did the
 victim become addicted to drugs, sedatives or alcohol?

.....
If yes, which of these?(drugs, sedatives, alcohol)
Is the victim pregnant (until the interview):
If yes, how long is the pregnancy?

Assessment of the urgent needs of assistance

If so, what are the needs?
(Example questions: Do you need food, clothing, etc.? Are you in pain? Are you anxious about health? Do you need a place to rest?)

Urgent needs identified	YES/NO	Emergency	During crisis	During (re)integration
Material support:				
Healthcare				
Residential assistance				
Psychological assistance				
Legal assistance				
Educational assistance				
Reissue of identity documents				
Professional reinsertion				
Mediation of the relationship with the family				
Other services				

Assessment of the vulnerability risks before the trafficking period

Specific details (Who? Where? When?) Triggering factors and reduction strategies

Risk categories	Specific details	Low	Medium	High
Physical/emotional/sexual abuse in the family				
Physical/emotional/sexual abuse in the origin community				

	Specific details	Low	Medium	High
	Physical/emotional/sexual abuse in centers			
	Crime origin environment			
	Mental health problems			
	School dropout			
	Unemployed			
	Social marginalization			
	Abuse of psychoactive substances (alcohol, drugs)			
	Risk behavior			
	Negligence and self-negligence			
	Family violence			
	Poverty			
	Other			
Risks associated with the people involved in trafficking Assessment of the general risk level				
Risk category:		Yes	No	
The trafficking has a significant impact in the country or in the community where				
The person was identified and/or in his/her country or community of residence				
The trafficking is controlled by organized crime groups, there are traffickers and accomplices who are part of trafficking networks or high-ranking public authorities/ civil servants who are part of the trafficking networks				
The organized crime groups have the ability to revenge themselves on the escaped/released person, on the family members, on the close associates, or on the IOM staff/partner organization staff				
The level of government involvement and the support for the measures to combat trafficking in persons in the country or community of destination remains low				

Risk category:	Yes	No
The capacity and involvement of the law enforcement agencies in the victim's country of destination or origin community in combating trafficking in persons and in protecting the victims is low		
The capacity and the involvement of the service providers in offering comprehensive protection and assistance programs (medical, psychosocial, legal, witness protection) is reduced Corruption in the destination country or community is endemic and contributes to a significant increase of the risk level.		
Trafficking occurs in connection with a frequent traditional or cultural practice, such as forced marriage, and the person who has escaped from these situations may draw further stigma or may inspire other antisocial reactions		
Close or extended family members and/or friends of the person were involved in the trafficking process (applies especially to minor victims)		
The person is a child		
Assessment of the specific risk level		
Risk category:	Yes	No
The person believes that he/she, family members or other close persons are in imminent danger		
The person has signs of physical or psychological abuse		
Was there any contact between the trafficker (s) and the person from the time of his/her release in the place/country of destination?		
Are there any suspicions that contact between the person and the trafficker (s) in the home/country of origin is maintained, which could increase the risk associated with the return and reintegration of the person?		
The trafficker or the accomplice knows the current location of the person, the residence		

Risk category:	Yes	No
address/the home of the person, the location or address of the close or extended family members, or the address of the person's friends		
The trafficker/accomplice are known to have the ability (eg, human, financial resources, contacts, social or political influence) to physically assault or intimidate the person, his/her close family members/friends, or to have the ability to compromise the (re) integration/recovery of the person		
Has any contact with the family or with the close relatives been initiated from the time of the release of the person from the exploitation?		
The trafficker or the accomplice has detailed knowledge of the NAATIP's operational protocols or of those of the NAATIP partners that provide direct support services for victims of trafficking in persons		
There are reasons to believe that the close/extended family or the person's friends have been involved in any of the trafficking processes		
The person has a physical or psychological need or faces a difficulty that could compromise the effectiveness of the direct assistance that will be provided		
Risks associated with the contact of the law enforcement agencies		
Risk category:	Yes	No
Has contact been initiated with any law enforcement institution in the last place/state of destination?		
Has the person collaborated with any of these institutions?		
If YES, are traffickers aware of this?		
If YES, have measures been taken to protect the witnesses or the victims?		
Has the police taken measures or intends to take measures against the trafficker (s) in the place or country of destination, following the information		

Risk category:	Yes	No
or the evidence provided by the person?		
Has the police taken measures or intends to take measures against the trafficker (s) in the place or country of reception, following the information or the evidence provided by the person?		
Has a criminal case been opened, or was there a criminal investigation against the suspects or was there a complaint or is there an investigation taking place (in the country of origin or destination)?		
Have the suspects been arrested so far? If YES, are they still in detention?		
If they were released on bail, is their current location known?		
Is any of the suspects known to be in free?		
Is any of the known suspects in the country or place of reception?		

The decision based on the assessment of the risk

- ☐ No risks have been identified
- ☐ Minor risks have been identified
- ☐ Medium risks have been identified
it is required the implementation of a risk management plan
- ☐ High risks have been identified
it is required the implementation of a risk management plan

Action 2 The elaboration of the immediate risk management plan

It is the action by which the multidisciplinary team coordinated by the RC NAATIP specialist, involved in the assessment of the risks and of the special needs, elaborates an individual intervention plan to eliminate or mitigate the immediate risks and to meet the needs. For the elaboration of the plan the I7 Instrument Immediate Risk Management Plan is used.

The immediate risks are the ones that determine the first actions before the referral:

- Selecting the place of referral (eg: as far as possible from the risk area)
- Choosing a specialized service provider to assist the victim according to the risks and needs (eg residential, maternal, etc.)
- Choosing the type of emergency service (hospitalization, medical investigations, psychiatric evaluation, etc.)

For the victim requiring assisted repatriation, the immediate risk

management plan will also include a set of actions to secure the transport/transfer of the person, in cooperation with the partners involved in both states.

The immediate risk management plan is carried out together with the victim/guardian and includes a set of actions and a number of persons responsible for their implementation according to the identified risks and needs, according to the degree of risk and the degree of emergency.

In the elaboration and implementation of the immediate risk management plan both the specialists who carry out the evaluation as well as the specialists from related fields such as policemen from different structures, gendarmes, doctors, psychologists etc. are involved, depending on the particular requirements of the case.

INSTRUMENT:

Instrument 7.Immediate Risk Management Plan

I7 Organization/Institution..... Immediate Risk Management Plan	
<u>Beneficiary</u> Last name First name Date of birth	
Summary of the identified risk/risk categories	Risk minimization/elimination actions and the responsible persons
1. Risks related to the vulnerability from before the trafficking period: (Description.....)	
2. Assessment of the general risk level (Description.....)	
3. Assessment of the specific risk level (Description.....)	
4. Risks associated to the contact with law enforcement agencies (Description.....)	
5. Risk to others	
6. Other	

4.6. Measure 6 :Linguistic Interpretation/intercultural mediation

What is it?

It is the measure through which foreign citizens are provided with translation, interpretation and/or intercultural mediation, in order to fully understand their rights, the NIRM specific measures and actions, by interpreters, translators and intercultural mediators specialized in dealing with victims of /trafficking in persons/minors.

When is it used?

From the first contact with the victim, foreign citizen, and throughout the implementation of the measures and actions of the NIRM.

Who uses it?

The request for translation, interpretation or intercultural mediation will be carried out by all specialists who come into contact with the victim, foreign citizen.

How is it used?

The specialist who comes in contact with the victim, foreign citizen, will request, depending on the situation, the support of the embassy/consulate/specialized NGO/GII to contact an intercultural mediator or an interpreter to support the victim in dealing with the specialists and in understanding the specific rights and approaches of the implementation of the NIRM measures.

Minimum selection criteria for the intercultural mediators

1. They do not know the trafficked person and have not been in contact with him/her before or after leaving the country of origin;
2. They do not know the family of the trafficked person and are not from the same locality;
3. They do not come from the same religious community;
4. They do not come from the area where the trafficked person was exploited;
5. They do not belong to an ethnic or religious group that is in conflict with that of the victim;
6. They do not know people from the trafficking network or from the exploitation environment.

4.7. Measure 7 :Granting the period of recovery and reflection

What is it?

It is the measure through which a period of time for recovery, information and decision-making on judicial co-operation is granted to the presumed/identified victim of trafficking in persons/minors.

The reflection period is a period granted immediately after identifying the reasons why the person is a presumed/identified victim of /trafficking in persons/minors. The maximum period of recovery and reflection is 90 days for both Romanian and foreign citizens.

At this stage, victim's cooperation with the judiciary bodies is voluntary.

The Romanian and foreign citizens who have good reasons (identification indicators) to be considered victims of trafficking in persons, benefit from a recovery and reflection period of up to 90 days, either to recover or to avoid the influence of the traffickers or to make an informed decision on cooperation with the competent authorities.

In the period of recovery and reflection, the Romanian citizens receive psychological counseling, medical and social assistance, medicines and food, as well as accommodation on request in sheltered centers and homes and are informed about the applicable judicial and administrative procedures²¹. The same rights of assistance and protection are also provided for the victims, foreign citizens.

Taking into account this legal right, the presumed/identified victim, foreign citizen, must receive legal residence on the territory of Romania, respectively a residence permit valid for up to 90 days²² and, also, he/she must receive unconditionally all the protection and assistance services, guaranteed by law.

The recovery and reflection period has two main functions:

- Recovery, the presumed/identified victim will receive immediate assistance (crisis assistance), the services being individualized, according to the needs;
- Reflection on the implications of the cooperation with the investigation and prosecution bodies;

²¹ Law 678/2001 on preventing and combating trafficking in persons.

²² Citizens and third-country nationals

For the presumed victim, foreign citizen, the granting of the period of recovery and reflection is in direct relation to the legal residence on the territory of Romania, respectively with the granting of the temporary residence permit to foreign citizens from non-European countries.

When is it used?

The recovery and reflection period starts automatically:

- at the time of the notification of the identification decision as a presumed victim in Romania (for victims, Romanian and foreign citizens, detected in Romania);
- at the time of the referral for crisis assistance in Romania, in the case of the victim, Romanian citizen, presumed/identified in the country of destination and who did not benefit from the period of recovery and reflection.

The minimum period of crisis assistance corresponds to the maximum period of recovery and reflection; the crisis assistance services aim at the physical and emotional recovery of the victim.

Who uses it?

- The institutions, the specialized organizations that have contact with the presumed/identified victim (adult/minor, Romanian citizen/foreign citizen): NAATIP/ DCOC/DIOCT (with the subordinate structures); NGOs and GDSACPs with specialized services for the protection and assistance for the victims of trafficking in persons, IOM Romania;
- The institutions, the specialized organizations that have contact with the victim, Romanian citizen, presumed/identified in the country of destination and who did not benefit from the period of recovery and reflection.

For the victim, foreign citizen, the specialized institutions/organizations will work with the GII in order to establish the victim's legal residence on the territory of Romania.

If the victim is detected by the investigation and prosecution bodies, he/she will benefit from the period of recovery and reflection according to the law and will have the status of presumed victim after the identification interview.

If the victim is identified by the investigation and prosecution bodies by investigating means other than the hearing, he/she will not be heard but only after the legal recovery and reflection period

has been granted.

How is it used?

The start date of the recovery and reflection period will be the day on which:

- the victim presumed in Romania signs the Notification of the identification decision according to the NIRM
- the victim presumed/identified in the country of destination who has not benefited from the recovery and reflection period, signs the Informed consent regarding the referral

At the beginning of the recovery and reflection period, the presumed/identified victim is informed by the NAATIP, ILO, NGO, GDSACP specialists about the possibilities of cooperation with the investigation and prosecution bodies, respectively with DCOC and DIOCT, on the importance of declaring the trafficking situation and on the criminal procedures.

Under the special law²³, the reflection period ceases in any of the following cases:

- a) It is noted that the victims of trafficking in persons/minors reestablish, on their own initiative, the contact with the offenders;
- b) There is a danger to the public order and national security;
- c) The victim status was unjustifiably invoked.²⁴

Also, the reflection period may also cease if:

- a) The duration is over, the 90 days passed
- b) The presumed/identified victim decides to cooperate with the investigation and prosecution bodies.

If the presumed/identified victim decides to cooperate with the investigation and prosecution bodies during the recovery and reflection period, his/her decision is communicated by the case manager, to the RC NAATIP specialist who facilitates the communication with the DCOC and/or DIOCT (with the subordinated structures).

In practice, the following special situations arise in which, at the end of the period for recovery and reflection, it is advisable to reassess the victim's situation and take into account his or her capacity/incapacity to provide relevant information for the criminal investigation, possibly by granting an additional period until the cooperation with the criminal investigation bodies.

²³ Law 678/2001 on preventing and combating trafficking in persons.

²⁴ Idem

These situations can be:

- Minors victims of multiple abuses;
- Presumed victim with children or other dependent family members (eg care of the newborn, care of an elderly person in the family);
- Problems with the abuse of psychoactive substances: drugs, alcohol, which affect the victim's ability to discern;
- Mental health problems that also affect the victim's ability to discern;
- Serious medical conditions that do not allow movement, exposure to stress, etc.;
- High security risk;
- Family members involved in the trafficking process, when the pressure on the victim is high, and he/she cannot make an uninfluenced decision.

It is recommended that the end of the period of recovery and reflection be considered when the victim is able to provide information relevant to the criminal investigation. For these special cases, the period of crisis assistance is often about 6 months.

If the presumed/identified victim does not wish to collaborate with the investigation and prosecution bodies after the end of the 90 days of the legal recovery and reflection period, the following shall be considered:

- his/her remaining in a long-term protection and assistance program of a non-governmental organization, unconditioned by the cooperation with the judicial bodies;
- completion of the assistance program;
- the referral of the victim to another protection and assistance program, program dedicated to a vulnerable category from which he/she may be part.

The period of recovery and reflection given to the presumed/identified minor victim will take into account the degree of vulnerability of the victim. The decisions to end the period of recovery and reflection or the granting of a supplementary period are taken together with his/her tutor and/or legal representative.

For the presumed/identified victim, foreign citizen, who at the end of the period of recovery and reflection, does not wish to cooperate with the investigation and prosecution bodies, depending on the person's options, will be organized either the assisted repatriation

or the referral to programs and projects aimed at assisting foreign citizens in Romania.

4.8. Measure 8: Identification of the victim of trafficking in persons/minors

What is it?

It is the measure through which a presumed victim receives the status of identified victim of /trafficking in persons/minors.

When it will be used?

- When the presumed victim collaborates with the investigation and prosecution bodies:

At the end of the recovery and reflection period or during this period, when the presumed victim recovered his/her physical and mental capacities and when he/she fully understood what involving in criminal proceedings implies.

- If the presumed victim's cooperation with the investigation and prosecution bodies cannot be achieved for reasons beyond the victim's wishes: at the end of the recovery and reflection period

Consideration is given to situations in practice where, although the presumed victim wishes to collaborate with the investigation and prosecution bodies, this is impossible because:

- He/she has serious mental health problems: mental retardation, chronic mental illness
- He/she does not have conclusive information to support the criminal investigation

- If the victim refuses to collaborate with the investigation and prosecution bodies after the end of the 90 days of the legal recovery and reflection period: at the end of the recovery and reflection period and taking into account the victim's perspective.

Who will use it?

- When the presumed victim collaborates with the investigation and prosecution bodies: The status of the identified victim is the result of the analysis of the information resulting from the hearing or hearings carried out by the DCOC and the DIOCT specialists (with the subordinate structures, when the victim has the quality of injured party/witness in the criminal file.

- When the cooperation of the presumed victim with the investigation and prosecution bodies cannot be achieved for reasons beyond the victim's wishes and also when the victim refuses to cooperate with the investigation and prosecution bodies after the end of the 90 days of the legal recovery and reflection period: The status of the identified victim is the result of the analysis of the information resulting from the identification interview conducted by RC NAATIP, GDSACP and/or NGO specialists and/or IOM Rumania specialists, and of the analysis of the information from the corroborative documents collected by the specialist during the recovery and reflection period and during the assistance in crisis situations (for example, the reports from the support team specialists: case manager, psychologist, social worker, lawyer, physician, etc.)

If the presumed victim is a child, the hearing/interview must be done by an expert in interviewing minors, in the presence of a specialized psychologist from GDSACP or NGO and in the presence of the guardian or of a legal representative.

For the victim, foreign citizen, the above situations are considered, with the provision of the translation, interpretation and/or intercultural mediation.

How will it be used?

In case the presumed victim cooperates with the investigation and prosecution bodies:

- By the hearing/re-hearing the victim by the prosecution and prosecution bodies;
- By collecting proves and evidence; their assessment to identify the facts and to check the information provided by the presumed victim;

If the presumed victim's cooperation with the investigation and prosecution bodies cannot be achieved for reasons beyond the victim's will, and if the victim refuses to cooperate with the investigation and prosecution bodies after the end of the 90 days of the legal recovery and reflection period:

- By the re-investigation of the victim with the help of the Identification Interview instrument;
- By the collection of additional documents and information: medical, psychosocial;
- By the analysis of the identification indicators in the NIRM ANNEX

Once the identification process has been completed, the person/minor has to be informed of its outcome and he/she must receive detailed information about the available options (the status in the criminal proceedings, possible protection measures, long-term care services).

In addition, the victims, foreign citizens, will receive information about the legal status and the possibility of assisted repatriation.

If, from the legal and victimological perspective, it is decided that the person/minor is not a victim of trafficking, the RC NAATIP, NGO, GDSACP, IOM specialists will notify the person/guardian of the case classification (closure of the case).

In the obvious cases of vulnerability, after giving his/her consent, the person will be referred to other specialized assistance services that deal with vulnerable people.

For the minors, the referral to another service will be made with the consent of the guardian or legal representative.

For the foreign citizen, the GII is notified in order for specific legal measures to be taken.

CHAPTER 5.

The Standard Operational Procedure: The referral

The Member States have to establish a mechanism for the immediate referral of the trafficked persons to services, based on close cooperation between police, immigration officers, labor inspectors, trade unionists, child protection services, prosecutors and NGO representatives or other providers of services. The Member States are encouraged to cooperate in developing and improving the referral of victims at transnational level.²⁵

The Referral operational procedure is specific to both presumed and identified victims, so that the unique denomination- victim - is used for both measures and actions.

