



IOM International Organization for Migration

**“Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with emphasis on the Prevention of (Re-) Trafficking”
AVRR CT Moldova**

**COMPENDIUM AND COMPARISON
OF AUSTRIAN AND MOLDOVAN ACTORS AND MECHANISMS
IN THE AREAS OF COUNTER-TRAFFICKING
AND REINTEGRATION OF TRAFFICKED AND VULNERABLE MIGRANTS**



This project is co-financed by the European Return Fund and the Austrian Federal Ministry of the Interior

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This document was produced within the framework of the project “Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with emphasis on the Prevention of (Re-) Trafficking”, which is co-funded through the European Return Fund of the European Commission and the Austrian Federal Ministry of the Interior. The project aims to assist and protect minor and young adult Moldovan trafficked persons and vulnerable individuals who return to Moldova from Austria and to contribute to preventing them from being (re-)trafficked.

This document does not intend to comprise a complete compendium of counter-trafficking stakeholders and activities in Austria and Moldova, but rather lists the stakeholders and mechanisms most relevant for the purposes of this project.

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ABBREVIATIONS

BK:	Bundeskriminalamt (Federal Criminal Intelligence Service)
CAP:	Centre for Assistance and Protection
CCTP:	Centre for Combating Trafficking in Persons
FMEIA:	Federal Ministry for European and International Affairs
IO:	International organization
IOM:	International Organization for Migration
MLSPF:	Moldovan Ministry of Labour, Social Protection and Family
Mol:	Ministry of Internal Affairs
NAP:	National Action Plan
NGO:	Non-governmental organization
NRS:	National Referral System
UAM:	Unaccompanied minor
VoT:	Victim of trafficking

INTRODUCTION

The **goal of the project** “Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with emphasis on the Prevention of (Re-) Trafficking” (AVRR CT Moldova) is to assist and protect minor and young adult Moldovan trafficked persons and vulnerable individuals who return to Moldova from Austria and to contribute to preventing them from being (re-)trafficked. The project runs from 15 June 2012 to 31 December 2013 and is co-funded through the European Return Fund of the European Commission and the Austrian Federal Ministry of the Interior.

The project aims to achieve this through two approaches: firstly, by providing direct assistance to voluntary returnees following their arrival in Moldova in order to increase their capacities to successfully re-establish themselves both socially and economically in Moldova; secondly, by increasing cooperation and exchange between relevant Austrian and Moldovan stakeholders active in the areas of counter-trafficking and voluntary return and reintegration to improve collaboration on specific cases, prevent future cases of trafficking, and allow for mutual learning.

This compendium and comparison falls under the second approach of increasing cooperation and exchange. Within the project implementation period, three study visits – two to Moldova and one to Austria – will be undertaken in order to bring together relevant Austrian and Moldovan stakeholders and assess how to increase their cooperation to better assist trafficked persons and vulnerable migrants. At the time of writing, one study visit to Moldova and one study visit to Austria have already been undertaken under the umbrella of the project. A final study visit to Moldova is planned before the end of the project implementation period.

The **purpose of this compendium and comparison** is to provide a tool for involved stakeholders that presents a brief overview of the status quo in both countries and gives ideas for potential areas where cooperation could be increased. By providing a basis that stakeholders can build upon, the document should specifically assist members of the study visit delegation to prepare themselves for meetings with foreign stakeholders and discussions on further modes of cooperation.

For purposes of simplicity and brevity, this compendium and comparison does not include all related actors and mechanisms, but rather focuses on those most relevant to the purpose of this project. Thus, the compendium and comparison does not serve as an exhaustive account of Austrian and Moldovan efforts in counter-trafficking and voluntary return and reintegration.

The authors hope that this document will enhance the understanding of both Austrian and Moldovan systems for addressing human trafficking and voluntary return and reintegration and that the compendium and comparison will contribute to ensuring that mutual efforts are lent to meaningfully increasing transnational cooperation in these areas.