The referral is the entrustment of the victim to the providers of specialized protection and assistance services;

The referral to the protection and assistance program must be done exclusively to specialized services.

The referral of the victims will be carried out by the institutions/ organizations conducting the interview for the identification/ assessment of the special needs and risks, namely: RC NAATIP, NGO/ GDSACP with specialized services, IOM.

Based on the information gathered during the identification interview, during the assessment of the special needs and during the assessment of the risks, taking into account the victim's opinion, the representative of the RC NAATIP and/or the representative of the specialized service provider identifies the necessary and available assistance and protection services.

Before the referral is made, the victim is fully informed of the available assistance and protection services, chooses the service he/she desires and gives his/her consent for referral.

The victim is given the right to choose to which institution or organization to be referred to.

The victim must be informed of the real possibilities to receive support according to the needs he/she has specified.

²⁵ The EU Directive on Preventing and Combating Trafficking in persons and on Victim Protection (Directive 2011/36/EU)

Every victim should receive full information on protection and assistance services in an honest manner, without unrealistic promises, as long as we know, that in practice, the compliance with the rights to assistance according to the needs may be deficient. In a victim-centered approach, the relationship should be and remain a trust-based one.

The assistance options and the conditions of the assistance and protection program are communicated as follows:

- oral and in writing;
- in a clear, professional and supportive manner;
- encouraging the victim to ask clarifying questions;
- confirming that the person/minor understands what has been explained to him/her;
- for a victim, foreign citizen, interpreting in the mother tongue or in another language he/she understands;
- for a child victim, in a sensible manner and in a language appropriate to the psychophysical development skills of the child.

At the same time, the service provider's notification point is informed about the arrival of the victim (the name of the person, the time of arrival, the escorts).

The referral is based on the case documentation, preferably, from the first moment of obtaining the consent, so that the following can be prepared:

- the reception of the victim,
- the urgent services he/she needs,
- the appointment of the case manager and the setting up of the support team.

The referral documentation will include all the information gathered in the identification steps:

- Informed consent for the identification interview (Instrument I2)
- the Identification Interview (Instrument I3)
- the decision notification according to NIRM (Instrument I4)
- the informed consent on the referral (Instrument I5)
- the assessment of the risks and of the special needs of assistance and protection (Instrument I6)
- the Immediate Risk Management Plan (Instrument I7)

In particular, the information on the health problems and on the

physical security risks is transmitted to the service provider, in due time, in order for actions to be taken in accordance with the Special Needs and Risk Assessment.

Also, when safe housing is needed, the decision is taken depending on the level of risk that the victim is supposed to face (high, medium and low risk cases) and the particular conditions involved (for example, mother with children).

The accompanying of the victim to the organization/institution providing the assistance is closely related to the risk assessment, but also to the need for emotional support of the victims.

The victim will be encouraged to go alone to the service provider, when no security issues are identified.

When taking over the referred case, the specialized service provider will designate a case manager who, on the basis of the information provided in the documentation submitted (assessment of special needs and risk assessment), will develop a crisis response plan to meet the needs by providing individualized services and will implement the measures of the Immediate Risk Management Plan.

For the referral of the cases Instrument 8. Referral Form will be used.

INSTRUMENT:
Referral Form

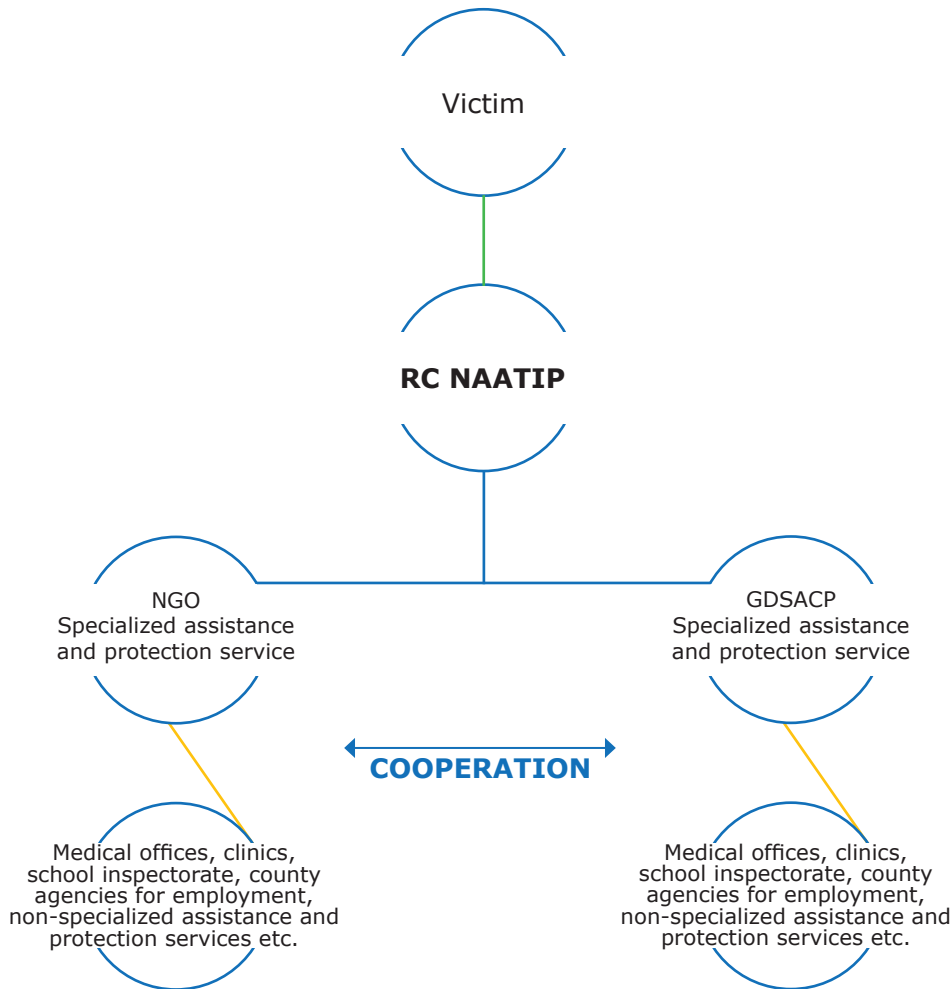
I8 Organization/Institution
Referral Form

To:
The specialized service for assistance and protection of the victims
of trafficking in persons/minors within:
.....
.....

Hereby we refer the following case:
(the name of the victim)
Date of birth:
in order to be included in the specialized assistance program.

Ways of contacting the victim:
Telephone:
The victim will be accompanied to the assistance center:
.....
The victim will contact the assistance service:
.....
The person who refers the case:
Name:
Position:
Contact:
Date: Signature:

Chart 1 Victim referral



Assistance and protection in crisis situation

It is the stage where the victims are provided with specialized services that respond to their immediate needs, as a result of the assessment of the special needs and of the risks and of the elaboration of the immediate risk management plan. This stage occurs after the victim is referred to the specialized assistance and protection services and he/she is taken over by the representative of these services.

The assistance and protection in crisis situation is the measure underlying the assistance for (re) integration of the victims of trafficking in persons.

The optimal period for crisis assistance is of three months and may coincide with the maximum period of recovery and reflection.

The assistance and protection in crisis situation is provided by the specialized service provider of the NGOs and the GDSACPs in collaboration with other service providers (institutions and NGOs), based on the individualized assessment of the special needs and of the risks.

The victims of trafficking in persons/minors referred to the specialized assistance and protection service providers, NGOs and GDSACP, benefit from services tailored to the needs and risks identified individually. Depending on the needs and risk assessment, the service providers will also refer the victims to other complementary service providers specialized in assisting the various vulnerable categories to which the victims may belong (eg people with disabilities, people infected with HIV, drug addicts, victims of domestic violence, etc.).

The victims, foreign citizens, must have access to the same specialized services and service providers as the victims, Romanian citizens.

5.1 Measure 1: Assisted voluntary repatriation

The repatriation of the victims will be done taking into account the rights, the security and dignity of the person and will preferably be voluntary²⁶

²⁶ Art. 16, EUROPEAN C. CONVENTION CONCERNING THE FIGHT AGAINST TRAFFICKING IN PERSONS, Warsaw

What is it?

- The process of preparing and achieving voluntary return in the country of origin or residence of the victim of trafficking in persons/ minors from the country of destination through the transnational collaboration of the institutions and organizations involved in the identification and referral of the victims

!!! The assisted voluntary repatriation vs. The transnational referral The process of notifying, repatriating and entrusting the victim of trafficking in persons by an institution or organization in the country of destination to a provider of specialized services for victims of trafficking in persons in the country of origin represents the transnational referral of the victim.

When is it used?

- If, after receiving the consent of the person for repatriation, the decision of returning the victim, Romanian citizen, to Romania was made;

- If the victim, Romanian citizen, who re/integrates into the country of destination needs to return to Romania for administrative, judicial or medical situations, such as: the change of the identity or travel documents, court appearances in civil proceedings (divorce, custody) or in the criminal prosecution process for trafficking, for medical investigations;

- If, after obtaining the consent of the person for repatriation, the foreign citizen's return in the country of origin or residence has been decided, or if the foreign citizen's residence on the territory of Romania is no longer possible;

The victim's decision to return to the country of origin/residence is obtained after having received explanations about the steps taken for repatriation. At the time of the decision, the victim may be included in a protection and assistance program or may only be in contact with the diplomatic mission from the country of destination.

After providing the information, the victim of trafficking in persons receives reasonable time to make a voluntary, informed decision in accordance with his or her rights. Reasonable time will also be given to the organizations and institutions from the country of origin/ residence that will take over the victim after the repatriation, to ensure functional and safe procedures.

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For the victim, foreign citizen, an intercultural translator or mediator will be used, the information being provided in a clear, realistic way and in a language he/she can understand, preferably in his or her mother tongue.

For the minor victim, the higher interest will be taken into account, the assisted voluntary repatriation being a decision taken after the minor victim has received information in plain terms, and after he/she was consulted and able to express his/her point of view at the various stages of the trial. The decision to repatriate a minor victim is taken with the consent of his/her legal representative/guardian.

Who uses it?

NAATIP acts as a national focal point for notification in the cross-border trafficking in persons/minors cases and coordinates the national components of the voluntary (assisted) repatriation in collaboration with other specialized partners: diplomatic missions from the destination countries, IOM, NACRPA for minors and GII for the victims, foreign citizens, identified in Romania.

The measure will be used according to the particularities of the case and according to the nature of the organization or institution that notifies it, as follows:

For the victim, Romanian citizen, there are two situations:

- The victim, adult Romanian citizen, presumed/identified in a destination country

For the victim, adult Romanian citizen, found in the country of destination, the notification for repatriation must be made by different organizations and/or institutions from that country to the national focal point of notification, namely NAATIP.

At the time of the repatriation decision, the victim may be in contact with: the specialized protection and assistance services from the country of destination, the embassy or consulate, the IOM, other institutions.

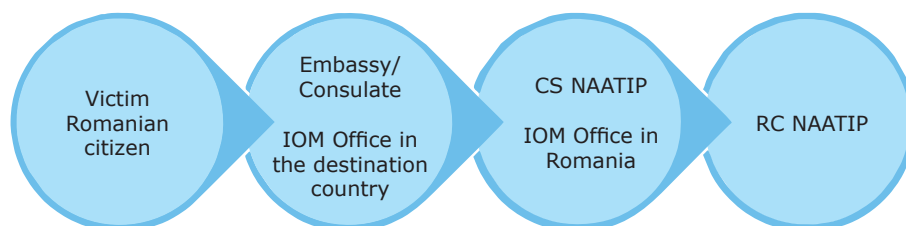
If these institutions/organizations contact different institutions/organizations in Romania other than NAATIP, the latter have the obligation to notify NAATIP, the moment of notification being the

moment of activation of the measures in the National Identification and Referral Mechanism.

If the institutions/organizations from the country of destination contact a provider of specialized services for victims of trafficking in persons from Romania/IOM, following the notification of NAATIP, NAATIP will either monitor the implementation of the measures foreseen in the NIRM for the assisted repatriation of the victims, or cooperate to implement the above mentioned measures.

The assisted repatriation will be organized as follows:

Chart 1 Victim, adult Romanian citizen

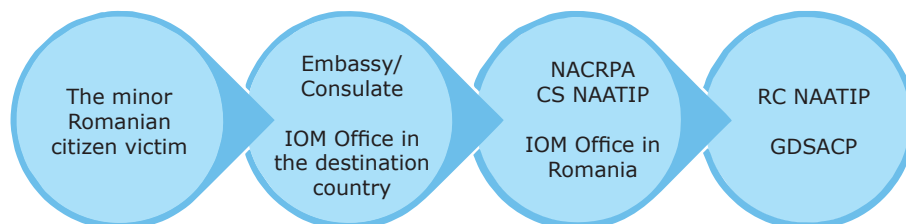


- Victim, minor Romanian citizen, presumed/identified in a destination country

At the time of the repatriation decision, the minor victim may be in contact with: the specialized public services for the protection and assistance of minors from the country of destination, embassy or consulate, IOM etc.

The assisted Repatriation will be organized as follows:

Chart 2 Victim, minor Romanian citizen



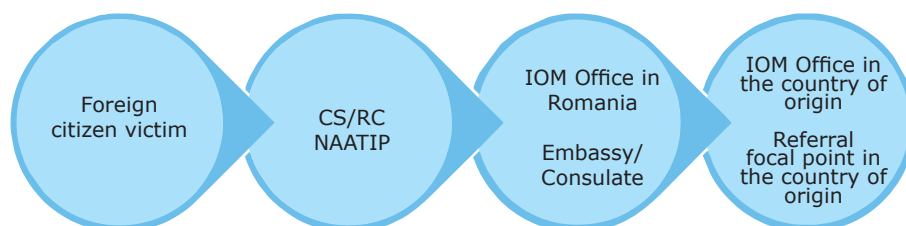
For the victim, foreign citizen, there are two situations:

- Victim, adult foreign citizen, presumed/identified in Romania

At the time of the repatriation decision, the victim may be in contact with: specialized NGO and/or GDSACP protection and assistance services, embassy or consulate, GII, IOM, and migrant integration service providers.

The assisted repatriation will be organized as follows:

Chart 3 The victim, foreign citizen, presumed/identified in Romania

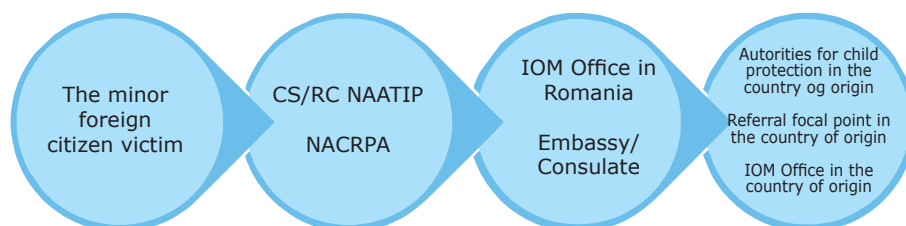


- The minor victim, foreign citizen, presumed/identified in Romania

At the time of the repatriation decision, the minor victim may be in contact with the same institutions and organizations as the adult victim foreign citizen, respectively with the specialized services for child protection and assistance. In these cases, NACRPA has the central role in the transnational repatriation/referral, which will inform and cooperate with NAATIP as a national focal point.

The assisted repatriation will be organized as follows:

Chart 4 Minor victim, foreign citizen, presumed/identified in Romania



How is it used?

The assisted voluntary repatriation involves a series of actions aimed at ensuring the safe return, with dignity, on the basis of the person's consent, with specialized assistance and with the takeover of the person at the point of arrival in the country of origin or residence.

Action 1. The exchange of information before the repatriation

The information exchange is a process of variable duration carried out in order to effectively coordinate the process of voluntary (assisted) repatriation between the national anti-trafficking focal points, international organizations and pre-repatriation assistance providers, namely those from the country of origin/residence, that offer assistance services for re/integration.

It is recommended that information exchanges on the victim and his/her situation be carried out while maintaining confidentiality, in accordance with the right of the individual to privacy, with the aim of obtaining the minimum information necessary for the smooth running of the voluntary (assisted) repatriation.

For the victim, foreign citizen, the exchange of pre-repatriation information implies:

- identification of the national focal point in the country of origin/residence for the victim, adult/minor foreign citizen;
- identification of the organization/institution specialized in protection and assistance in the country of origin/residence that can collaborate in the assessment of the special risks and needs before repatriation;
- if the victim requests, the relationship with the family from the country of origin/residence is mediated;
- the information of the victim about the rights and possibilities of protection and assistance in the country of origin/residence;
- pre-repatriation telephone advice made by a specialist from the country of origin/residence, when the victim requests this service;
- the determination of the optimum time for organizing the trip

For the victim, foreign citizen, the case repatriation documentation will be done in an international language. The documents to be sent to the focal point from the country of origin/residence are as follows:

- Informed consent for the identification interview (Instrument

I2)

- The identification interview (Instrument I3)
- The decision notification according to NIRM (Instrument I4)
- Informed referral consent (Instrument I5)
- The assessment of the risks and special needs of assistance and protection (Instrument I6)
- The immediate risk management plan (Instrument I7)
- Other corroborative documents: police reports, medical records, etc.

The victim will be kept permanently informed of the stage of preparation of the assisted repatriation.

Information will be provided to the victim in clear language or in a language that the victim can understand and include:

- The activities included in the repatriation process;
- If he/she will travel accompanied by escort;
- Access to pocket money or food during transportation
- If it is needed the accommodation of the victim for one night until the final point of arrival;
- Details of the team that will be present in transit/on arrival and who will take the victim over;
- Contact details of the assistance provider from the country of origin, the name and telephone number of a designated person

Action 2. Special assessment of the needs and of the security risks in the transnational cases of /trafficking in persons/minors

The assessment of the risks and needs for repatriation involves both the assessment of the victim's special needs and of the risk involved in his/her transfer to the country/place of origin or residence.

In order to repatriate the victim, the same actions are taken into consideration POS Identification, Measure 5, respectively, The assessment of the risks and special needs of assistance and protection, using the same working tools, respectively Instrument 6 - Special assessment of the needs and of the security risks and Instrument 7- The immediate risk management plan, as well as an action plan for securing the cross-border transport of the person/minor.

Upon receipt of a notification about the victim, Romanian citizen, by NAATIP²⁷, in order to document the case before repatriation, it requires the partners in the country of destination to complete and transmit in a timely manner the working tools for the special assessment of the victim's needs and security risks. Together with the request sent to the country of destination, NAATIP with the consent of the victim, will take measures through the RC NAATIP and through its territorial partners (local police, GDSACP, etc.) to assess the situation at the victim's home.

For the minor victims, it is necessary to assess the family and obtain their consent for repatriation and in order to establish the most appropriate protection measure. The minor victim will not be obliged to return to the family/guardians if they are unable to take care of and protect the child and/or are suspected of being involved in the trafficking process. With the consent of the minor victim, other adult support persons will be considered only if they meet the social and legal conditions.

For the Romanian minors unaccompanied on the territory of another state, a temporary legal representative will be appointed to ensure the best interests of the child during the procedures of: the risk assessment, the family assessment, the decision on the assisted voluntary repatriation and family reunification or the foster measures of the child in the country of origin or destination. The status of the guardian will be established (legal, temporary, consultant, case manager from the assistance provider from the country of destination, GDSACP case officer). It will be assessed whether the current legal guardians of the child (parents or others) are fit to continue this role and if they can represent the best interests of the child.

Minor victims have the right to receive immediate assistance and protection in accordance with their age, with the identified needs and with the social or cultural particularities. The child will remain under the responsibility of the legal representative until a durable solution has been identified for his/her future or until he/she is 18-years-old, has left the territory or jurisdiction or he/she is repatriated to the legal guardian or parents in the country of origin/residence.

²⁷ If the notification is made to another specialized Romanian institution/organization, after notifying the case to NAATIP, it may implement the NIRM measures regarding the repatriation of the victim or may request NAATIP support in this respect.

For the unaccompanied minor victim, foreign citizen, located on the territory of Romania²⁸, the repatriation may be made following prior assessment by the competent authorities, only if the minor is sent to the parents, when they have been identified and do not reside on the territory of Romania, to the family, with their consent, to the designated guardian or to the appropriate reception centers in the country of origin/residence. If the parents are not identified or other family members or if the minor is not accepted in the state of origin, he/she is granted the right of temporary stay on the territory of Romania²⁹.

Simultaneously with the implementation of the measure, at the request of the victim, the contact between the victim and his/her (origin/nuclear/extended) family will be restored in order to strengthen the emotional support network for the person/minor.

For the victims, Romanian citizens, who are in the process of integration into the country of destination, but need to be repatriated for reasons related to the renewal of the identity documents, are involved in criminal or civil proceedings in Romania or have other needs related to assistance and protection, on short or medium term, the same measure of special needs and risk assessment will be applied. The victim will benefit from the NIRM specific measures for assisted voluntary repatriation as well as from other measures specific to the period of stay in Romania.

Action 3. Acquisition of the travel documents

For the legal and safe transport of the victim, all the necessary travel documents will be obtained:

- Travel tickets
- Visa / transit visas if needed
- Medical evaluation stating that the victim is fit to travel
- The same documents for the escort when the situation requests it

Action 4. Assistance for departure and transport to repatriation in safe conditions

It is the action that organizes and carries out the transport of the victim from the country of destination in Romania or from Romania

28 EMERGENCY ORDINANCE No. 194 Republished *) of December 12th, 2002 on the regime of aliens in Romania

29 For the third-country nationals or foreign nationals

to the country of origin:

For the victim, Romanian citizen, in the country of destination the assistance for departure will be granted according to the procedures existing in that country.

If the Romanian diplomatic missions are directly involved in the transport for repatriation, the victim will benefit from:

- company and emotional support up to the border;
- information on boarding and/or other transport related information: transit points, assistance in transit;
- information on who and how the assistance will be done upon arrival

If transport for repatriation is carried out by land, the victim will benefit from food and/or funds to cover the specific needs for long-term transport.

Before the trip, the victim will receive: the travel documents, the contacts of the specialists who will take him/her over upon arrival and he/she will be informed about how the take-over and his/her escort to the place of the assistance or to his/her home will take place.

For the victim, foreign citizen in Romania, the assistance for departure will be provided by the NAATIP, IOM specialist and/or NGO and GDSACP specialized services specialists, following the same coordinates as in the case of the victim, Romanian citizen in the country of destination.

Specifically, for the adult victim, foreign citizen, the assistance for departure will be provided by a specialist from any of the institutions and organizations mentioned above who, if necessary, will request another specialist from the same institutions and organizations.

For the minor victim, foreign citizen, the assistance for departure will be provided by a GDSACP or IOM specialist who, if necessary, will request other specialists from the above-mentioned institutions and organizations.

If the person/minor victim is not fit to travel alone, escorts can be organized to facilitate the safe transport of the victim until his/her takeover.

Escorts can be:

- Operational escorts (IOM operations officers, social workers

and psychologists from GDSACP and NGOs) for both minors and vulnerable adults;

- medical escorts, both for minors and adults with health problems (doctors and nurses from the network of assistance and protection of victims of trafficking in persons)
- security escorts for those victims who may be in danger during their journey (law enforcement).

For the victim, foreign citizen, for his/her emotional safety, it is desirable that the escort be a specialist from the country of origin.

Action 5. Providing assistance on arrival

Specific to the victims, Romanian citizens, exploited abroad, the assistance on arrival is the action by which the victim benefits from taking-over from the border, company and emotional support immediately after arriving in Romania; assistance provided by NAATIP, IOM specialists, and/or by NGO or GDSACP specialized services specialists.

For the adult victim, the assistance on arrival will be provided by an NAATIP or IOM specialist who, if necessary, will request a second specialist from the NGO or GDSACP specialized services.

For the minor victim, the assistance on arrival will be provided by a GDSACP specialist and/or by a IOM specialist who may request, if necessary, other specialists from the institutions and organizations mentioned above.

The organization of reception of the victim of trafficking in persons/ minors, foreign citizen, at the border point from the country of origin/residence will be done in accordance with the procedures in the respective country.

The assistance on arrival will always be done with prior notification of the Border Police.

For the minor victims, Romanian citizens³⁰:

The diplomatic missions and the Romanian consular offices shall communicate, through the Ministry of Foreign Affairs, to NACRPA and to the Border Police General Inspectorate, the name and surname of the child, the number and the series of the travel document,

³⁰ Decision no. 1443/2004 of 02/09/2004 Published in the Official Gazette, Part I no. 873 of 24/09/2004 on the methodology for the repatriation of unaccompanied Romanian children and the provision of special protection measures in their favour.

the means of transport, the border crossing point, the date and time of arrival at the Romanian border crossing point, as well as identification data of the child's attendant.

The data are communicated to the family or to the legal representative by NACRPA. The Border Police General Inspectorate communicates the data regarding the repatriated child to the border point where he/she is to arrive, in order to facilitate the access of the legal representatives of the child or of the designated person for the purpose of welcoming, taking over and accompanying the child home or to the specialized center for receiving unaccompanied children or trafficked victims (managed by GDSACP or NGO).

The GDSACP from the minor victim's home area will designate a person to take him/her over from the point of entry/arrival in Romania and to take him/her to his/her home or to the specialized center for the receiving of unaccompanied or trafficked children from the home county of the child or from the county where the border crossing point is located. If the GDSACP with legal competence in this respect is unable to take these steps, the NACRPA will delegate these tasks to the GDSACP from District 2, Bucharest.

The adult/minor victim will be taken and transported safely, as appropriate, to:

- a) the center of the provider of specialized assistance and protection services;
- b) the departure point to the home town.

Consideration will be given to providing immediate assistance and protection in crisis situation, depending on the risks and needs assessed.

The team of specialists responsible for taking over the victim will forward to the partners from the country of destination the confirmation of the arrival of the victim in the country of origin and his/her safe takeover.

If the victim, Romanian citizen, does not want to be included in a protection and assistance program for social reintegration, the team present at the point of arrival/border in Romania will provide him/her with the contact details of the RC NAATIP from the home area and/or with the contact details of the NGOs/GDSACPs with specialized protection and assistance services for victims of / trafficking in persons/minors.

Assistance for (re) integration

The assistance of the victims³¹ is an obligation of the European states and implies:

1. The involvement of all the steps by which victims of trafficking in persons/minors have access to physical, psychological and social recovery.

Such assistance shall include at least:

(a) living conditions that can ensure their subsistence, by measures such as appropriate and safe housing, psychological and material assistance;

(b) access to emergency medical care;

(c) translation and interpreting services, if necessary;

(d) advice and information in particular on the rights provided for by law for victims and the services made available to them, in a language they can understand;

(e) assistance enabling the rights and interests of the victims to be presented and taken into account at all stages of the criminal proceedings against the perpetrators of the offense;

(f) access to education for minor victims.

2. Taking into account all needs in the field of security and protection of the victims;

3. Provision of the necessary medical assistance or of any other kind of assistance to victims residing legally in the country;

4. Adoption of rules allowing victims with legal residence on the territory of the country to have access to the labor market, to vocational training and education;

5. Where appropriate and under the conditions laid down by the national law, the implementation of all the steps to cooperate with non-governmental organizations, other competent organizations or civil society representatives providing assistance to victims;

6. Adoption of the legislative measures and of other measures necessary to ensure that assistance given to a victim is not

31 ARTICLE 12, THE CONVENTION OF THE EUROPEAN COMMISSION ON THE FIGHT AGAINST TRAFFICKING IN PERSONS, Warsaw 2005

conditional on her willingness to work with the investigation and prosecution bodies;

7. Provision of the services with the agreement and information of the victims, taking into account the specific needs of the vulnerable persons and the children's rights regarding accommodation, education and appropriate medical care.

In Romania as well, the assistance for (re) integration is the ensemble of specialized services provided to victims of /trafficking in persons/minors, Romanian and foreign citizens, through the multidisciplinary intervention of several institutions and organizations specialized in the field of referral, protection and assistance to victims through which the victims are secured, on a long-term, from three perspectives:

- Ensuring physical protection;
- Ensuring emotional stability;
- Ensuring economic stability.

The social (re) integration of the victims is the result of a process, in which specialists (psychologists, social workers, doctors, educators, lawyers) belonging to non-governmental organizations and/or to state institutions, provide specific protection and assistance services based on the agreement of the victim/guardians, in line with approach centered on the victim's rights.

The specialized protection and assistance programs will focus on the victim and on his/her individual needs being organized in a de-institutionalized manner, involving the beneficiaries in the choice and use of the assistance services.

The social (re) integration of the victim of trafficking in persons involves the consolidation of the independent living skills, the improvement of the social functioning and of the physical, emotional and economic well-being of the person, all of which have the effect of eliminating the risks of revictimization.

The reintegration assistance is granted after the end of the crisis assistance period by NGOs and GDSACPs with specialized services for the protection and assistance of the victims of trafficking in persons, in cooperation with:

- health care providers;
- law cabinets/firms;
- school inspectorates;
- providers of professional qualification and integration into work;

- NGOs and GDSACPs with specialized services for persons/minors with disabilities, with drug addiction, with HIV/AIDS, victims of domestic violence, with maternity centers etc.

For the victim, foreign citizen, in addition to the aforementioned collaborators, the following structures will also be involved:

- GII through the transit centers and through the accommodation centers and procedures for asylum seekers for non-European nationals
- GDSACP through centers for minors, unaccompanied foreign nationals
- NGOs and international organizations with specialized services for the integration of migrants in Romania
- Intercultural mediators, translators

An integral part of the long-term support provided to the victim of trafficking in persons/minors is also their support during the criminal and civil proceedings.

The victims of trafficking in persons/minors have to be given access to justice and fair treatment, as well as to the exercise of their rights, with the support of the competent authorities and of the institutions and organizations that assist them.

To have immediate access to these rights, the victims are fully informed of all judicial options and procedures and are assisted by professionals in the field at all stages of the NIRM, from their identification to their enforcement phase.

Victims are monitored after the process is completed, as long as there are security risks for them and their families and they are informed of the available protective measures.

The support given to the victims is provided through the National Program for the coordination of the victims in the criminal proceeding, implemented at national level by NAATIP in collaboration with institutions and organizations active in the field of the fight against / trafficking in persons/minors. Initially thought of as a program to be carried out in Romania, the program has proved its efficiency also in transnational cases, so victims of trafficking in Romania requested or quoted for hearings in the destination countries benefit from cross-border coordination.

For the victim, foreign citizen, the coordination in the criminal proceeding and in the claim for compensations will be implemented even if the victim returns to his or her country of origin or establishes himself/herself in a third country.

Each specialized service provider develops tools for reporting, evaluating, and internal monitoring of the services offered, taking into account both the type of services and their quality. The victim/guardian is permanently active in evaluating the protection and assistance services. Each provider of specialized services performs post-intervention monitoring for at least six months after the victim has left the program.

The number and quality of the services implemented within the program of specialized protection and assistance for the re/integration of the victim is monitored periodically by NAATIP through its RC NAATIP regional structures.

CHAPTER 6. Evaluation and monitoring of the implementation of the NIRM specific measures

The NIRM involves a multidisciplinary and intersectoral formal cooperation between all involved participants, with precise roles, responsibilities and obligations. Appropriate monitoring and evaluation tools can measure the outcomes and can plan the future strategies and actions to provide the victims of trafficking in persons with appropriate forms of assistance and protection.

What is it?

The NIRM monitoring refers to the continuous supervision of the implementation of the measures, the identification of the operational difficulties and the action recommendations. The monitoring aims at improving the efficiency and effectiveness of the NIRM and ensures that measures are translated into results. The monitoring is permanent.

The evaluation of the implementation of the NIRM involves, systematically and objectively, the determination of the relevance, effectiveness and impact of the measures to better identify and refer the victims of trafficking. The evaluation allows the analysis of results to improve the effectiveness of the NIRM and can generate proposals and decisions on subsequent changes.

Monitoring vs. evaluation: While monitoring focuses on the implementation of the NIRM (namely on the measures and activities undertaken), the evaluations are more concerned with the consequences of the implementation of the NIRM.

When will it be used?

The monitoring will be half-yearly and the evaluation will be carried out at the end of each calendar year.

Who will use it?

The monitoring and the evaluation are part of the focal point of the NIRM, respectively NAATIP. The RC NAATIP is responsible for

centralizing, analyzing and evaluating the information obtained from the monitoring activities carried out by the RC NAATIP in collaboration with the institutions and organizations responsible for the implementation of the NIRM measures and actions.

How will it be used?

The monitoring of the measures and actions, both for POS Identification as well as for POS Referral, will be done mainly using the SIMEV indicators, which allow different perspectives of quantitative analysis of the victims of trafficking in persons, of the institutions and organizations involved, of the results obtained but also the record of some qualitative aspects in relation to the activities carried out.

The monitoring of the individualized (re) integration plans and of the quality of the assistance services implemented is of a permanent nature, given the dynamics of the victim's progress/stagnation in the program, and is carried out by each provider of specialized services for victims. The activity has a twofold purpose: to appreciate how the services provided respond to the needs for which they were initiated; to operate changes in the intervention plan/update of the objectives and services.

ANNEX 1: Lists of indicators that can be used for the initial assessment of a possible trafficking situation or for the identification of a presumed victim of trafficking in human beings

INDICATORS OF ACTIONS

CHART 1. RECRUITMENT

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>The Person doesn't know how he got the work documents</p> <ul style="list-style-type: none"> • The Person paid excessive fees for recruitment • The Person didn't know where he was going to work • The employer cannot show an employment contract. • The Person paid someone to get the job • The Person didn't apply for 	<ul style="list-style-type: none"> • How did the Person learn about the job (advertisement, informally, direct contact)? Was the Person targeted by a recruiter or broker? • Who organised the recruitment? • To whom did the Person pay recruitment fees? How much? • Is there a current debt linked to recruitment? • Did the Person ask for not taking the job after having completed the training? 	<ul style="list-style-type: none"> • Gather and examine all documents related to recruitment and the terms and conditions of work, from the employer, worker, and other sources (e.g. third parties such transportation services, newspapers or other media containing the original job advertisement, banks or money transmittal services that establish recruitment fees) • In case of sexual exploitation, examine documents, if available, with promises of a job, its nature and conditions. • Search for records of com- 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Sources related to recruitment (e.g. job advertisements in newspapers, on the internet, on the radio, or on television; posters; leaflets) • Records of financial transactions between the employer, intermediary and

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>the job</p> <ul style="list-style-type: none"> • The Person has no employment contract or the terms and conditions are poorly defined. • The employment contract is written in a language that the Person does not understand. • The Person signed a new employment contract upon arrival at work (this practice is sometimes called "contract substitution"). 	<ul style="list-style-type: none"> • Did the Person sign an employment contract? If so, is the Person's signature genuine? Was the contract signed under duress? • If the Person signed an employment contract, does the Person understand the terms and conditions? Is it written in a language the Person understands? Has the contract been altered in any way since the Person signed it? 	<p>munication to establish means of recruitment, relationships between employers and recruiters or brokers, and terms and conditions of work.</p> <ul style="list-style-type: none"> • Interview workers. Find out how they were recruited, what they were promised and what their expectations were, and the actual terms and conditions of work. • Interview employers, managers/supervisors and other relevant personnel. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective and current workers. If the employer uses an intermediary, does the employer have procedures 	<p>the Person (e.g. pay slips, books and registers, bank records, other electronic and paper records)</p> <ul style="list-style-type: none"> • Correspondence between recruiter, employer, worker, and any third parties involved • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Records of transportation (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts) • Public records, media reports and information from government databases

Signs	Causes (questions to be asked to one-self, not directly to the victim)	Used methods	Collected evidence
		<p>in place to prevent fraud and abuse?</p> <ul style="list-style-type: none"> • Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional qualifications, correspondence). • Where applicable, check whether intermediaries are licensed and certified by the competent authority. • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary. • If appropriate, speak with other law enforcement and civil society representatives to find out what information, if any, they know about the employer and intermediary. • In cases of internal or cross-border movement, reach out to local law enforcement in the region or country of origin for any information about the Person, the intermediary, or the employer. • Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin), who may be familiar with recruitment methods used and the terms and conditions of work originally promised 	