1. RELEVANT PRACTICAL STAKEHOLDERS IN COMBATING HUMAN TRAFFICKING

1.1. Chart of relevant stakeholders:

	Austria	Moldova
Policy Coordinating Function against Human Trafficking	National Coordinator on Combating Human Trafficking, located within the Federal Ministry for European and International Affairs and responsible for chairing the Task Force Human Trafficking	<ul style="list-style-type: none"> National Committee for Combating Trafficking in Persons with its Permanent Secretariat Regional level: Territorial Commissions for Combating Human Trafficking
Law Enforcement	Federal Criminal Intelligence Service (BK), section of Federal Ministry of the Interior	Centre for Combating Trafficking in Persons (CCTP), Special Division in the Ministry of Internal Affairs
Youth Welfare Authority	<ul style="list-style-type: none"> Federal Ministry of Economy, Family and Youth Drehscheibe – Youth Welfare Crisis Centre of the City of Vienna 	Ministry of Labour, Social Protection and Family (MLSPF)
Specialized service providers	<ul style="list-style-type: none"> LEFÖ-IBF Intervention Center for Trafficked Women Men’s Health Centre 	<ul style="list-style-type: none"> Multidisciplinary Teams Chisinau Centre for Assistance and Protection (CAP) La Strada – National Hotline IOM Chisinau Terre des hommes – Repatriation of children Centre for Rehabilitation of Adolescents in Chisinau (CRAC) Mother & Child Centres
Other	<ul style="list-style-type: none"> Moldovan Embassy and Consular Section in Austria Return Counselling Organizations Shelters for Female Victims of Domestic Violence Weisser Ring 	<ul style="list-style-type: none"> OSCE – Technical Coordination Meetings, Gender issues Border Guard Service Ministry of Health Ministry of Education others

1.2. Stakeholders in Austria

- National Coordinator on Combating Human Trafficking: First established in 2009, the National Coordinator chairs the Task Force Human Trafficking, which is comprised of both governmental and non-governmental actors, and represents Austria on human trafficking related issues. The National Coordinator is located in the Federal Ministry for European and International Affairs.

- Federal Criminal Intelligence Service (BK): A central unit within the BK is specialized in investigating human trafficking and migrant smuggling. The unit is in contact with the respective provincial criminal intelligence services specialized in combating human trafficking and is an intermediary between the Austrian police and law enforcement agencies in other countries to exchange information and conduct joint operations.
- Federal Ministry of Economy, Family and Youth: The Federal Ministry of Economy, Family and Youth is responsible for regulating youth policy on the federal level. This includes basic legislation on the youth welfare system, which provides a framework for provincial legislature in this area.¹
- Drehscheibe – Youth Welfare Centre of the City of Vienna: The Drehscheibe crisis centre is part of the Youth Welfare Authority of Vienna and is responsible for providing immediate care, including shelter and psychological assistance, to foreign unaccompanied minors who are found on the streets of the City of Vienna. The centre has established cooperative networks with numerous institutions in several countries to assist minors to return home and receive comprehensive assistance there.
- LEFÖ-IBF Intervention Center for Trafficked Women: LEFÖ-IBF provides assistance, including counselling and shelter, to trafficked women and girls age 16 and up. It is the only Austrian NGO that receives government funds (from the MoI and the Ministry of Women) based on an agreement with the Austrian Government to provide services to trafficked persons. It is also active in lobbying for increased support and access to rights for trafficked persons.
- Men's Health Center: The centre is located in a hospital and provides health and psychological counselling in different languages and undertakes projects that promote men's health. The centre is currently planning to expand its area of activity to provide services to trafficked men. The centre is in contact with LEFÖ-IBF in this regard and undertook a research project in 2012 to gain a better understanding of the situation of trafficking of men in Austria. Services for trafficked men are planned to start in 2013.
- Moldovan Embassy and Consular Section: The Moldovan consulate is responsible for providing travel documents to Moldovan citizens in Austria, including temporary documents for persons voluntarily returning with the assistance of IOM.
- Return Counselling Organizations: Migrants in Austria who are interested in returning to their countries of origin can contact return counselling organizations, which assist them to assess their situation in Austria and plan their return trip. Currently, these services are provided by the following organizations: Caritas, Verein Menschenrechte Österreich, ORS GmbH, Verein Menschen.Leben, the Refugee Unit of the Provincial Government of Carinthia and LEFÖ-IBF. The return counselling organizations work together with the Austrian MoI and IOM Vienna to coordinate the voluntary return.

¹ Austria is a federal state with nine provinces. The provinces are responsible for regulating the youth welfare system within the framework provided on the national level.

- Shelters for Female Victims of Domestic Violence: These institutions provide shelter and/or counselling for women and children who are threatened or affected by domestic violence. Shelter is available for all victims of violence, regardless of nationality, income rate or religion. For security reasons, the addresses of the shelters are anonymous. There are 30 women's shelters in total in Austria.
- Weisser Ring: This NGO aims to support victims of crime and to prevent crime. It is the largest Austria-wide operating victim support organization and the only one that supports victims of criminal acts of any form, without regard to age, gender, ethnicity or religious, political or sexual orientation.