CHART 2.TRANSPORTATION-TRANSFER

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person did not organise his/ her transport • The Person had to hide during transportation • The Person had to lie to during border control • The Person doesn't know the travel route from the place of origin to destination • The worker shows signs of fear of the man or women who accompanies her • A third person gives the passport back to the Person just before crossing the border • Travellers in a group do not appear to know each other • A third party (e.g. driver) answers questions on behalf on one or several passengers • The travel documentation and statements provided by the Person do not match other observations (luggage, physical appearance and condition, language abilities, etc. do not correspond with the Person's story) 	<ul style="list-style-type: none"> • Who organised the transport? Who paid for it? • Is there an agreement for the Person to pay it back? In which terms? • Who forced the Person to hide? • Who forced the Person to lie? • Why did the Person hand over passport to someone else to cross the border? 	<ul style="list-style-type: none"> • Interview the Person • Interview men or women travelling with the Person • Gather and examine all travel documents and receipts of payments related to transport • Inspect the mean of transport (bus, car, lorry) 	<ul style="list-style-type: none"> • Witness statements • Transport receipts • Pictures

CHART 3. HARBOURING, RECEIPT

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person lives and sleeps at work. • The sleeping areas are overcrowded. • The conditions are unhealthy and there are no basic hygiene facilities. • There is lack of access to food and water. • There is limited or no right to privacy. • The living place is unsuitable for living, such as basement, storage shed or tent. • The Person has limited freedom to move in his / her place. • The Person is denied to choose or change his / her place of residence. • The Person is forced to stay in a confined place during 	<ul style="list-style-type: none"> • Does the person sleep at work? Or does he / she live in another place provided by the employer, e.g. does he / she live with the family of the employer? What are the conditions of living? Is his / her freedom to move somehow restricted by the employer ? • What part of the salary/wages is deducted to pay accommodation? • Is the Person dependent on the employer or in a vulnerable position (see the signs of 'vulnerable position')? What happens if the Person complains and refuses to live in the place imposed by employer? Does the person fear from dismissal or other penalties? Is the Person obliged to work in substandard conditions in order to keep the job? • Does the Person report any other threats? 	<ul style="list-style-type: none"> • Inspect sleeping areas and check whether workers have adequate sanitary facilities, private space, access out of the premises, available media, other services, etc. • Speak with workers about the living conditions and their willingness to accept them. • Speak with employers about the policies concerning the living at the work place. • Take and remove samples, materials and substances used at the living place for analyzing the possible risks for health and safety of workers. • Look for video surveillance, locks 	<ul style="list-style-type: none"> • Pictures of the living place • Measure temperature during day and night hours • Receipts with amount deducted for housing • Workers testimonies

INDICATORS OF MEANS

CHART 4. THREATS

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person demonstrates fear and anxiety, especially at the presence of supervisor or manager. • The Person demonstrates fear and anxiety, especially at the presence of men or women who accompany him / her during transport, transfer or border crossing. • The Person makes statements that are incoherent or show indoctrination. • Men or women 	<ul style="list-style-type: none"> • Does the Person try to escape while crossing the border? • Have workers who were not subjected to violence witnessed it occurring? Did they feel threatened or intimidated as a result? • Does the Person report any threats or sanctions against him-/ herself, his / her co-workers or family members? What kind of threats? • Why threats and sanctions are used according to the employer (absenteeism, production errors, strike, unsatisfactory performance or refusal to work (overtime))? Do they have any legal and factual founda- 	<ul style="list-style-type: none"> • Speak with workers individually, and keep in mind the security and confidentiality of these interviews to protect the Person from any possible reprisals; if possible and appropriate, meet workers off-site or use hot-lines. • Speak with a broad cross section of workers to determine whether disciplinary measures require or result in an obligation to work; try to identify and interview especially those workers who have been disciplined for different types of infractions; seek also workers who have been dismissed by the employer. • In cases where strike action has occurred recently, speak with workers who participated in or led the 	<ul style="list-style-type: none"> • Notifications / e-mails / other correspondence concerning blackmailing, denunciation to authorities, informing the family of the Person, dismissals, or other threats and sanctions • Workplace documentation regarding disciplinary measures, such as codes of labour discipline, other workplace regulation, written warnings or reprimands given to workers, pay slips, records of bank accounts and other evidence on financial transactions verifying the use of punitive fines • Workers' testimonies, including also dismissed and escaped work-

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>who accompany the Person during transport, transfer or border crossing show aggression towards the Person.</p> <ul style="list-style-type: none"> • Supervisors, managers, men or women who accompany the Person show aggression towards the Person. • The Person is subjected to unjustified, arbitrary (threats of) disciplinary measures. • The Person seems harmed and deprived from essential life necessities, such 	<p>tion? Does the Person agree with the given reasons?</p> <ul style="list-style-type: none"> • What is the impact and credibility of the threats from the Person's perspective taken his / her personal characteristics, beliefs and socio-economic background? • Does the Person feel unable to leave the work? <p>Has any worker actually left or refused to work when they have wanted? If yes, what happened?</p> <ul style="list-style-type: none"> • If workers were dismissed or other way punished, were they given any warnings and notices, oral or written? • Does the Person demonstrate any fear or call for help, directly or indirectly?? Does 	<p>strike to determine whether they faced punishment for having done so.</p> <ul style="list-style-type: none"> • Contact employers' and workers' organisations and examine legal records for any evidence of outstanding complaints or actions taken against the company, for example in a labour tribunal • Discuss with the employer the company policy on violence, harassment and intimidation in the workplace, and examine copies of such policy; speak also about the grievance mechanisms, disciplinary measures and management responses to strike action. • Speak also with supervisory 	<p>ers</p> <ul style="list-style-type: none"> • Records of previous complaints against the employer • Expert statements about the trauma and post-traumatic disorder and the religious and cultural background of victims (credibility of the threat) • Pictures of attitude during border crossing

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
as food, water, accommodation and sleep.	he / she want to leave the work? If yes, does he / she think that would be possible? What are the person's emotional reactions to the possibility of staying ?	staff to determine whether the measures used to discipline workers result in an obligation to work. • Review company documentation (incl. correspondence) regarding disciplinary measures and sanctions to determine whether the company imposes work as a penalty	

CHART 5. USE OF FORCE

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person has visible injuries (e.g. bruises, scars, cuts, stab wounds, mouth and teeth injuries, cigarette burns). • The Person's injuries are untreated. • The Person shows signs that he / she is anxious or afraid (e.g. sweating, trembling, difficulty responding to questions directly, avoidance of eye contact for reasons unrelated to culture). • The employer, manager/supervisor or others display aggressive behaviour towards workers. • Multiple workers have injuries. • The Person has consumed drugs, alcohol or other intoxicants. 	<ul style="list-style-type: none"> • What is the reason given for the injuries? Do the injuries seem consistent with the explanations given (e.g. could they be the result of workplace accidents or do they seem to have been deliberately inflicted)? • Do other workers have similar injuries? • If the Person was subjected to violence, when did it take place and on how many occasions? Who assaulted the Person (e.g. a supervisor or a coworker) and what was the exact nature and extent of the assault? • If the Person was subjected to violence, why did it occur? Was it used to threaten or punish the 	<ul style="list-style-type: none"> • Interview workers separately and in a confidential environment. Be sensitive to the risk of reprisals and the safety of workers, and ask for detailed descriptions of any incidents involving violence (e.g. by whom and against whom, time and date, exact location and its layout, any witnesses present, physical descriptions of those involved, whether medical treatment was obtained, etc.). • Obtain medical assessments of workers' health and injuries from experienced healthcare professionals (after obtaining the Person's consent). If relevant, test for drugs or other intoxicating substances that may have been 	<ul style="list-style-type: none"> • Witness statements • Written descriptions/notes • Audio-visual evidence (e.g. photos, video or digital recordings, diagrams/sketches indicating the location of the injury) depicting the injuries • Medical records of treatment or examination of injuries • Physical items that were used to cause the injuries (e.g. objects found on the premises, weapons) • Objects, clothing (of victim and attacker)

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person has visible injuries (e.g. bruises, scars, cuts, stab wounds, mouth and teeth injuries, cigarette burns). • The Person's injuries are untreated. • The Person shows signs that he / she is anxious or afraid (e.g. sweating, trembling, difficulty responding to questions directly, avoidance of eye contact for reasons unrelated to culture). • The employer, manager/supervisor or others display aggressive behaviour towards workers. • Multiple workers have injuries. • The Person has consumed drugs, alcohol or other intoxicants. 	<p>Person? Did any other workers witness the violence, and what was their reaction?</p> <ul style="list-style-type: none"> • If the employer claims that another worker or other workers were responsible for the violence, what was the employer's response? Did the employer punish anyone or take preventative measures? • What are the employer's policies and practices on violence, harassment and workplace discipline? What instructions have been provided to those enforcing these policies, such as guards? • How do workers describe the environment/atmosphere in the workplace? • If the Person has consumed drugs, alcohol or other intoxicants, 	<p>administered to or taken by the Persons.</p> <ul style="list-style-type: none"> • Interview employers, managers/supervisors and other relevant personnel. Ask about any policies and practices related to harassment, violence, and discipline in the workplace. • Examine any written policies and procedures related to physical and sexual violence. • Interview guards separately about policies and practices related to harassment, violence, and discipline in the workplace. Ask about employer instructions, their roles and responsibilities, and the means they use to carry out their jobs. • Check public records (e.g. court databases, 	<p>and other materials (e.g. bedding, furniture) that shown signs of violence (torn/damaged, containing blood or other biological materials)</p> <ul style="list-style-type: none"> • Biological materials (blood, semen, saliva, hair, etc.) • Detailed notes describing the injuries • Records from law enforcement, social service providers or any other actors that may have received reports of the violence • Public records, media reports and information from government

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	were they administered involuntarily or through coercion ?	government websites), government databases and media sources for information about any prior incidents of violence involving the employer and workers. <ul style="list-style-type: none">• Use forensic techniques to preserve, document and analyse physical evidence (e.g. biological materials, fibres from clothing)• Record any visible injuries.	databases describing any prior incidents of violence

CHART 6. RESTRICTION OF MOVEMENT

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person was confined in some way while being transported to the work-place. • The Person lives and works at the same location. • The Person is locked inside the work-place or living quarters. • The work-place, living quarters or workers themselves are concealed in some way. • There is an inaccessible fence around the premises (e.g. too high or covered in barbed wire) • Windows are inaccessible (have bars or are too small or high to access) or rooms have no windows at all. 	<ul style="list-style-type: none"> • Who was or is responsible for putting the restrictions into place ? Who enforces the restrictions, and what is their extent (e.g. are workers confined to one space only, or can they move freely within a specified area) ? • How is the Person monitored ? In addition to means such as surveillance by guards or cameras, are more subtle and less obvious means used (e.g. monitoring by co-workers) ? • If the Person lives and sleeps at the workplace, why ? Does the Person have access to a private, secure space ? • Was the Person confined when he / she travelled to the premises ? • Are restrictions 	<ul style="list-style-type: none"> • Inspect working areas, sleeping areas, and surroundings for signs of confinement. • Interview workers separately and in a confidential environment. Ask about any conditions related to their freedom of movement. • Interview employers, managers/supervisors and other relevant personnel. Ask about any policies and practices related to restriction of movement, such as workplace discipline, employer-provided housing and safety and security measures. • Examine any written policies and procedures related to restriction of movement. • Interview guards sepa- 	<ul style="list-style-type: none"> • Witness statements • Written descriptions/ notes • Audio-visual evidence (e.g. photos, video or digital recordings, sketches) depicting means of confinement and surveillance (e.g. locks, keys, chains, surveillance cameras, barbed wire, bars on windows, high fences, warning notices) • Floor plans of the working and living areas • Recordings from the surveillance cameras • Physical items (e.g. weapons, ammunition, warning notices)

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • Entrances and exits are guarded. • Guards carry weapons. • Surveillance cameras are used on the premises. • Signs warn the Persons not to leave the premises. • A curfew is in place. • The Person is always accompanied when he / she leaves the premises. • The Person has serious injuries or illnesses that are untreated. • The Person shows other signs that his / her movements are controlled. 	<p>imposed only during certain hours or at all hours ? If restrictions are imposed at all hours, does the Person ever leave the premises ?</p> <ul style="list-style-type: none"> • Does the Person need permission to go to the doctor, store, religious institution or other places? If permission is required for certain activities, is it granted promptly or often delayed ? What must a worker do to obtain permission ? • Is there a curfew ? • Is the Person accompanied by an agent of the employer when he / she leaves the premises ? • What are the reasons given for any restrictions? Do they reflect legitimate safety and security concerns, or do they seem disproportionate and extreme ? • If a worker were to violate the restrictions, what would the consequences be ? Has a worker ever resisted the restrictions? If so, what happened ? 	<p>rately about policies and practices related to restriction of movement. Ask about employer instructions, their roles and responsibilities, and the means they use to carry out their jobs.</p> <ul style="list-style-type: none"> • Conduct an "off-the-clock" inspection to determine whether workers are, in fact, free to leave the premises. • Conduct surveillance to determine whether workers are, in fact, free to leave the premises. Maintain a detailed surveillance log and if possible, take photos and recordings. • Assess whether any visible means of confinement are used to keep workers in or intruders out. For instance, does barbed wire face in or out of the premises ? • Record any means of confinement and surveillance. 	

CHART 7. ISOLATION

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>The Person did not speak to anyone during transport and transfer</p> <ul style="list-style-type: none"> • The workplace is in a remote location (e.g. in a rural area far from other buildings or communities). • The workplace is difficult to reach by public or private transportation. • The workplace cannot be reached by public transportation. • The Person has limited or no access to means of communication (e.g. phone, mail, internet). • The Person has limited or no access to the media (e.g. no television, radio, magazines, newspapers). • The employer, 	<ul style="list-style-type: none"> • How did the Person arrive at the workplace ? Does the Person know his or her location or address ? Does the Person know how to return home ? • Where is the workplace located, and are there any homes, businesses or other neighbouring dwellings nearby ? If so, is the Person aware of them or allowed to access them ? • Is the workplace accessible by public or private transportation? If the Person sleeps and works at the same location, how often does he / she leave the premises ? • Does the Person have access to means of communication (e.g. phone, mail, internet)? If so, is the Person able to utilize them in 	<ul style="list-style-type: none"> • Inspect the premises working areas, sleeping areas and surroundings for signs of isolation. Look for means of communication (e.g. pay phones and mobile phones, mail and mailboxes, internet). Verify whether workers are able to utilise these means in practice (e.g. do pay phones work, are workers provided with change to use them, and are they able to use them for personal communications)? • Look for media (e.g. television, radios, internet, magazines, newspapers). Verify that workers are able to access media in practice. • Interview 	<ul style="list-style-type: none"> • Witness statements • Written descriptions/ notes • Audio-visual evidence (e.g. photos, video or digital recordings, maps, diagrams, sketches) depicting the isolation of the location (e.g. badly maintained and inaccessible roads, distance from other buildings and persons) • Audio-visual evidence depicting restrictions on communication (e.g. lack of public phones or of places to purchase and add credit to mobile phones, keeping phones, internet, etc.

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>manager/supervisor or other relevant personnel monitor the Person's contact with others outside the premises.</p> <ul style="list-style-type: none"> • The Person is not permitted to contact others outside the premises. • The Person does not know his or her location or address. • The Person cannot speak the local language. • The workplace is inaccessible and difficult to reach for other reasons (e.g. private household, unregistered business). • The employer, manager/supervisor or other relevant personnel insist on answering questions on behalf of the Person and/or on translating all conversations. 	<p>practice ? If not, why ?</p> <ul style="list-style-type: none"> • Does the Person have access to media (e.g. television, radio, internet, magazines, newspapers) ? If so, is the Person able to access media in practice ? If not, why ? • Is the Person able freely to contact his / her relatives, friends or associates? Are the Person's • Is the Person able to study or learn the local language? If not, why? Has the employer taken any measures to prevent the Person from learning the local language? • Can the Person freely interact with others outside the premises (relatives, friends and associates but 	<p>workers separately and in a confidential environment. Ask how they arrived at the workplace and if they know their location, whether they're able to maintain contact with relatives, friends and the outside world, and about any other restrictions related to isolation.</p> <ul style="list-style-type: none"> • Interview employers, managers/supervisors and other relevant personnel. Ask about any policies and practices related to isolation, such as prohibitions on mobile phones, monitoring of phone calls, emails or letters, or other restrictions on communication and ac- 	<p>in places that are off-limits to the Person).</p> <ul style="list-style-type: none"> • Records of transportation to or from the premises (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts) • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Other physical items (e.g. mobile phones)

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	<p>also members of the public such as shopkeepers, taxi drivers, doctors, members of the same religious or ethnic community etc.) ?</p> <ul style="list-style-type: none"> • What are the reasons given for any restrictions on communications and media ? Do they reflect legitimate workplace concerns, or do they seem excessive and unwarranted ? communications monitored ? When was the last time the Person was in contact with them ? 	<p>cess to media.</p> <ul style="list-style-type: none"> • Examine any written policies and procedures related to isolation. • Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin) who can provide information about the nature and extent of their contact with workers. • Speak with local authorities who are familiar with the location of the workplace about the area's population, infrastructure, transportation and other services. • Record any means of isolation 	

CHART 8. RETENTION OF ID DOCUMENTS

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person does not possess or have access to his / her ID documents (passport, ID card, visa, work or residence permit) or other valuable personal effects (return ticket). • The ID documents or other valuable personal effects are kept by the employer or an intermediary. • If kept by the employer or an intermediary, the Person cannot obtain access to ID documents or other valuable personal effects within a reasonable period of time. • Retention of ID documents or other valuable personal effects is used to pun- 	<ul style="list-style-type: none"> • What documents or belongings are retained ? When were they retained (during the Person's recruitment or after employment) and for how long have they been retained ? By whom ? • Are the documents or belongings being retained temporarily or indefinitely? • How are the documents or belongings secured (e.g. locks, keys, combination, off-site location)? • Was the Person told that his or her documents or belongings would be retained ? Did the Person agree ? • What explanations does the employer or intermediary provide for re- 	<ul style="list-style-type: none"> • Interview workers. Ask about the location of their documents and belongings and their ability to access them. • Interview employers, managers/supervisors, and other relevant personnel. Ask about the policies and practices underlying the retention of documents and belongings and for proof that they are being retained for the reasons provided. • Check with other government agencies to verify whether explanations that are given for the retention of documents (e.g. for visa renewals or 	<ul style="list-style-type: none"> • Witness statements • Descriptions/written notes • Audio-visual evidence (e.g. photos, video or digital recordings, maps, diagrams, sketches) depicting the location where workers' documents or belongings are kept and the means used to secure them (e.g. locked drawer, safe, guarded or off-site location) • Audio-visual evidence (e.g. photos, video or digital recordings, maps, diagrams, sketches) depicting the documents or belongings that

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>ish workers.</p> <ul style="list-style-type: none"> • The employer or intermediary provides different explanations for retaining the ID documents or other valuable personal effects. 	<p>taining documents or belongings ? Do the explanations seem reasonable? Are they legal ?</p> <ul style="list-style-type: none"> • If the explanation given is that the documents or belongings are retained for security reasons, do workers have access to them on request or within a reasonable period of time ? • What impact does the retention have on the Person ? Does the Person feel unable to leave his / her employment without risking the loss of the documents or belongings ? Does the Person fear the authorities because of the retention ? • Does the Person have other documents or means of proving his / her identity, nationality, and legal status, or other ways to access certain services ? 	<p>registration purposes) are valid.</p> <ul style="list-style-type: none"> • Examine and record the location where documents or belongings are retained. • Record or obtain copies of the documents or belongings. 	<p>have been retained</p> <ul style="list-style-type: none"> • Copies of documents that have been retained

CHART 9. WITHHOLDING OF WAGES

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The employer cannot show an employment contract or proof that wages have been paid to the Person. • The Person has no employment contract or the terms and conditions are poorly defined. • The Person is paid on a piece-rate (results) basis and must work overtime in order to earn the legal minimum wage. • Employment documents and wage records have been altered. • The employer maintains two sets of books, or there are significant discrepancies between what the employer and worker claim have been paid. • The Person is paid less than 	<ul style="list-style-type: none"> • Does the employer use irregular, delayed, deferred or non-payment of wages to ensure that workers cannot freely terminate employment? • Why are wages withheld or subjected to deductions? What are the reasons given? Do these reasons seem valid and reasonable, and are they consistent with legal requirements? • Did the Person know that his / her wages would be withheld or subjected to deductions? If not, does the Person feel that if he / she stopped working, the Person would lose the unpaid wages? Do wage payment and deduction practices im- 	<ul style="list-style-type: none"> • Gather and examine all documents and records related to the nature of any employment agreement and wage payments, from the employer, worker, and other sources (e.g. third parties such as banks or money transmittal services). • Check whether the company is using a double set of books to mislead investigators. • Interview workers, selecting a representative crosssample (i.e. workers on indefinite and fixed duration contracts as well as those paid on an hourly 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Records of financial transactions between the employer, intermediary and worker (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Government records of taxes and social security contributions • Records of paid (and not paid) taxes and tax deductions • Records of communication (e.g. diaries, agendas, phone records, actual

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>the legal minimum wage and less than he / she was promised.</p> <ul style="list-style-type: none"> • Wages are paid in the form of vouchers, coupons or promissory notes. • The Person cannot directly access his / her earnings. • A large percentage of the Person's wages is paid "in-kind" (e.g. through the provision of goods or services such as food and housing). • Payments are irregular and/ or frequently delayed. • The Person is subjected to excessive and illegal wage deductions. • The Person is not provided with pay slips or any other record of wages or deductions. • The Person does not 	<p>pact the Person's ability to leave the job in any other way ?</p> <ul style="list-style-type: none"> • Does the Person have an employment contract ? If so, what are its terms and conditions, and are they consistent with legal requirements? Do the contract's provisions seem abusive or exploitative? • Is the Person paid in accordance with any payment records maintained by the employer ? Have documents been altered or falsified in any way? • If the Person is provided with pay slips or other payment records, are any deductions clearly explained ? • Why does the Person not 	<p>or piece-rate basis). Ask about wage payment and deduction practices, and find out what expectations were prior to employment and whether wage withholding has impacted the Person's ability to leave his / her job.</p> <ul style="list-style-type: none"> • Interview employers, managers/ supervisors, and other relevant personnel. Ask about policies and practices related to recruitment, wage payments, and deductions. If the employer uses an intermediary such as a private employment agency to hire workers, ask about policies related to this 	<p>phones showing calls made and received, emails, letters, message slips)</p> <ul style="list-style-type: none"> • Public records, media reports and information from government databases

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>understand how wages or deductions are calculated or know how much he / she is earning.</p> <ul style="list-style-type: none"> • The employer provides the Person with food and other goods at inflated, nonmarket prices (e.g. through a store on the premises that is controlled by the employer). • The employer does not pay required taxes or social security on behalf of workers 	<p>understand how wages or deductions are calculated or how much he / she is earning ?</p> <ul style="list-style-type: none"> • How are the Person's wages calculated ? <p>Are wages based on time (e.g., hourly, weekly, monthly, or seasonal rate) or results (what is produced), or is the wage basis undefined ?</p> <ul style="list-style-type: none"> • How much is the Person paid ? Is the Person paid an amount that is less than agreed or below the legal minimum wage requirement ? <p>Has the Person received any wages at all ?</p> <ul style="list-style-type: none"> • How are wages paid to the Person ? <p>Are they paid in cash, to a bank account, or using some other means ? If to a bank account, does</p>	<p>practice.</p> <ul style="list-style-type: none"> • If the employer uses an intermediary to hire workers, interview the intermediary. Ask about policies and practices related to recruitment, wage payments, and deductions. • Interview third parties, such as relatives, neighbours, and others (both at the location of destination and origin), who may be familiar with the Person's financial situation as well as with the terms and conditions of work originally promised. • Check government records for information about whether the employer is paying taxes and social security contribu- 	

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	<p>the Person or someone else control the account? Are wages paid directly to the Person or to a third party ?</p> <ul style="list-style-type: none"> • Is the Person paid partially or wholly “in-kind” ? Are in-kind payments consistent with the reasonable market value of the goods and services provided ? Are in-kind payments used to create a state of dependency of the Person on the employer ? • Are workers compelled to use certain stores or services connected to the employer ? Are the goods and services sold provided at fair and reasonable prices? 	<p>tions on behalf of workers.</p> <ul style="list-style-type: none"> • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary that relate to wage disputes. 	

CHART 10. FRAUD/DECEPTION

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The actual terms and conditions of work differ from those that were promised orally or in writing (e.g. in written or oral employment agreements or job advertisements). • The employer cannot show an employment contract. • The Person has no employment contract or the terms and conditions are poorly defined. • The employment contract is written in a language that the Person does not understand. • The Person signed a new employment contract upon arrival at work (this practice is sometimes called "contract substitution"). 	<ul style="list-style-type: none"> • How did the Person learn about the job (advertisement, informally, direct contact) ? Was the Person targeted by a recruiter or broker ? • Did the Person sign an employment contract ? If so, is the Person's signature genuine ? Was the contract signed under duress ? • Did the Person sign more than one employment contract (e.g. before departure and upon arrival) ? If so, do the contracts differ from each other? • If the Person signed an employ- 	<ul style="list-style-type: none"> • Gather and examine all documents related to recruitment and the terms and conditions of work, from the employer, worker, and other sources (e.g. third parties such as transportation services, newspapers or other media containing the original job advertisement, banks or money transmittal services that establish recruitment fees) • Search for records of communication to establish means of recruitment, relationships between employers and 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Sources related to recruitment (e.g. job advertisements in newspapers, on the internet, on the radio, or on television; posters; leaflets) • Records of financial transactions between the employer, intermediary and the Person (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Correspondence between recruiter, employer, worker, and any third

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person is not provided with pay slips or any other record of wages or deductions. • The Person does not understand how wages or deductions are calculated or know how much he / she is earning. 	<p>ment contract, does the Person understand the terms and conditions ? Is it written in a language the Person understands ? Has the contract been altered in any way since the Person signed it ?</p> <ul style="list-style-type: none"> • What were the agreed-upon terms and conditions of work ? What was the Person promised about the job (location, nature of work, pay) and benefits (such as access to education, housing, and food) ? What were the Person's and the employer's expectations ? • Do the actual terms and conditions of employment differ from those that were promised (e.g. working 	<p>recruiters or brokers, and terms and conditions of work.</p> <ul style="list-style-type: none"> • Interview workers. Find out how they were recruited, what they were promised and what their expectations were, and the actual terms and conditions of work. • Interview employers, managers/supervisors and other relevant personnel. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective and current 	<p>parties involved</p> <ul style="list-style-type: none"> • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Records of transportation (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts) • Public records, media reports and information from government databases

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	<p>and living conditions, travel and recruitment fees, access to food and housing, legal status)?</p> <ul style="list-style-type: none"> • Why is the Person not provided with pay slips or any other record of wages or deductions? • Why does the Person not understand how wages or deductions are calculated or how much he / she is earning ? • Is the calculation of wages and wage deductions manipulated by the employer ? • Was the Person particularly vulnerable to deception (e.g. because unfamiliar with the local language or 	<p>workers. How does the employer maintain records of wages and deductions, and are workers also provided with such records ?</p> <p>If the employer uses an intermediary, does the employer have procedures in place to prevent fraud and abuse ?</p> <ul style="list-style-type: none"> • Interview any intermediaries involved in hiring workers, including recruiters, brokers and private employment agencies. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective workers. Find out whether the intermediary continues to play a role after the Person has been hired. • Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional qualifications, correspondence). • Where applicable, check whether 	

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	<p>laws, disabled, irregular work status, etc.)</p> <ul style="list-style-type: none"> • If the Person had known about the actual terms and conditions of work, would the Person have accepted the job ? If not, why has the Person remained? 	<p>intermediaries are licensed and certified by the competent authority.</p> <ul style="list-style-type: none"> • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary. • If appropriate, speak with other law enforcement and civil society representatives to find out what information, if any, they know about the employer and intermediary. • In cases of internal or cross-border movement, reach out to local law enforcement in the region or country of origin for any information about the Person, the intermediary, or the employer. • Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin), who may be familiar with recruitment methods used and the terms and conditions of work originally promised. 	

CHART 11. ABUSE OF POWER / VULNERABILITY

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person is under 18 years old (young children who lack a parent or other adult family member are especially vulnerable). • The Person is in an irregular situation without legal documents (e.g. irregular migrants). • The Person's employment is unregulated or poorly regulated (e.g. temporary workers, subcontracted workers, non-formal-sector workers, part-time workers, rural workers, domestic workers). • The Person belongs to a group that has been discriminated against or does not have equal rights in society (e.g. based on sex, 	<ul style="list-style-type: none"> • Why is the Person in a particularly vulnerable position? Was the vulnerability pre-existing or created by the trafficker? If pre-existing, did the trafficker intentionally seek to take advantage of it? • How did the Person learn about the job (advertisement, informally, direct contact)? Was the Person targeted by a recruiter or broker? • What were the Person's prospects to find employment when he / she was recruited? What are they now? • Did the employer/recruiter create or contribute to the Person's vulnerability 	<ul style="list-style-type: none"> • Gather and examine documents and records related to recruitment, work or residency status, the nature of any employment agreement, and wage payments. • Review wage records to ensure that wage levels are the same • Search for records of communication to establish means of recruitment and relationships between employers and recruiters or brokers • Interview workers. Find out about their situations, including their personal characteristics, background and 	<ul style="list-style-type: none"> • Witness statements • Work or residence permits • ID documents, including passports, ID cards and papers, birth certificates, visas and other travel documents • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Records of financial transactions between the employer, intermediary and the Person (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Medical records address-

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>refugee/asylum status, ethnicity, disabilities, orphan status, or being part of a minority religious or cultural group).</p> <ul style="list-style-type: none"> • The Person comes from an area affected by natural disasters, political or armed conflicts, economic downturns or other crises that have reduced alternative livelihood options. • The Person is poor and his / her family is fully dependent on his / her earnings. • The Person's family situation is difficult or unstable (e.g. abusive, family members have been threatened or blackmailed, or one or more parents is absent in the case of a minor). 	<p>(e.g. by imposing high recruitment fees, through deception, or through other actions linked to the indicators) ?</p> <ul style="list-style-type: none"> • Is the Person's vulnerable position somehow abused ? For instance, is the Person illegally subjected to substandard working and living conditions, including overtime, or are wages illegally withheld ? If so, does the Person know his or her rights ? • What happens if the Person complains or refuses to work under abusive employment conditions? 	<p>awareness of relevant laws, the circumstances of their employment, and conditions of work.</p> <ul style="list-style-type: none"> • Interview employers, managers/supervisors, and other relevant personnel. Find out what measures, if any, are taken to support vulnerable workers, such as by ensuring that work-related information is communicated to workers in a language and medium that they can understand. • Interview third parties, such as relatives, neighbours, or co-workers (both at the location of 	<p>ing illnesses, disabilities, addictions, history of trauma or abuse</p> <ul style="list-style-type: none"> • Government records on social security, unemployment and other benefits • Expert statements providing relevant background and context (e.g. on patterns of discrimination against certain groups and how certain characteristics can make one especially vulnerable to exploitation) • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Records of transportation

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person has significant debts related to his / her recruitment. • The Person has limited education and/ or is illiterate. • The Person does not know the local language. • The Person lacks information about local laws and the role of authorities. • The Person is sick or has a physical or mental disability. • The Person is induced to consume and/or is addicted to drugs, alcohol or other intoxicants. • The work or residence permit is tied to the employer, or there are other structural dependencies. • The Person is in a situation of multiple de- 	<p>Would the Person be dismissed, paid wages below the legal minimum or face other illegal sanctions?</p>	<p>destination and origin), who may be familiar with the situation and characteristics of workers.</p> <ul style="list-style-type: none"> • Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin), who may be familiar with recruitment methods used and the terms and conditions of work originally promised. • Check employer and government records for any information about the characteristics of workers, including statistics on age, ethnicity, nationality, race, sex, and religion. • Check government re- 	<p>(e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts)</p>

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>pendency (e.g. reliant on the employer for accommodation, food, and relatives' jobs or other benefits).</p> <ul style="list-style-type: none"> • The Person is emotionally and economically tied to the employer/recruiter (e.g. because of a romantic or blood relationship). • The Person fears exclusion from his / her community, social, cultural or religious life 		<p>cords for information about whether workers have received social security, unemployment and other benefits and the applicability of such protection schemes to the sector or type of work.</p> <ul style="list-style-type: none"> • Obtain medical assessments of the Person's physical and mental health from experienced healthcare professionals (after obtaining the Person's consent). If relevant, test for drugs or other intoxicating substances that may have been administered to or taken by the Persons. Medical examinations may also be used to help determine a worker's age. 	

CHART 12. GIVING OR RECEIVING PAYMENTS AND DEBT BONDAGE

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person must repay excessive recruitment and transportation fees. • The Person must pay excessive fees for accommodation, food, tools or safety equipment that are deducted directly from the Person's wages. • The Person must pay financial deposits or "security fees." • Repayment terms for wage advances are unclear or manipulated. • Interest rates for wage advances are unreasonable and may exceed legal limits. • Workers must work to repay an actually incurred or inherited debt. • Parents re- 	<ul style="list-style-type: none"> • What is the reason for the debt (e.g. recruitment fees, goods or services provided by the employer, wage advances, inherited) ? Is the calculation of the debt reasonable and consistent with legal requirements ? • Who is responsible for the debt, the employer, an intermediary or someone else ? If the intermediary, what measures has the employer taken to ensure that workers are not subjected to illegal recruitment fees ? • Is the Person repaying his / her debt through his labour ? Is the Person's arrangement with 	<ul style="list-style-type: none"> • Check all financial records maintained by the employer for signs of falsification and debt manipulation. • Assess whether the costs of employer-provided goods and services, such as accommodation, food, tools or safety equipment are reasonable and consistent with market prices. • Gather and examine all documents and records from the employer, worker, and other sources that are related to the employment agreement. Look for provisions on debts, repayment 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work, including the terms of any loans or fees and the original length of employment (e.g. correspondence, employment contracts, annexes or addendums) • Records of financial transactions between the employer, intermediary and worker (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Government records of taxes and social security contributions • Records of

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
ceived a payment to let the child go.	<p>the employer or intermediary consistent with legal requirements ?</p> <ul style="list-style-type: none"> • Did the Person know about the debt and the repayment terms before he or she started working? If not, when and how did the Person learn+ about the debt ? • If the Person would not have accepted the job if he / she had known about the debt and repayment terms, why has the Person remained? • Have the repayment terms, including any interest rates, changed or remained the same? Did the Person consent to any changes? • Are the repayment terms reasonable and do they com- 	<p>terms and the costs of goods and services.</p> <ul style="list-style-type: none"> • Interview workers. Ask about their recruitment, any debts (including repayment terms) and how they were incurred. Find out what expectations were prior to employment and whether debt conditions have affected the Person's ability to leave his / her job. • Interview employers, managers/supervisors, and other relevant personnel. Ask about policies and practices related to debts (including repayment terms) and the fees for goods and services provided by the employer. If the employer uses an inter- 	<p>communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips)</p> <ul style="list-style-type: none"> • Public records, media reports and information from government databases.

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	<p>ply with legal requirements?</p> <ul style="list-style-type: none"> • Does the employer use any means to manipulate the debt, such as undervaluing the Person's labour, falsifying accounts or imposing excessive deductions ? Are adequate and accurate records of the debt maintained and provided to the Person? • Is the Person forced to remain in the employment situation longer than agreed because of the debt? • Aside from the debt, does the Person depend on the employer for any other reasons (e.g. food and housing or jobs for relatives) that make him / her feel unable to leave freely? 	<p>mediary such as a private employment agency to hire workers, ask about policies related to this practice and what measures the employer has taken to ensure that workers are not subjected to illegal recruitment fees.</p> <ul style="list-style-type: none"> • If the employer uses an intermediary to hire workers, interview the intermediary. Ask about policies and practices related to recruitment fees, wage advances, and other forms of debt that may be incurred by workers. • Check whether the intermediary is licensed and certified by the competent 	

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
		<p>authority.</p> <ul style="list-style-type: none"> • Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional qualifications, correspondence). • Search for records of communication to establish practices related to debt (e.g. recruitment fees, wage advances, interest rates). • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary. • Check if there is pending complaints about the workplace in courts or other authorities. • Interview third parties, such as relatives, neighbours, and local community members, who may be familiar with wage advance or recruitment fee arrangements that were originally made. 	