1.3. Stakeholders in Moldova

- National Committee for Combating Trafficking in Persons and Permanent Secretariat thereto: Established in 2001, the National Committee is a permanent consultative body of the Moldovan Government created as the main actor to generally coordinate counter-trafficking and preventative activities in the country. The Permanent Secretariat to the National Committee was established in 2010. The National Committee, with the support of its Permanent Secretariat, oversees the monitoring, evaluation and reporting processes on the national policies in preventing and combating human trafficking at the national and international levels.
- Territorial Commissions for Combating Human Trafficking: The territorial commissions, which are comprised of the deputy head of rayons (districts), who regularly gathers the decision making actors in the counter-trafficking field at rayon level. The territorial commissions are subordinate to the National Committee for Combating Trafficking in Persons and coordinate counter-trafficking activities at the regional/district level, including awareness raising activities and sensitization to trafficking in persons.
- Centre for Combating Trafficking in Persons (CCTP): CCTP was established in 2006 within the Moldovan Mol to improve the investigation and prosecution of human trafficking cases. In addition to the officers in Chisinau, CCTP has one officer in each district of Moldova who act as focal points for trafficking cases, although they are also responsible for other areas of work. These regional police officers are monitored by and cooperate closely with CCTP. If a case cannot be solved regionally, it is taken over by the central level (either CCTP or General Prosecutor's Office).
- Ministry of Labour, Social Protection and Family (MLSPF): The MLSPF piloted the National Referral System (NRS) in 2006 with the support of IOM Chisinau. The MLSPF's National Coordination Unit within the Department for Equal Opportunities and Prevention of Violence is responsible for referral procedures and the coordination of assistance and protection services, including the identification of trafficked persons and their repatriation to Moldova. Another department of the MLSPF (child rights department) is responsible for youth welfare / child protection and the repatriation of minors.
- Multidisciplinary Teams: at the regional level of the NRS, the multidisciplinary teams implement a systematic and human-rights based approach to the protection and assistance of trafficked persons and vulnerable individuals directly or ensure this

assistance by referring beneficiaries to other specialized institutions or to the national level from where they can be referred to specialized institutions. The social workers / focal points of the multidisciplinary teams are subordinated to the MLSPF.

- Chisinau Centre for Assistance and Protection (CAP): The CAP was founded by IOM Chisinau in 2001 and has been handed over to the MLSPF with on-going support from IOM. The centre provides crisis assistance to trafficked persons, victims of domestic violence and other vulnerable persons and has a key function within the NRS as the only highly specialized centre in the country for trafficked persons. These people can receive psychological, social, legal and medical assistance during their stay. As the CAP is intended to provide assistance in acute cases, stay is usually foreseen for up to 30 days, although this can be extended if necessary. After the crisis has passed, beneficiaries can be referred to other institutions within the NRS that provide longer term assistance (mother child centres, CRAC, etc.).
- La Strada: La Strada is a human rights non-governmental organization founded in 2001 that exists to counteract the trafficking in women phenomenon in the Republic of Moldova through prevention, social assistance for trafficked persons and lobbying. La Strada operates a hotline seven days a week, 8:00-20:00 to answer questions about trafficking, migrating abroad, and to receive SOS calls from victims, their relatives, friends, etc., and to refer them for further assistance.
- Terre des homes: This NGO has been active in the Republic of Moldova since 2004. It works towards the improvement of social follow-up and protection of Moldovan children in vulnerable situations including trafficked persons within and outside Moldova. The aim is to increase the capacities of all actors involved, including children, who are taught to protect themselves against abuse and exploitation.
- OSCE Mission in Moldova: The mission hosts monthly anti-trafficking Technical Coordination Meetings. The Mission also conducts training seminars at the national and local levels to build capacities to combat human trafficking, domestic violence and the sexual abuse of children on the internet.
- IOM Chisinau: IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. The IOM office in Moldova started working in the area of counter-trafficking in 2001. IOM assisted in establishing the NRS and implements a prevention and protection programme to assist trafficked persons and vulnerable individuals and to prevent future cases of trafficking. The office also provides safe return and reintegration assistance for Moldovans who voluntarily return from abroad with the help of IOM.