INDICATORS OF PURPOSE

CHART 13. SEXUAL EXPLOITATION

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The Person is forced to have sex without condoms • The Person cannot refuse clients • The Person is denied breaks, days off, and free time. • The Person looks tired and exhausted. • The Person has some STDs not treated • The Person works on call (24 hours a day, 7 days a week). • The Person is moved from one place to another one without consent • The Person has to lie in case of control by law enforcement • The Person is demanded to undertake illicit or humiliating activities. • The working environment is unhealthy, 	<ul style="list-style-type: none"> • Can the prostitute speak freely ? • Is the prostitute dependent from the "employer" for other items : housing, clothes • Can the prostitute keep her earnings ? Which part ? • Does the prostitute report any violence or threat from the "employer" ? • Is the prostitute forced to sleep in the place where she works? • Who is the man or woman who is always accompanying the Person ? • When was the tattoo applied ? By whom ? Does she like it ? How did the Person choose the drawing ? • How did the Person start to prostitute ? • Did he / she answer to 	<ul style="list-style-type: none"> • Observe the place where prostitutes are in contact with clients • Inspect the rooms • Speak with clients about the attitude of the prostitute • Check if there are any reports of other authorities on violations on Prostitution/ health/ safety regulations concerning the brothel, or pending complaints in courts etc. 	<ul style="list-style-type: none"> • Pictures of the brothel • Witness statements (prostitute and clients) • Examine all documents related to finance • Look for similar recruitment adverts

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>including poor lighting and ventilation, lack of heating and access to sanitary facilities.</p> <ul style="list-style-type: none"> • Other prostitutes look exhausted and scruffy. • The Person is forced to prostitute, even sick or pregnant • The Person is always accompanied when she is out • The Person has tattoos • The Person has no cash with him / her • The Person does not keep the money she earns and has to handover to someone else • The Person cannot be alone when going to health controls or social service providers 	<p>an advert ? From where? Newspaper ? Internet ?</p>		

CHART 14. LABOUR EXPLOITATION

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • The worker is demanded to undertake hazardous work without adequate protective gear. • The worker does not have the required education and experience to work safely. • The worker is demanded to undertake illicit or humiliating activities. • The working environment is unhealthy, including poor lighting and ventilation, lack of heating and access to sanitary facilities. • There is no safety or health notices in the workplace and the equipment is lacking. • The working conditions are in gross violation with labour laws and collective agree- 	<ul style="list-style-type: none"> • Are the working conditions in accordance with legal requirements ? If there is breaches on Labour laws and collective agreements; how many and severe breaches you notice ? Does The worker know about the illegality ? • How The worker ended up working in these conditions? Was he / she recruited by an agency or a broker? • How the terms and conditions are stipulated in the employment contract ? What were the Person's expectations about the work when he / she was recruited? Are the current working conditions some- 	<ul style="list-style-type: none"> • Observe the work premises, working tools, protective gear, existence of health and safety notices and equipment, etc. • Inspect sleeping areas and check whether workers have adequate sanitary facilities, private space, access out of the premises, available media, other services, etc. • Speak with workers about the working conditions and their willingness to work and what were their expectations when they were recruited, etc. • Speak with managers about the working conditions and 	<ul style="list-style-type: none"> • Detailed report of inspection including list of breaches of certain labour laws and safety and health regulations (provide officers that would act as eyewitnesses and take notes) • Reports on the actions and instances during inspection, especially where workers were found, in what kind of conditions, who was using machines, etc. • Photographs, audio-visual records of the work premises, sleeping areas, surroundings • Eyewitnesses, such as inspectors/ other officers, testimonies of the Persons, etc. • Diary/logbook of The worker (including records of work-

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>ments.</p> <ul style="list-style-type: none"> • Workers look exhausted and scruffy. • Even sick or pregnant people are demanded to work. • The employer cannot show employment contracts, insurances or registers of the Persons. • Workers do not have true representatives to negotiate their conditions in the workplace. • The worker must work overtime without overtime compensation. • Working hours are loosely defined, if at all. • Compensation is results based and bound to production targets • The worker must work overtime in order to earn the 	<p>thing that was not as agreed (check 'deception')?</p> <ul style="list-style-type: none"> • Does The worker sleep at work ? Or does he / she live in another place provided by the employer, e.g. does he / she live with the family of the employer ? What are the conditions of living ? Is his / her freedom to move somehow restricted by the employer ? • Is The worker dependent on the employer or in a vulnerable position (see the signs of 'vulnerable position')? What happens if The worker complains and refuses to work with the given terms and conditions ? Does The worker fear from dismissal or other penalties ? Is The 	<p>policies concerning the living at the work place.</p> <ul style="list-style-type: none"> • Take and remove samples, materials and substances used at the workplace for analyzing the possible risks for health and safety of workers. • Examine the employment contracts and other documents that could include abusive clauses or discriminatory practices, or deviances from the real conditions. • Check if there are any reports of other authorities on violations on labour/health/safety regulations concerning the workplace, or pending 	<p>ing hours and money earned in prostitution or other exploitative work; events that have happened to him / her, etc.)</p> <ul style="list-style-type: none"> • Samples of the materials/substances used, such as toxic pesticides in agriculture, etc. • Physical objects, such as working tools, clothing used in the work, etc. • Any correspondence between employee, employer and recruiter, such as complaints about the conditions of the work • Employment contracts, job advertisements, other documents and media • Witness statements • Records of working hours and overtime

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<p>legal minimum wage.</p> <ul style="list-style-type: none"> • If The worker refuses to work overtime on one occasion, he / she is never given the chance to work overtime again (blacklisted). • The worker works on call (24 hours a day, 7 days a week). • The worker works during unusual hours. • The worker works also in employer's private place. • The worker is denied breaks, days off, and free time. • The worker is denied benefits he / she is entitled to, such as paid holidays. • The worker looks tired and exhausted. • The Person has to work even sick or pregnant 	<p>worker obliged to work in sub-standard conditions in order to keep the job ?</p> <ul style="list-style-type: none"> • Does The worker report any other threats ? • What are the Person's livelihood options if he / she leaves the job? • How many hours does The worker work per day/ per week ? Do working hours exceed those allowed by national law or collective agreements? • Is the Person's normal salary in accordance with the employment contract and minimum wage requirements ? • Is The worker compensated appropriately for overtime ? <p>Is the compensation consistent with legal</p>	<p>complaints in courts, etc.</p> <ul style="list-style-type: none"> • Interview workers. Ask about working hours, overtime and compensation, and what the consequences would be if they refused to work overtime. • Interview employers, managers/supervisors, and other relevant personnel. Ask about policies and practices related to working hours, overtime and compensation, and what happens if workers refuse to work overtime. <p>Find out if the employer is familiar with the overtime limits of national legislation or agreed to in collective agreements.</p> <ul style="list-style-type: none"> • Gather and 	<p>(timesheets, punch cards, log books, pay slips)</p> <ul style="list-style-type: none"> • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Records of wage and overtime payments (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Government records of taxes and social security contributions • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Public records,

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
	<p>requirements ?</p> <p>If The worker works on call, is he / she only paid for the time he / she is actively working ?</p> <ul style="list-style-type: none"> • How often does The worker work overtime? Is the overtime required temporarily (e.g. to meet production deadlines) ? Or is The worker working overtime on a continuous basis ? • Is The worker willing to do extra hours ? If yes, why exactly ? If not, why not ? • If The worker refused overtime, would he / she earn less than the minimum wage ? What would the consequences be ? 	<p>examine all documents and records related to working hours, from the employer, worker, and other sources.</p> <ul style="list-style-type: none"> • Gather and examine all documents and records from the employer, worker, and other sources that are related to the employment agreement. Look for provisions on working hours and overtime. • Inspect the workplace outside of normal working hours to determine whether workers are performing overtime "off the clock". 	<p>media reports and information from government databases</p>

CHART 15. EXPLOITATION IN ILLICIT ACTIVITIES

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Used methods	Collected evidence
<ul style="list-style-type: none"> • Person is begging all day long • The Person is moved to beg from one place to another one without consent • The Person looks tired and exhausted. • The Person is forced to beg, even sick or pregnant • The Person seems to be handicapped • the Person is selling / hiding / transporting illicit substances or arms • The Person seems afraid • The Person has no cash with him / her 	<ul style="list-style-type: none"> • Can the Person keep for himself/ herself the money collected ? • Is there someone monitoring the Person discretely ? • To whom does he / she hang over the money collected ? • What happens if the Person doesn't bring back a minimum amount of money ? • Is the Person dependent from the "employer" for other items : housing, clothes • How did the handicap happen ? Birth? Accident ? At what age? In which conditions ? • Has the Person ever been caught by law enforcement ? What happened ? How was he / she freed ? Who paid the bail if any ? • How did the Person get the illicit substances/arms ? • Has the Person ever being injured in the course of this activity ? In which circumstances' 	<ul style="list-style-type: none"> • Locate the place where the Person goes once he / she stops begging • Speak with people who give money, Do they see this Person regularly ? Do they see him / her with another one ? • Check if there are any reports of other authorities on arrests for illicit activities 	<ul style="list-style-type: none"> • Pictures • Witness statements

	Practical tool for detecting/ identifying victims of trafficking in persons	0 No sign	1 Iden- tified signs	2 Evi- dence	3 More informa- tion re- quired
ACTION	Recruitment				
	Transport/transfer				
	Harbouring/receipt				
MEANS	Threats				
	Use of force				
	Restriction of movement				
	Isolation				
	Retention of ID documents				
	Withholding of wages				
	Fraud/ deception				
	Abuse of power/ vulnerability				
	Giving or receiving payments and debt bondage				
PURPOSE	Labour exploitation				
	Sexual exploitation				
	Exploitation in illicit activities				
	Begging				

Unofficial translation

National identification and referral mechanism of victims of trafficking in persons (Order no. 335 from the 29th of October 2007)

A. Preamble

Trafficking in persons constitutes a violation of human rights and a crime to the dignity and integrity of the person as provided by all relevant international instruments, including the recent paper of the Council of Europe Convention signed in Warsaw, on 16 May, 2005, Romania along side other countries in the world, particularly the EU Member States, adopted a body of legislative measures aimed at building and further consolidating and increasing the effectiveness of the national mechanism in the context of enhanced international co-operation to fight and prevent trafficking in persons.

All nations of the third millennium view the person as the most important social asset of modern society. The EU considers human rights protection a prerequisite for accession. It was not by accident that among Romania's accession criteria to EU, set up in Copenhagen, in 1993, the first in importance established that the candidate state should have stable institutions to safeguard democracy, the rule of law and human rights. Therefore, article 1 of the Romanian Constitution guarantees human dignity, human rights and freedoms, free development of personality, justice and political pluralism as inalienable values.

As yet, trafficked victims' identification was carried out on an individual case by case basis by various institutions or organizations in the absence of a formal systematic mechanism by which institutions and organizations involved could ensure a continued intervention in identifying and referring victims of trafficking.

The present mechanism aims to adopt a unitary and coordinated response of all anti-trafficking institutions and organizations which shall lead to the improvement of the capacity to identify and provide protection of and assistance to victims of trafficking, regardless of the institution or organization the victim initially gets in contact with.

The mechanism represents a set of norms (measures and actions)

designed to identify and refer victims of trafficking to serve the purpose of victims' needs for protection and assistance.

The present document is subject to changes depending on the situation and dynamics of the trafficking in persons phenomenon in Romania and the direct involvement of recent institutions/ organizations in anti-trafficking and victim assistance activities.

B. Principles

FUNDAMENTAL PRINCIPLES. The anti-trafficking activities developed by institutions with a view of implementing the present norms are performed in compliance with the guidelines contained in the National Strategy against Trafficking in Persons 2006-2010, approved by Government Decision 1645/2006.

SPECIFIC PRINCIPLES. The characteristic activities developed according to the present norms are performed having regard to the following specific principles:

- Recognition of victims' right to physical, psychological and social recovery. In addition to the investigation of the trafficking related offence, the victim identification and referral process should consider the provision of the victim's access to specialized assistance services.
- Equality and non-discrimination. Access to protection and assistance services should be provided to all victims of trafficking without any limitation due to race, nationality, ethnic origin, language, religion, social origin, opinion, sex or sexual orientation, age, political affiliation, disability, infectious severe disease, AIDS or belonging to an unprivileged category, regardless victim's decision to participate or not in criminal trials.
- Participation. Victims of trafficking are involved in discussions of all decisions/measures of concern to them, having regard of their right to self-determination.
- Continuity. The actions and measures undertaken by institutions and organizations engaged in the identification and referral process should be carried out in such a way as to ensure trafficked victims' access to support services or compensations in justice for physical or psychological injuries suffered as a result of their trafficking experiences; referral should be a continuation of the identification stage and carried out by law enforcement structures, service providers or organizations responsible for service provision.

C. Legal framework

The legal instruments on combating trafficking in persons set forth specific provisions in the field of prevention and combat of

trafficking and victim protection and assistance.

Main national legal instruments on trafficking in persons

1. Law 678/2001 on preventing and combating trafficking in persons, subsequently amended and supplemented;

This law criminalizes the various forms of trafficking and sets up the legal framework for specialist agencies to use modern investigative techniques in detecting such crimes. Measures to protect and assist trafficked victims and their families, as well as witnesses, were introduced.

2. Government Decision no. 299/2003 to approve Standard Rules for Application of Law 678/2001 on 2001 on preventing and combating trafficking in human beings;

3. Law 39/2003 on preventing and combating organized crime;

4. Law 211/2004 concerning measures to ensure protection to victims of crime;

The law transposes the requirements contained in the following European instruments:

- Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA) – based on Title VI of the Treaty on European Union, the decision provides that victims of criminal acts are entitled to obtain a compensation by the offender in the course of criminal proceedings;

- Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims;

- European Convention on the compensation of victims of violent crimes (Strasbourg, November, 1983);

- Recommendation No. R (85) 11 on the Position of the Victim in the Framework of Criminal Law and Procedure;

- Commission Communication on "Crime victims in the European Union- standards and action", (14 July 1999);

- European Commission - "Compensation to crime victims", green paper.

The law sets up four categories of measures to address directly the victim's needs (victims of crimes under Law 678/2001 are also included):

- informing victims of crime about their rights
- psychological counseling
- free legal assistance
- state compensations for victims of specific crimes.

The law clearly refers to psychological counseling for victims of crimes stipulated by Law 678/2001 on preventing and combating

trafficking in persons. The institutional mechanism to provide psychological counseling for victims is represented by probation services attached to the courts of justice. These services provide free psychological counseling for a maximum period of 3 months and 6 months in cases involving victims under the age of 18. Services for psychological counseling or other forms of assistance can also be established by NGOs independently or in partnership with public administration authorities. To this end NGOs can benefit, under legal provisions, from government financial assistance.

Free legal assistance is granted primarily to direct crime victims but also to indirect victims of serious crimes (husband, children, dependants of direct victims deceased as a result of the crime). Such measures complete the common law provisions stipulating that, on a regular basis, in cases of legal representation where a person has no defender or financial means to pay for qualified legal counseling, the court will appoint a public defender for free legal assistance.

The most important victim protection mechanism provided by the law is related to state financial compensation. The law establishes several categories of terms/ conditions for granting financial compensations to direct or indirect victims of the given crimes, including also information to the prosecution authorities about the crime committed, within a specified period of time, taking into account the fact that for objective reasons victims who make a minimum contribution to the detection of crime in due time are entitled to compensation (victims under the age of 18 and those under interdiction have no obligation to notify the investigative bodies about the crimes they committed).

Victims of trafficking are entitled to this stipulation unless they are also victims of the crimes for which this specific law provides financial compensation.

5. Government Decision no. 1295/2004 to approve the National Action Plan on preventing and combating trafficking in children;

6. Government Decision no. 1584/2005 concerning the establishment, organization and operation of the National Agency against Trafficking in Persons, subsequently amended and supplemented;

7. Government Decision no. 1654/2006 to approve the National Strategy against trafficking in persons 2006-2010;

8. Government Decision no. 1720/2006 to approve the National Action Plan 2006 – 2007 for the implementation of the National Strategy against Trafficking in Persons 2006 – 2010.

Main relevant international legal instruments on trafficking

in persons

1. UN Convention against transnational organized crime adopted on November 15, 2000, in New York, ratified by Law 565/2002;

On 14 December 2000, in Palermo, Romania signed the UN Convention against transnational organized crime and its two protocols adopted on November 15 2000, in New York:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention on Transnational Organized Crime,
- UN Protocol on Smuggling of Migrants on Land, Air and Sea, supplementing the UN Convention against Transnational Organized Crime.

2. Council of Europe Convention on Action against Trafficking in Human Beings, signed by Member States of the Council of Europe on May 16 2005, in Warsaw, ratified by Law 300/2006.

The main objectives of this Convention are:

- to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, as well as to ensure effective investigation and prosecution;
- to enhance international cooperation on action against trafficking in human beings.

3. EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (Official Journal of 9.12.2005).

D. Working definitions

Trafficking in persons¹ is the recruitment, transportation, transfer, harboring or receipt of a person by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will, or by giving, offering or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Trafficked victim – for the purpose of the present Mechanism, the victim of trafficking in persons is defined as any natural person about whom there is information that he/she has suffered physical

1 Article12, paragraph (1) of Law 678/2001 on preventing and combating trafficking in persons, subsequently amended and supplemented;

or psychological harm, emotional abuse, economic loss or a serious violation of his/her fundamental rights by actions or inactions which infringe criminal legislation in the field of combating and preventing trafficking in persons.

Victim referral – in the context of present norms, the concept of victim of trafficking referral means that the victim is entrusted/delivered to support and protection service providers.

Transit/emergency assistance – a set of measures and actions taken by an institution/organization from the moment the victim is identified till the moment his/her situation is clarified and the victim enters the assistance and protection program.