(Non-exhaustive) selection of other service providers:

- Centre for Rehabilitation of Adolescents in Chisinau (CRAC): Founded in 2003, CRAC is a non-government organization of the Pentecostal Church specialized in assistance to children aged 13 and up, including trafficked persons, unaccompanied minors and victims of all kinds of abuse. The centre works at national level, including providing assistance to beneficiaries from Transnistria. In addition to accommodation and meals, services include medical, psycho-social and pedagogical assistance.

- Mother Child Centres: These centres, which are located throughout Moldova, aim to stop the separation of mothers and children. They provide accommodation, food, medical and psychological care and free time activities. The centres can take the form of NGOs, public authorities, or a hybrid of both.
- Insula Sperantelor: This NGO provides professional orientation and vocational training to trafficked and vulnerable persons. The NGO is supported by the state through the National Employment Agency, and different donors. Throughout the course period (between 3 and 6 month) female beneficiaries can be placed at a centre run by the NGO and receive assistance depending on their needs as part of their individual reintegration plans, such as toolkits and products necessary for the practical lessons, transportation expenses, pocket money, food and hygienic packages, as well as the possibility to participate in social and recreational activities.

2. STATISTICAL EVIDENCE OF TRAFFICKING

2.1. Austria

Austria is mainly a country of destination and transit for human trafficking. The main forms of human trafficking are sexual exploitation, domestic servitude and child begging as well as other forms of forced illicit activity.² Trafficked persons are mainly women and children. As of yet, no trafficked men have been identified in Austria. All identified trafficked persons have been foreign nationals.

It should be noted that, due to a lack of standardization in data collection, trafficked persons who are assisted by organizations other than LEFÖ-IBF are not included in the data provided here. Thus, the number of actually trafficked people is probably higher than indicated by these statistics.

Trafficked women and their children assisted by LEFÖ-IBF³:

2008	2009	2010	2011
203	182	242	251

2.2. Moldova

Trafficked persons and their children assisted by IOM Chisinau (including at the CAP)⁴:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
VoTs	308	364	292	232 ⁵	256 ⁶	265	295	273 ⁷	158	159	139	98	205
Kids	---	230	103	101	125	129	110	96	122	132	78	27	44
Total	308	594	395	333	381	394	405	369	280	291	217	125	249

The Republic of Moldova is a country of origin for human trafficking. Most victims from Moldova are sexually exploited, but there are cases of forced labour, forced begging, and

² U.S. Department of State. 2012 Trafficking in Persons Report. Available at <http://www.state.gov/documents/organization/192594.pdf>

³ LEFÖ-IBF Tätigkeitsberichte 2008-2011. No identified trafficked persons from Moldova.

⁴ IOM Moldova internal statistics.

⁵ One VoT exploited in Austria.

⁶ One VoT exploited in Austria.

⁷ Two VoTs exploited in Austria.

organ removal. The victims are women, men, girls and boys. While anyone can fall victim to trafficking, in Moldova women, children and disabled are especially vulnerable. Moldovans are most often trafficked in the Russian Federation, the United Arab Emirates, Turkey, Ukraine and internally.

Recent trends indicate that the duration of exploitation is decreasing. While exploitation in previous years normally lasted one to two years, now it lasts for an average of four months. Additionally, conditions appear to be superficially improving; trafficked people are paid small amounts, are allowed to contact family members and have partial freedom of movement. These techniques manipulate trafficked people to think that the traffickers are their friends.

The number of trafficked men is on the rise in recent years, mainly for labour exploitation.⁸

3. MECHANISMS TO COMBAT HUMAN TRAFFICKING

3.1. Policy Level Mechanisms

3.1.1. Austria: Legal Framework and the Task Force Human Trafficking

Austria has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime⁹ as well as the Council of Europe Convention on Action against Trafficking in Human Beings¹⁰. EU provisions on human trafficking are also binding for Austria. A number of national laws penalize trafficking in persons: Article 104(a) of the Criminal Code (Human Trafficking), Article 217 of the Criminal Code (Transborder Prostitution Trade), Article 104 of the Criminal Code (Slavery and Slave Trade) and Article 116 of the Aliens Police Law (Exploitation of Aliens). Article 28(c) of the Act on the Employment of Foreigners (Judicially punishable Activities) is also relevant for labour trafficking. Due to Austria's federal structure¹¹, issues related to human trafficking are sometimes regulated differently among the nine provinces.

Counter-trafficking measures in the country are coordinated by the Task Force Human Trafficking. The Task Force was set up in 2004 within the Federal Ministry for European and International Affairs and is responsible for coordinating and intensifying Austria's counter-trafficking activities. The Task Force is chaired by the National Coordinator on Combating Human Trafficking and composed of representatives of all the competent ministries, including outsourced agencies, the federal provinces and non-governmental organizations.¹² Its main functions include networking, evaluating the situation in Austria, developing

⁸ IOM Moldova. Victims of Human Trafficking: A Statistical Profile – 2011.

⁹ Available at <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

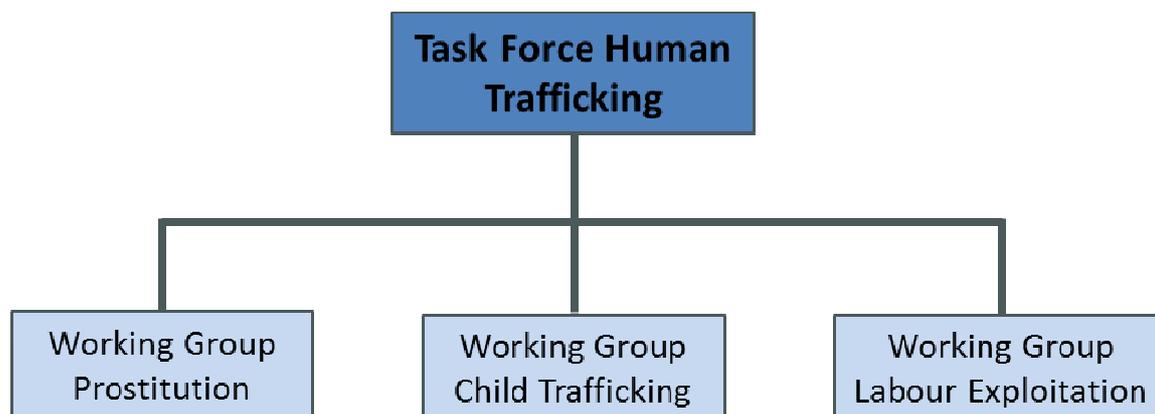
¹⁰ Available at http://www.coe.int/t/e/human_rights/trafficking/PDF_conv_197_trafficking_e.pdf

¹¹ Austria is a federal state with nine provinces.

¹² The Task Force Human Trafficking is comprised of the following actors: Federal Ministry for European and International Affairs (chair); Women's Directorate at the Federal Chancellery; Federal Ministry of Finance, Federal Ministry for Health; Federal Ministry of the Interior; Federal Ministry of Justice; Federal Ministry of Economy, Family and Youth; Federal Ministry for Defence and Sports; Federal Ministry of Labour, Social Affairs and Consumer Protection; Federal Ministry for Education, Arts and Culture; The Offices of the Province Governments of all Federal Provinces; ADA - Austrian Development Agency; LEFÖ-IBF (Intervention Centre for Migrant Women Affected by Human Trafficking); Ludwig Boltzmann Institute of Human Rights; ECPAT ("End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes") Austria.

strategies and national action plans¹³ (NAPs) and giving recommendations to the government. The implementation of the NAPs is supervised by the Task Force. The Task Force also reports on the implementation of counter-trafficking measures and has produced two reports to date. Meetings are held on a quarterly basis.

Three working groups have been established within the Task Force: on child trafficking, prostitution and labour exploitation.



The working group on child trafficking is chaired by the Federal Ministry of Economy, Family and Youth and comprised of federal ministries, provinces, international organizations and NGOs. Its activities include the discussion of strategies against child trafficking and the implementation of NAP activities related to child trafficking. The working group meets quarterly and sends annual reports to the Task Force.

The working group on prostitution is led by the Federal Chancellery (Women’s Section) and comprised of NGOs and relevant federal ministries. The working group addresses topics on prostitution, sex work and sexual exploitation. It sends annual reports to the Task Force.

The working group on labour exploitation was established in December 2012 and is chaired by the Federal Ministry of Labour, Social Affairs and Consumer Protection. It has met twice and no other formal activities have yet taken place.