Assistance and protection services for trafficked victims – the amount of specialized support services provided to victims of trafficking in keeping with the law in force. Service providers can supply social services of specialized assistance which may or may not include housing, as provided by Law 47/2006 regarding the national welfare system.

National victim identification and referral mechanism – the set of coordinated measures and actions undertaken by state institutions and various non-government agencies aimed at the protection of victims' fundamental rights and the provision of services to meet their needs of protection and assistance.²

E. Victim identification procedures

Two major perspectives should be taken into consideration when identifying victims of trafficking :

- the legal context
- the victim.

E.1. The legal context

In Romania, articles 12 and 13 of Law 678/2001 contain the definition of the trafficking in persons offence. Thus, it is an offence for anyone who recruits, transports, transfers, harbors or receives a person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will, or by giving, offering or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; article 13 provides that "the recruitment, transportation, transfer, harboring or receipt of a person aged between 15 and 18 for the purpose of exploitation shall be considered an offence of trafficking

² "National Referral Mechanism – Joining efforts to protect the rights of trafficked persons. A practical handbook", OSCE – ODIHR, 2004

in children.

An additional relevant instrument is Law 565/2002 to ratify the UN Convention against transnational organized crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention on Transnational Organized Crime, as well as the UN Protocol on Smuggling of Migrants on Land, Air and Sea, supplementing the UN Convention against Transnational Organized Crime, adopted on November 15, 2000, in New York.

Thus, The Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organized crime, provides:

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person less than eighteen years of age.

The following issues should be the key elements in analyzing the trafficking in persons phenomenon:

- Actions :

- Recruitment can be materialized in the proposal offered to victim during the initial stage of the trafficking process. Generally, the proposal proves to be a false promise related to the object or the nature of the victim's job, final destination of his/her journey, the conditions under which he/she shall live or work or the place of work. Recruitment is carried out by one or more natural or legal persons,

directly or through advertising in the media or on the internet, making use of one or several of the means below mentioned.

- Transportation implies the victim's movement by traffickers (agents or transporters) from the place of origin or recruitment to the place of destination where the exploitation occurs. It is not compulsory that the transportation be outside the borders.

- Transfer or sale may occur when the victim is delivered by the agent to the transporter and/or further on to natural or legal person for the purpose of exploitation. The transfer may be accompanied by the payment of a sum of money or assets, material or others. There are also cases when the transfer and/or sale is carried out by the natural or legal person who initially exploited the victim with the latter being transferred and/or sold to other persons/groups who shall continue the exploitation.

- Harboring or housing may be carried out by the recruiter, agents or the natural or legal person exploiting the victim who shall be held in a house, hotel, improvised premises, etc.

- Receipt of the person or persons intended for exploitation takes place during the transfer or sale.

There are cases where all the above situations are carried out by one and the same person.

- Means : the threat or use of force or other forms of coercion, kidnapping, fraud or deceit, abuse of power or taking advantage of that person's inability to defend him-/herself or to express his/her will, or giving, offering or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

- Purpose : the person is subjected to the following forms of exploitation: forced labor or services with the violation of legal norms regarding working conditions, payment, health and security, slavery or practices similar to deprivation of liberty or servitude, using the victim in the commission of crimes, forced prostitution and pornography with a view of producing and distributing pornographic materials or other forms of sexual exploitation; removal of organs, tissues or cells; performing other such activities which violate human rights and liberties.³

The aspects previously mentioned can be considered as constitutive elements of other types of crimes, in which case the following should be taken into account:

- Activities: both traffickers and smugglers conduct transportation, transfer and harboring of persons related activities;

³ In accordance to art.2, paragraph 2 of Law 678/2001 subsequently amended and supplemented.

- Means: smugglers do not normally use coercive or manipulative means or deceptions which constitute a trafficking in persons offence. At the same time, taken separately the means can be constitutive elements of other offences, such as: use of threats, bodily harm, deprivation of liberty, deception.

- Purpose: exploitation or intent on subjecting a person to any form of exploitation is a key element in identifying victims of trafficking in persons.⁴

Regarding the highlighted aspects, there is a difference in the case of a trafficking in children offence, to the effect that only 2 of these aspects are needed in such a case, respectively activities for recruitment, transportation, transfer, harboring or receipt of a minor for the purpose of exploitation.

E.2. The victim

Specific circumstances and available information in each case should be taken into account. Unlike victims of trafficking in migrants, trafficked victims can be subjected to physical or sexual violence; their rights and liberties are violated; victims are subjected to exploitation over a short or long period of time and compelled to engage in prostitution, illegal labor, and criminal activities or removal of organs, tissues or cells.

All these characteristics and consequences on the socio-psychological level emerged as a result of traumatized experiences is common to victims of trafficking in persons and the specific information in each case shall provide the necessary indicators for an informal identification of a possible trafficking situation.

E.3. Victim identification indicators

The first stage of the identification and referral mechanism is the victim screening in order to determine whether an individual is in fact a victim of trafficking and, if the case may be, to ensure that individual's access to specialized support and protection services.

The screening and identification process implies the establishment of an initial contact with the presumed trafficked person, the analysis of the indicators which may assist the contacting institution/organization in recognizing a possible trafficking situation and the pre-interview carried out by trained personnel to find out the trafficking in persons specific elements.

Annex 1a, as part of this document, lays out the indicators checklist to be used in the initial assessment of a possible trafficking situation and the screening of a presumed trafficked person. The indicators do not serve as substitutes for the definition of the

⁴ "Guide to the new UN Trafficking Protocol" by Janice G. Raymond, Coalition against Trafficking in Women, USA, 2001.

trafficking in persons; they are signs which can allow the initiation of the mechanism.

Regardless the location of identification and the initial contacting institution or organization, the following indicators should be considered in identifying a possible victim of trafficking⁵:

1. Sex

Trafficking for sexual exploitation is the largest and most profitable form of trafficking in persons which predominantly affects female victims, women and girls. However, there are also male victims trafficked for the purpose of prostitution, particularly teenage boys. Therefore, age and sex indicators should be assessed jointly or interdependently in order to better identify victims of trafficking or forms of exploitation.

2. Age

The older the individual, the less likely the case is to involve trafficking into sexual exploitation which continues to be regarded as the main exploitive form. For example, traffickers are more likely to focus on younger or less than 30 year old victims as the demand for this age group is higher. The same rule applies to trafficking for labor or slavery, as the older the victim, the less efficient he/she is.

Victims aged 18 to 25 are to be found in all categories of trafficking.

3. Social conditions

Identifying certain factors which caused or contributed to the victim's entry of the trafficking process, is equally important in the victim identification stage.

Traffickers rely on manipulating factors such as: poverty, discrimination, and lack of employment and educational opportunities, social marginalization, family negligence and abuse, lack of knowledge of rights, obligations and policies in the field of migration and access to free movement.

4. Documentation

The lack of identity documents or documents found among the victim's possessions, as well as a temporary travel document upon the victim's return can be an indicator of a possible victim of trafficking.

At the same time, the victim's use of other names or alias and altered or false ID and travel documents can additionally indicate a possible trafficking situation.

5. Last location

The victim's last exploitative location or the location where the victim was picked up immediately prior to identification by

⁵ IOM Handbook on Direct Assistance for Victims of Trafficking", IOM, Geneva, 2007

an institution or organization will always be a strong indicator of trafficking, for instance: certain suburban or urban areas where sexual services can be bought, night clubs or hotels, railway stations or border crossing points.

6. Identification circumstances

The circumstances under which the person/victim was identified will always serve as key assessment indicators of a trafficking situation.

For instance: border crossing procedures, rescue of women following police raids on apartments owned by persons about whom there is information they are involved in pimping activities, persons without valid identity documents unfamiliar with the place where they reside in and identified as a result of police raids, companions or persons living in misery or without money, though according to their statements they were there for work but did not know the town/place of residence, can constitute relevant indicators of trafficking in persons cases.

7. Signs of abuse

Any signs of physical injury can be a positive indicator of trafficking. Characteristically, victims of trafficking are subjected to different forms of abuse and coercion that are not found in cases involving smuggled people and whose consequences can be documented and often used even as evidence of trafficking crime. The identified victim may show bruises or wounding indicating some possible physical abuse or can complain of sexual abuse. At the same time, the victim can be indifferent and lost, giving the impression that he/she doesn't clearly understand what is asked of or explained to her, or starts crying every time he/she is approached or has difficulties in remembering exactly what happened to him/her.

There can also be cases where the identified/presumed trafficked victim reacts distrustfully and angrily at those who intervened for removal from his/her environment or even deny the abusing situation.

Once removed from trafficking, most of the victims, particularly those of labor exploitation, are marked by the lack of sleep, malnutrition and exhaustion they have been subjected to.

8. Assessment and views of other institutions/organizations working in the area of anti-trafficking

The views and assessments of other institutions/organizations working in the area of anti-trafficking or law enforcement will always be taken into consideration in the screening process in order to ensure the continuity and transparency when making a determination. Each

of these indicators whether evaluated cumulatively or independently can lead to the identification of other categories of victims or cases.

At the same time, the indicators shall be used to point out any suspected situation of trafficking and initiate the referral mechanism; the indicators shall not be substituted to the investigative techniques into trafficking related offences.

Even if the formal screening (the detailed interviewing) can't be accomplished prior or after the initial contact, indicators listed in Annex 1 shall be evaluated. In case this evaluation points out the existence of a possible case of trafficking, the presumed trafficked victim shall be entitled to a maximum of 90 days to recover and reflect.

E.4. Interviewing of victims of trafficking

Interviewing victims of trafficking is a formal procedure to identify a trafficked victim.

Interviewing plays two important and distinct roles depending on the institution or organization conducting the interview of the presumed trafficked victim:

- Collection of the necessary evidence to prove a trafficking crime, in which situation the interviewing may result in the victim's statement as injured party or witness in trial;
- Evaluation of trafficked victims' needs for protection and assistance, in which situation the interviewing shall focus on identifying those needs, respectively collecting the information necessary to arrange the support and protection measures to be taken in that case.

Any representative of the institution or organization involved in the victim screening process that aims to undertake an interview shall follow the World Health Organization⁶ recommendations outlined below and shall request the victim's consent for the interview:

1. Do no harm

Treat each victim of trafficking and the situation as if the potential for harm is extreme. Do not undertake any interview that will make a victim's situation worse in the short term or longer term.

2. Know your subject and assess the risks

Learn the risks associated with trafficking and each victim's case before undertaking an interview.

3. Prepare information necessary for victim's referral

Do not make promises that you cannot fulfill. Be prepared to provide information in the victim's native language or the local language about appropriate legal, health, shelter, social support and

⁶ WHO Ethical and Safety Recommendations for Interviewing Trafficked Women

security services, and

to help with referral, if requested.

4. Adequately select and prepare interpreters and co-workers

Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for their training in undertaking an interview.

5. Ensure anonymity and confidentiality

Protect the interviewed person's identity and confidentiality throughout the entire interview process – from the moment she is contacted through the time that details of her case are made public.

6. Get informed consent

Make certain that each interviewed person clearly understands the content and purpose of the interview, the intended use of the information, his/her right not to answer questions, his/her right to terminate the interview at any time, and his/her right to put restrictions on how the information is used.

7. Listen to and respect each person's assessment of his/her situation and risks to his/her safety

Recognize that each interviewed person will have different concerns, and that the way he/she views these concerns may be different from how others might assess or consider them.

8. Do not re-traumatize a woman

Do not ask questions intended to provoke an emotional discomfort. Be prepared to respond to the person's distress and highlight his/her strengths.

9. Be prepared for emergency intervention

Be prepared to respond if the person says he/she is in imminent danger.

10. Put information collected to good use

Use information in a way that benefits an individual so that advances the development of good policies and interventions for trafficked victims generally.

The interview aimed at identifying the distinct elements of the trafficking in persons process and planning the necessary assistance in an individual case, shall be undertaken by trained staff only or by institutions/organizations with direct anti-trafficking and assistance responsibilities.

As far as the information obtained during the interview is necessary for the partner institution/organization to carry out other responsibilities, an exchange of information shall be developed in order to avoid re-interviewing of the victim when similar categories of information are requested.

E.5. Identification procedures

Starting from relevant tasks and responsibilities undertaken by different institutions and analyzing trafficking in persons reports made public, several categories of identification procedures can be distinguished:

- Identification by law enforcement agencies

Police actions are considered to be the most important procedure in identifying victims of trafficking.

From the perspective of the law enforcement authorities the identification process takes place in the context of both prosecutorial activities aimed at collecting evidence of the crime of trafficking and specific police actions, such as information and investigative actions.

Following specific actions conducted by law enforcement agencies victims of trafficking can be identified by interviewing and statements given by the person about whom there is information that he/she has been subjected to trafficking; the identified person may institute himself/herself injured party or witness to the trafficking crime.

The identification can also occur at the Romanian national border where Romanian nationals can be deported or returned from other states; in case they do not meet the requirements to entry into a specific state and are detected in violation of certain laws of the host country, they are treated as illegal migrants, though the acts for which they might be held responsible for could be the consequence of their trafficking experience.

Upon their entry into Romania, border police officers shall take statements as there is the possibility that some of these persons may be identified as victims of trafficking.

- Identification by diplomatic missions and consulates

Upon request, Romanian citizens, victims of trafficking in persons in foreign countries, shall be granted assistance by diplomatic missions and consular offices of Romania⁷ to those countries. In most cases, victims have their identity or travel documents confiscated or destroyed or they lack the necessary resources to return to their country of origin. The personnel of the diplomatic missions and consular offices of Romania shall provide assistance to trafficked victims in issuing travel documents for their repatriation and identifying the appropriate resources and organizations to ensure the victims' return to their country of origin.

- Identification by hotlines

The hotline service receives and refers calls for assistance or

7 According to art.5, paragraph (a), sub-paragraph (5) of Government Decision 299/2003 to approve the Implementation status of the provisions contained in Law 678/2001 on preventing and combating trafficking in persons.

information about suspected crimes of trafficking.

In Romania, the hotline service is provided by a toll free number set up within the National Agency against Trafficking in Persons which targets the public at large and particularly victims of trafficking or persons who have knowledge about a possible trafficking situation.

- Victim repatriation

Repatriation of victims of trafficking is carried out in keeping with the provisions laid down in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the UN Convention on Transnational Organized Crime, ratified by Law 565/2002.

The repatriation procedure can be accomplished with the help of the International Organization for Migration and its missions as well as within the voluntary return program with the assistance of non-government organizations, diplomatic missions or consular offices or representatives of both recipient states and states of origin and, particularly authorities responsible for the protection of child rights, in case where the victim is a minor.

- Other identification procedures

There are also situations where victims of trafficking can be identified and referred to service delivery institutions/organizations by citizens, former clients, and inspectors with the territorial agencies for employment, hospital or other healthcare facilities personnel, educational institutions or the community. Under the circumstances, it is very important that the person identified by the above mentioned categories be referred to the institutions/organizations involved in the formal identification and referral mechanism with a view of providing protection and assistance.

F. Referral procedures

All institutions and organizations involved in the referral process have the obligation to co-operate in order to take appropriate support and protection measures once the trafficked victim is identified. Each of them shall appoint at least one representative of the relevant institutions/organizations within NRM and his/her contact details shall be communicated to the institutional partners.

Depending on the institution/organization involved as well as the place and the identification procedure of the trafficked victim, there can be distinguished several ways of victim referral:

1. Victim is identified by law enforcement authorities, including specialized police structures working with trafficking in persons related issues, such as: Directorate, Brigades and Services for Combating Organized Crime, criminal investigations departments,

border police, offices and services within the Directorate for the Investigation of Organized Crime and Terrorist Offences (DIOCTO).

The victim is entitled to information about his/her right to legal assistance, criminal proceeding rights and other rights as provided by art.4 of Law 211/2004.

Victim's referral to the institution/organization responsible for the co-ordination of assistance and monitoring activities is carried out as follows:

- Specialized police structures – IGRP through DCOC, BCOC, SCOC and IGBP shall get in contact with NAATIP Regional Centre representative to assess the victim's needs for assistance and to maintain contact with the victim.
- Other national defense and public order structures – the criminal investigation police, transport police, public order police, and the gendarmerie – shall notify the relevant police and DIOCTO structures.
- The NAATIP Regional Centre representative shall:
 - conduct the early evaluation to identify the victim's needs for specialized assistance and with his/her informed consent shall ensure the immediate referral to emergency assistance. A case manager shall be assigned to monitor the assistance provided to the victim and maintain constant contact in order to prepare him/her for the appropriate stages of the criminal proceedings. The name of the case manager shall be communicated to institutional partners.
 - Inform the service provider and, based on the victim's consent, shall send them all the information necessary to plan the case intervention.

Ensure appropriate support for the victim to be interviewed by the investigative bodies.

- Specialized police structures:
 - on request of the NAATIP Regional Centre representative, the risk assessment of the case shall be conducted with a view to establish protective measures;
 - shall provide tactical counseling to ensure the victim's secure transportation based on the support and protection needs established following the case evaluation.

2. Victim is referred and return by IOM

The IOM Romanian mission receives the victim at the national border and, providing that the victim consents to be accommodated in a shelter for a shorter or longer period of time and is willing to participate in assistance programs, he/she shall be referred to specialized support services.

The IOM official shall:

- inform the NAATIP Regional Centre representative on the trafficked victim's return;
- discuss with the victim about his/her possibility to cooperate with the judicial authorities.

In case assistance services are not provided during the transit stage, the NAATIP Regional Centre representative shall be notified to take over the victim and ensure his/her access to other support services in the community of origin.

3. Victim is identified by an international NGO and repatriated and referred by an NGO in Romania

In cases where the victim is identified by an NGO in a foreign country, the NGO official in Romania shall meet the victim at the border or at the place agreed upon with the referring partner. On the basis of the victim's consent to whether participate or not in support programs delivered by the receiving NGO or another organization and the specific elements of the case, the victim shall be included in a specialized assistance program.

The representative of the NGO or the specialized public service to protect and assist victims of trafficking shall:

- ask the NAATIP Regional Centre representative to coordinate the victim's assistance and monitoring and to register the victim;
- discuss with the victim about his/her possibility to cooperate with the judicial authorities.