3.1.2. Moldova: Legal Framework and the National Committee for Combating Trafficking in Persons

Moldova has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime as well as the Council of Europe Anti-Trafficking Convention. The Law on Preventing and Combating Trafficking in Human Beings sets the national framework for addressing human trafficking. The provisions criminalizing trafficking in persons are contained in the Criminal Code: Article 165 (Trafficking in Human Beings) and Article 206 (Trafficking in Children), as well as related issues such as Article 207

¹³ The first National Action Plan on Combating Human Trafficking (for 2007-2009) was adopted in March 2007. The second National Action Plan (2009-2011) was adopted in May 2009, and the third National Action Plan (2012-2014) in March 2012.

(Transportation of Children Abroad), Article 208 (Child Pornography), Article 220 (Pimping) Article 361 (Fabrication, Possession, Sale or Use of False Official Documents) and Article 361 (Organization of Illegal Migration). Government decisions provide secondary legislation to regulate institutional and substantive arrangements to address trafficking in persons.

The National Committee for Combating Trafficking in Human Beings is responsible for coordinating the counter-trafficking activities of relevant bodies¹⁴. This permanent consultative body was established in 2001. The National Committee is chaired by the Deputy Prime Minister of the Republic of Moldova and comprised of relevant ministries and administrative bodies. NGOs and international organizations are invited to attend the National Committee's meetings in a consultative role.

The main functions of the National Committee include: making policy proposals to the government on combating human trafficking, supervising the implementation of the activities in the National Plan, collecting and analysing information on the scale and trends of human trafficking, drafting proposals for legal improvements, organizing awareness-raising campaigns and coordinating the activities of the territorial commissions. The National Committee furthermore periodically evaluates the implementation of the National Plan and reports to the government.

A Permanent Secretariat to the National Committee was created in 2010.

3.2. Direct Assistance Referral Mechanisms

3.2.1. Austria

Austria does not have a national referral mechanism to assist trafficked persons. Efforts are currently underway to establish such a mechanism.

In current practice, if the police suspect that a certain individual may have been trafficked, the person is either referred to LEFÖ-IBF – if it is a woman or girl 16 or older – or to Drehscheibe – if it is a girl younger than 16 or a boy under 18. Potentially trafficked persons are also referred to LEFÖ-IBF by the provincial police in other parts of Austria, although there is no formal enactment providing for such referrals.¹⁵ Currently there are no service providers assisting trafficked men; this task will be taken on in 2013 by the Men's Health Center.

It is important to note that LEFÖ-IBF and Drehscheibe are not the only shelters for (potentially) trafficked persons in Austria, although they are the largest partners of the Austrian police in these regards. Other shelters and service providers that provide assistance to trafficked persons include, but are not limited to, Solidarity with Women in Distress (SOLWODI) and Caritas Klagenfurt (through Sister Silke). Additional service providers, such as

¹⁴ The National Committee is comprised of the following actors: Ministry of Labour, Social Protection and Family; Ministry of Foreign Affairs and European Integration; Ministry of the Interior; Ministry of Justice; Ministry of Culture; Ministry of Health; Ministry of Education; Ministry of Youth and Sport; Ministry of International Technologies and Communications; Office of the Prosecutor General; President's Office of the Republic of Moldova; Information and Security Service; Border Guard Gagauz; Licensing Chamber; Administrative Territorial Unit of Gagauz-Yeri.

¹⁵ LEFÖ-IBF (2011). Tätigkeitsbericht 2011.

women's shelters and Weisser Ring, can also provide assistance to trafficked persons and may refer them to specialized service providers.

3.2.2. Moldova: National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking (NRS)

The National Referral Mechanism (NRM) for trafficked persons, which was piloted in 2006 and officially launched by the Ministry of Labour, Social Protection and Family (MLSPF) in partnership with IOM in 2008, is a cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons. These efforts are coordinated in a strategic partnership with civil society.¹⁶

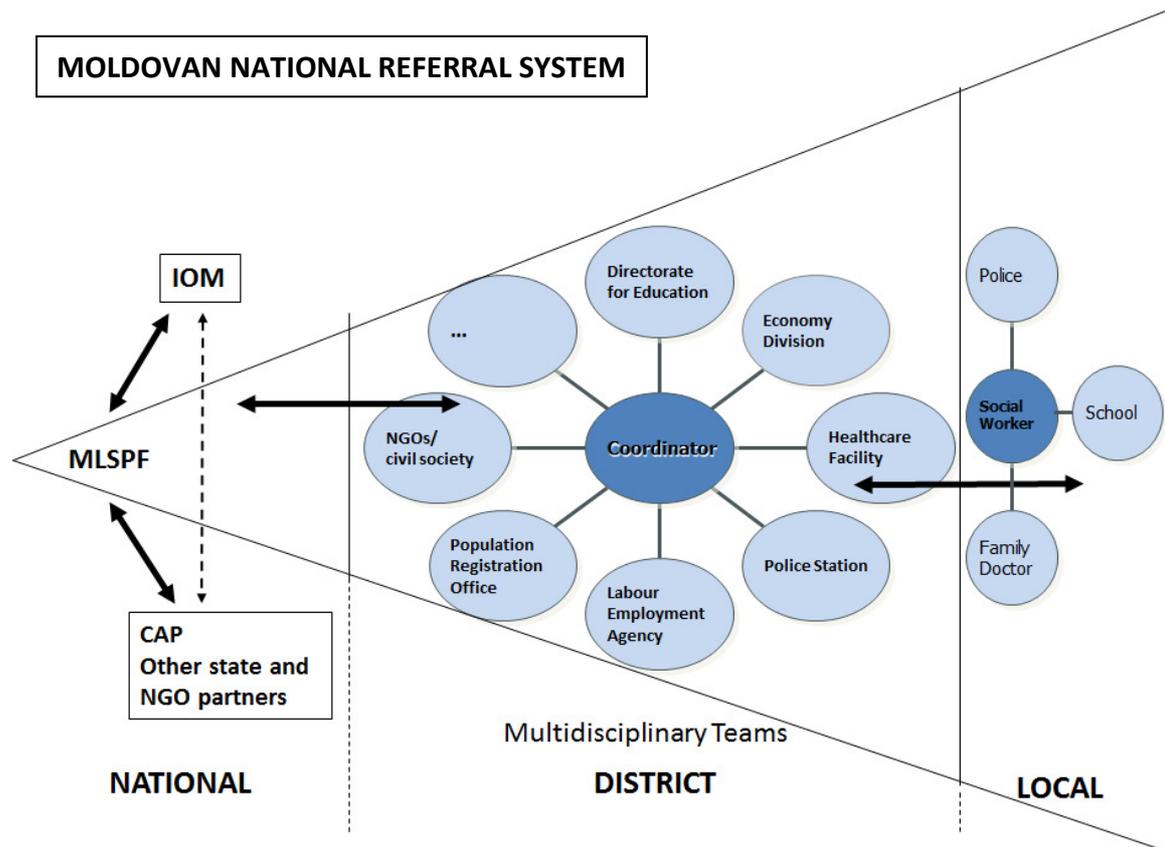
Coverage of the NRS extends to all territory of Moldova at district level and is being further extended to community level. The National Coordination Unit of the MLSPF coordinates the activities of the NRS actors regarding the referral of beneficiaries for protection.

The NRS is innovative in that it not only provides assistance to trafficked persons, but also to persons at risk of being trafficked in the future. This preventative approach economically and socially empowers vulnerable individuals, thereby lowering their susceptibility to trafficking situations. As a country of origin for trafficking, this comprehensive strategy provides a proactive structure for addressing trafficking at its roots.

The NRS is present at the national, regional/district, and local levels. The structure is as follows:

- **National Level:** the MLSPF (National Coordination Unit of the NRS), IOM, the Centre for Assistance and Protection and other state and NGO partners identify beneficiaries, provide initial crisis assistance, as necessary, and refer beneficiaries to specialized service providers at the local level for further assistance. Beneficiaries can also be referred to the national level from the regional and local level if highly specialized services (such as provided at the CAP) are needed.
- **Regional/district Level:** Multidisciplinary Teams comprised of regional actors (e.g. healthcare facility, employment office, police station, directorate for education, etc.) coordinate the assistance of specific cases. If necessary, cases can be referred to the national level. Likewise, cases can be referred to the regional/district level by the national and local levels. Specialized reintegration assistance is provided in close cooperation with NGOs.
- **Local/community Level:** Case worker works directly with the beneficiary along with other actors, such as the family doctor, school, local police, etc.

¹⁶ The essential elements of a functional NRM include: legislative framework, standard operational procedures and coordination mechanisms, adequate funding, assistance services and infrastructure accessible to (potentially) trafficked, and monitoring and evaluation system to collect information and feedback on its operation and make the necessary adjustments. The NRS in Republic of Moldova was developed based on the OSCE/ ODIHR recommendations: Organization for Security and Co-operation in Europe / Office for Democratic Institutions and Human Rights (2004). Practical Handbook 'National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons'. Warsaw.