4. Romanian victim is identified by the diplomatic mission or consular office of Romania – the diplomatic or consular mission personnel shall issue, upon request, the travel document to enable the victim's return to Romania and notify, within at least five days in advance, the NAATIP and the border police about the return of victim/victims of trafficking having in view their taking over at the national border.

When the trafficked victim needs and applies for pre-return assistance, the Romanian diplomatic or consular mission personnel shall contact and refer him/her to service delivery organizations in the host country. During this entire period of time, the legal aspects regarding the victim's situation and his/her personal details are bound by the duty of confidentiality.

Romanian victims of trafficking related information shall be transferred to the national competent authorities by the Romanian liaison officer.

5. Foreign victims of trafficking

Foreign victims of trafficking shall be entitled without discrimination

to the same support and protection measures as Romanian victims. Therefore, foreign victims should be informed in a language they can understand about their right to a maximum of 90 days to recover and access to specialized support services, including accommodation in specially arranged centers, psychological, medical and social assistance.⁸

Language interpreters/translators employed to assist with interviews and support foreign victims during the assistance service delivery shall be trained by NAATIP in order to be able to work with trafficked victims so as to ensure the confidentiality of information and personal details and approach the individual in a professional manner.

In cases where the foreign victim wishes to be repatriated to his/her country of origin, the representative of the Romanian Immigration Office (RIO) shall contact the diplomatic mission or consular office of the respective country to facilitate the issuance of the travel documents necessary for his/her return and shall fulfill all the necessary formalities to arrange the victim's stay on the Romanian territory under the provisions of legislation on aliens' regime.

- IGRP and IGBP territorial structures dealing with trafficking in persons shall contact the NAATIP Regional Centers representatives to assess the foreign victim's needs for assistance and stay in contact with the victim;

- Representatives of NAATIP Regional Centers shall report to RIO in connection with the foreign victim and the provision of some form of protection;

- IGRP and IGBP specialized structures shall provide tactical counseling regarding the victim's safe and secure transfer to foreign victims of trafficking shelters.

- the Romanian Immigration Office (RIO):

- regulates the status of foreign victims of trafficking in accordance with the provisions of legislation on aliens' conditions of stay on the Romanian territory;

- jointly with NAATIP, coordinates the activities of public institutions, local public administration authorities and NGOs dealing with the integration of foreign victims benefiting by some form of protection in Romania or the right to stay in Romania;⁹

- on request of the NAATIP Regional center representative,

⁸ In accordance with Government Urgent Ordinance 79/2005 to amend and supplement Law 678/2001 on preventing and combating trafficking in persons

⁹ In accordance with Government Decision 44/2004 regarding the social integration of foreign victims benefiting by some form of protection in Romania or the right to stay in Romania and citizens of EU and EEA Member States;

IGRP and IGBP specialized structures shall undertake the risk assessment in order to establish protective measures within 72 hours since the case referral.

6. Child victim of trafficking

When identifying a child victim, irrespective of his/her country of origin, the representative of the Directorate General for Child Social Assistance and Protection (DGCSAP) or the representative of the Service for the child victim of abuse, negligence and trafficking in persons shall be notified to take special measures for his/her protection.

In cases where the victim is a foreign child, he/she shall be entitled without discrimination to the same support and protection measures specific to all children victims of trafficking.

Whether there are several victims of the same nationality, children included, it is recommended that assistance be delivered by the same service provider.

- IGRP and IGBP specialized structures –shall get in contact with the DGCSAP representative dealing with child abuse, negligence and trafficking and the NAATIP Regional Centre representative to assess the victim's needs for assistance and to maintain contact with the victim;

- the DGCSAP representative dealing with child abuse, negligence and trafficking shall ensure the case referral to a specialized child assistance center and maintain contact with the inter-institutional team partners;

- the NAATIP Regional Centre representative shall maintain constant contact with the DGCSAP representative in respect of monitoring the case;

- when foreign unaccompanied minors are involved, RIO cooperates with other institutions, as well as national and international organizations responsible for child protection in order to establish the judicial status applicable to children, according to GD 194/2002 provisions regarding the aliens' conditions in Romania, amended and supplemented.

7. Indefinite case of trafficking

a. In a case where the presumed trafficked victim refuses to cooperate with the judicial authorities and there are suspicions indicating a possible case of trafficking but the distinct elements of the crime of trafficking have not been detected, the case shall be referred to the NAATIP Regional Centre representative or victim support and protection public institution or service provider for re-assessment.

When, following the assessment, it is determined that the respective person is in fact a trafficked victim, participation in a specialized program of assistance is initially provided and then, based on the victim's consent, the case shall be referred to the judicial authorities.

b. In cases where the person neither accept to discuss with the NAATIP Regional Centre/NGO representative showing no interest in taking part in any assistance programs, nor does he/she want to talk to the police/ judicial authorities, depending on the location where that person was found :

- the border crossing point , leaving Romania – the victim shall be provided with prevention materials regarding useful information on illegal migration and trafficking in persons;

- the border crossing point , entering Romania - the victim shall be provided with information materials on the NAATIP hotline unit.

c. In a situation where the presumed trafficked victim is a foreign citizen, the competent authorities shall carry out specific activities, such as:

- IGRP and IGBP specialized structures dealing with trafficking in persons shall contact the NAATIP Regional Centers representatives to asses the foreign victim's needs for assistance and maintain contact with the victim;

- The DIOCTO prosecutors shall:

- decide to grant the victim a maximum of 90 days of recovery and reflection to escape from the influence of the perpetrators and to take a decision regarding his/her possible cooperation with the authorities;

- notify the NAATIP Regional Centers representative about the decision regarding the recovery and reflection period and the necessity to take protection measures and monitor the case.

- The NAATIP Regional Centers representative shall:

- report to RIO a suspected case of trafficking involving a foreign victim

- report to IOM Romania Mission to assess the individual's need to be included into the voluntary repatriation program.

- RIO shall:

- establish the status of foreign victims of trafficking according to legal provisions governing the aliens' regime;

- refer the case to assistance in a specialized centre.

d. In situations where the case is identified through the NAATIP Help-line information and advice unit, the request shall be immediately received and until a definite case of trafficking is

determined, the individual shall be treated as a presumed trafficked victim. The Help-line operator shall carry out the preliminary evaluation and the risk assessment based on the individual's level of

e. personal safety. If the individual has recently escaped an abusing or exploitive situation, it is required that police intervention units in the community be soon contacted; consequently the referral process shall be carried out following the other existing procedures

f. Victim of trafficking without good capacity of judgment or with severe health problems

When a presumed trafficked victim shows evident signs of severe mental disorders, the contacting institution/organization shall take the necessary measures to arrange a medical examination in order to determine the individual's capacity of judgment. Until then, the individual shall be treated as a trafficked victim, his/her rights and fundamental liberties shall be respected and he/she shall be entitled to specialist medical assistance.

- IGRP and IGBP specialized structures, RIO, NAATIP, NGOs and local public administration authorities shall report and take the person to the nearest hospital unit for appropriate medical attention. The NAATIP Regional Center representative and the specialized police structure (in case neither of these has initially identified the person) shall be urgently announced to monitor the case and take protection measures, if necessary.

List of indicators to identify possible cases of trafficking
Dependence and freedom of movement and expression
Dependence

01. Employer arranges housing, clothes, and transport for the victim

02. Victim does not have his/her own place to live in Romania or the country of exploitation;

03. Victim works in different locations without his/her knowledge about these arrangements;

04. Victim spends the night on the worksite;

05. Victim runs up debts with employer or third parties;

06. Victim is not financially remunerated;

07. Victim is in a weak economic or dependent position;

Vulnerability to blackmail and /or pressure exerted upon by others

08. Victim's passport is kept by somebody else and used to blackmail the victim;

09. Victim's earnings are taken and used to blackmail the victim;

10. Victim stays/stayed or works/worked in Romania/ the country

of exploitation illegally;

11. Employer or third parties paid transfer money;

12. Relatives are blackmailed or threatened;

13. Victim is blackmailed that his/her identity will be revealed and threatened that the activity he/she is engaged in will be made public (e.g. prostitution work);

14. Victim is threatened with or subjected to physical violence;

15. Victim is blamed for his/her involvement in criminal activities;

Basic rights

16. Victim's freedom of movement and expression is curtailed;

17. Victim is not allowed to contact others in the outside world or is restricted in his/her movements;

18. Victim does not have access to his/her identity papers;

19. Victim does not have access to his/her earnings;

20. Victim does not have access to medical assistance;

Fraud or Deception

21. Victim was misled/lured by false promises of marriage or relationships;

22. Victim was misled/ lured by false promises regarding earnings or debt

23. Victim was misled/lured by false promises regarding the nature of work/activity;

24. Victim was misled/lured by false promises regarding conditions of work;

Lack of victim's knowledge about his/her own position

25. Victim is unfamiliar with his/her own address;

26. Others for victim's isolation from others;

27. Lack of victim's relevant knowledge of his/her rights;

Limited capacity to act and vulnerability

28. Victim has a limited capacity to act (e.g. due to mental and/or physical disability)

29. Victim has not made arrangements him/herself for trip, visa and residence or work permit;

30. Victim fears violence and threats of others;

31. Victim is obedient/ servile towards his/her exploiter or pimp;

Behavioural and personality traits as risk factors for the victim or the group he/she belongs to

32. Victim protects or defends employer or third parties involved;

33. Victim has many new acquaintances;

34. Victim has many new possessions (clothes, mobile phone);

35. Victim is often absent from school or has dropped out;

36. Victim suffers from pains or blood in the bladder, abdomen,

anus, and vagina and/or on body parts, eating disorder, pregnancy;

37. Victim shows signs of deviant behaviour or sudden changes in behaviour;

38. Signs have been noticed by the victim's social environment (e.g. parents, other relatives, friends, neighbours);

39. Victim uses alcohol and psychotropic medication or drugs;

40. Victim shows little or no attachment to home; he/she has become isolated;

41. Victim has a tendency to run away from home;

Exploitation

Circumstances and earnings

42. Victim works or renders services under miserable circumstances;

43. Victim's income is considerably lower than the average rate on labour market;

44. Victim has to part with a considerable sum of his/her earnings;

45. Victim works under hazardous conditions;

46. Victim works under abusive labour standards (long daily or weekly hours);

Victim is obliged to quotas for amount of money that must be earned each day;

47. Victim is subjected to exploitation not just incidentally but in a structural and organized manner;

Physical and mental integrity

48. Victim's physical integrity is infringed upon;

49. Victim is forced to have organs removed;

50. Victim is threatened or subjected to sexual assault;

51. Victim is forced to engage in acts of prostitution;

52. Victim works as a prostitute against his/her will;

Other indicators

53. Victim has been smuggled into the country;

54. Victim is in possession of a forged passport

55. A combination of the following: non-EU national, married or staying with a partner and recently working as a prostitute;

56. Victim is closely watched;

57. Victim has links with individuals or locations associated with human trafficking;

58. Victim's nationality: one of the mostly used source countries;

59. Victim has marks that are indicative of his/her dependence on third parties (e.g. tattoos);

60. Victim shows marks or injuries which may indicate sexual abuse;

61. Information received from reliable source that has led to the victim;

62. Victim's surroundings are characterized by special measures: presence of bodyguards, surveillance cameras, hiding places;

63. Several victims reside at the same address and rents are exceptionally high;

64. Passport indicates a too many trips made to and from poor countries;

Group indicators

65. Unknown third parties are found at a certain location, or in the vicinity of a certain group;

66. Age group varies;

67. Potential victims are shielded;

68. Victims avoid contact with police and authorities;

Organized crime related facts

69. There are transfers of money, debts or documents;

70. Other crimes are committed: trafficking in drugs and weapons, financial crimes, deception.

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3. National Referral and Support Mechanism for Trafficked Persons in Bulgaria/National Mechanism for Referral and Support of Trafficked Persons in Bulgaria - National Commission for Combating Human

Trafficking in persons, Animus Association, LaStrada International

4. Guidelines for the primary identification of the victims of trafficking in Europe - guides and brochures produced within the Euro TrafGuID project

5. Rights of the victims of trafficking in the EU - European Commission https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_rights_of_victims_of_trafficking_en_1.pdf

6. Monitoring Anti-Trafficking Reintegration Programmes. A manual - TVRP - Trafficking Victims Re/Integration programme - Rebecca Surtees, Nexus Institute, 2010

7. National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons – A Practical Handbook OSCE /ODIHR

8. National Referral Mechanism – common efforts for protecting the rights of the trafficked persons. A practical guideline/Training Modules for Combating Human Trafficking in persons, International Organization for Migration (IOM) - edited within the program “Strengthening Assistance for Victims of Trafficking in Romania”, 2009-2010

9. www.anitp.mai.gov.ro

10. www.eur-lex.europa.eu

11. www.ec.europa.eu

12. www.legislationonline.org

13. www.unodc.org

14. www.conventions.coe.int

15. www.gaatw.net

Contacts of the national and transnational partners in the implementation of NIRM and TRM

National Anti-Trafficking Policy Coordinator:

- The National Agency Against Trafficking in Persons (NAATIP): 20 Ion Câmpineanu Street, floor 5, District 1, Bucharest, Romania Telephone: +40 21 311 89 82 +40 21 313 31 00, hotline: 0800 800 678 (free in Romania), web: www.anitp.mai.gov.ro, email: anitp@mai.gov.ro

Institutional Partners:

- General Inspectorate for Immigration (GII)
Headquarters: 15A Lt. Col. Marinescu C-tin Street, District 5, Bucharest; Telephone: 021 410 99 40; Email: igi@mai.gov.ro; web: <http://igi.mai.gov.ro/>

- General Inspectorate of Romanian Police (GIRP)
6 Mihai Voda Street, District 5, Bucharest, Telephone: 021 208 25 25; web: <https://www.politiaromana.ro/>
- Directorate for Investigation Organized Crime and Terrorism (DIOCT)
24 Calea Griviței Street, District 1, Bucharest, telephone: 021 311 97 18; e-mail: diicot@mpublic.ro web: <http://www.diicot.ro>
- Romanian Border Police
42C Bulevardul Geniului, District 6, code 060117, Bucharest; Telephone: 021 316 25 98; 021 318 25 98, e-mail: pfr@igpf.ro , web: <https://www.politiadefrontiera.ro/>
- Ministry of Foreign Affairs (MOFA)
14 Alea Modrogan, District 1, Bucharest; Telephone: +40 21 319 21 08 ; +40 21 319 21 25; e-mail: ; web: <http://mae.ro/Consular>
Department: 24 Alea Alexandru, District 1, Bucharest; Telephone: +40 21 319 68 70; E-mail: drco@mae.ro
- National Authority for Child Rights Protection and Adoption (NACRPA)
- National Authority for the Protection of the Rights of the Child and Adoption
(NAPRCA) 7 Bulevardul G-ral Gheorghe Magheru, District 1, Bucharest; Telephone: 021 315 36 33, 021 315 36 30, e-mail: office@anpfdc.ro; web: <http://www.copii.ro/>
- General Directorate for Social Assistance of Bucharest Municipality (GDSABM)
56-58 Foișorului street, District 3, Bucharest; Telephone: 021 314 23 15; E-mail: dgas_mb@yahoo.co.uk ; web: <https://dgas.ro>

Intergovernmental, international organizations

- International Organization for Migration (OIM) Romania
Bucharest, Tel: +40 21.211.45.65; <http://oim.ro>
- The United Nations High Commission in Romania
UN House, 48A Bd. Primăverii, District 1, Bucharest, Romania; Tel.: + 40 21 201 7872 / 73; E-mail: rombu@unhcr.org; web: <http://www.unhcr.org/ro/contact>

Non-governmental organizations providing protection and assistance services to victims of human trafficking

- ADPARE
Bucharest, tel: 021 253 29 04, e-mail: adpare@adpare.eu; web: www.adpare.ro

- FREE Association
Bucharest, Tel: 0767055502; e-mail: asociatiaFREE@gmail.com;
web: <http://www.asociatiafree.org/>
- Touched Romania Association
Bucharest, Tel: 021 211.56.51; 031 405.77.61, e-mail: web:
<http://touchedromania.org/>
- Solwodi Association
Bucharest, Tel: 021 332 50 20; e-mail: secretariat@solwodi.ro;
web: <http://solwodi.ro/>
- CARUSEL Association
Bucharest; Tel/Fax: 004 031 425 78 97; E-mail: office@carusel.org; www.carusel.org
- Arca – Romanian Forum for Refugees and Migrants
Bucharest, tel: 021 252 73 57; e-mail: office@arca.org.ro ; Web:
<http://www.arca.org.ro/>
- „People to People” Foundation
Oradea, tel: (+40) 359411700; e-mail: nicugal@people2people.ro;
web: <http://www.people2people.ro/index.php>
- „Young Generation”
Timișoara, tel: +40 256 282 320; e-mail: office@generatietanara.ro ;
web: <http://www.generatietanara.ro/en/>
- „Pro Prietenia” Foundation
Arad, tel: +40 257 210 606, e-mail: contact@proprietenia.ro;
web: <http://proprietenia.ro/>
- The East European Reproductive Health Institute
Târgu Mureș, tel: 0265 255532, 0265 255931; e-mail: office@eeirh.org
- „Micu Bogdan” Foundation
Brașov, tel: +40-368-453781; e-mail: office@fundatiamicubogdan.ro ;
web: <http://fundatiamicubogdan.ro>
- „Betania” Association
Bacău, Tel: +40 234 206016; e-mail: office@asociatiabetania.ro;
Web: www.asociatiabetania.ro
- Social Alternatives Association
Iași, Tel: +40 332 407 178; e-mail: office@alternativesociale.ro;
web: <http://www.alternativesociale.ro>
- PRO REFUGIU Association
Bucharest, tel: 0732.623.218, e-mail: office@prorefugiu.org; web:
www.prorefugiu.org
- The Ecumenical Association of Churches in Romania — AIDRom
Bucharest, Tel. : +4.021.212.48.68; E-mail: aidrom@gmail.com,

et@aidrom.eunet.ro; web: <http://www.aidrom.ro/contact/>
- Reaching Out Romania Association
Pitești, Tel: 0745 856 235 e-mail: reachingoutrom@yahoo.com;
office@reachingout.ro ; web: <http://www.reachingout.ro/contact/>