The NRS ensures unconditional access for trafficked and vulnerable persons to comprehensive assistance by: (1) prevention through raising awareness and reducing the vulnerability of at-risk individuals through direct assistance, (2) protection and assistance through the processes of identification, repatriation, rehabilitation and reintegration of the victims, (3) prosecution and assistance programmes for victim/witnesses in legal proceedings.

Furthermore, the NRS refers trafficked and vulnerable persons to specialized service providers for rehabilitation and reintegration. In this process, the Chisinau Centre for Assistance and Protection (CAP), which is at the national level, plays a major role as the only crisis intervention centre for identified trafficked persons and at-risk cases. The CAP is the only centre that can receive beneficiaries without any documentation. At the CAP, trafficked persons, at-risk cases, and children of trafficked persons can receive food and shelter, medical, psychological, social and legal services. These support services are additionally complemented by individually tailored medium and long term assistance to the beneficiaries. The CAP staff also work closely with the National Coordination Unit and the Multi-Disciplinary Teams and monitor the reintegration assistance of beneficiaries at the regional and local levels.

To ensure the reintegration of beneficiaries into society through direct assistance, the Multidisciplinary Teams in cooperation with IOM and local NGOs provide case monitoring and counselling, as well as support for (re)insertion into educational institutions, vocational training, employment mediation, business development training and assistance in the form of micro-grants to foster the economic empowerment of (potential) victims.

4. MECHANISMS FOR THE VOLUNTARY RETURN OF TRAFFICKED PERSONS FROM AUSTRIA TO MOLDOVA

4.1. From Austria

Austria does not have concrete provisions regarding procedures for the voluntary return of trafficked persons specifically. Instead, the general provisions regulating voluntary return are applied to trafficked persons.

Assisted voluntary return is available to migrants who are unable or unwilling to remain in their host countries and wish to return voluntarily to their countries of origin. The logistics of the return from Austria, including booking flights and assistance at the airport, are provided by IOM Vienna based on a Memorandum of Understanding with the Federal Ministry of the Interior.

All persons wishing to voluntarily return to their countries of origin usually first attend return counselling sessions, which address potential returnees' perspectives in Austria and provide information about the return process, including options for reintegration assistance. Return counselling is provided by Caritas, Verein Menschenrechte Österreich, ORS Service GmbH, Verein Menschen.Leben, the Provincial Government of Carinthia and LEFÖ-IBF (Intervention Center for Trafficked Women).

LEFÖ-IBF, as the only federally funding NGO tasked with assisting trafficked persons, has compiled standards for ensuring that return counselling properly addresses risks and safety issues for returning trafficked persons.¹⁷ These standards hold that a risk assessment must be undertaken prior to the voluntary return of trafficked persons to estimate the potential dangers involved in the return, including stigmatization and re-trafficking. According to the standards, a safety plan should always be drafted prior to the voluntary return, as this initiates a thorough process on concrete risks and provides guidelines for what the trafficked person should do if they find themselves in a difficult situation following the return.

IOM's internal guidelines for assisting voluntarily returning trafficked persons also foresee a risk assessment, which confirms whether or not the voluntary return can safely be carried out. In addition, a reintegration assessment should be undertaken to determine whether IOM can facilitate a sustainable return. In these regards, reintegration assistance following the return is deemed to be vital in ensuring that the person in question can lead a safe and self-sustaining life following the return.

Two major challenges emerge within the context of the voluntary return of trafficked persons in Austria: Firstly, not all trafficked persons are identified as such, meaning that not all of them receive the necessary pre-departure and post-arrival assistance to prevent future risks. Secondly, trafficked persons may be ineligible for return and reintegration assistance if they have been granted legal residence in Austria based on their status as a trafficked person.

¹⁷ LEFÖ (2011). Quality standards for risk assessment and the safe return and reintegration of trafficked persons.

4.2. To Moldova¹⁸

The Ministry of Labour, Social Protection and Family (MLSPF) is responsible for preparing and initiating repatriation procedures for trafficked persons from Moldova. The repatriation procedures in Moldova are based on the voluntary participation of the trafficked person and are carried out in close cooperation with IOM and other NGO partners.

Once the trafficked person's identity has been ascertained – which is done through the diplomatic and/or consular missions if the person has no identity documents – the MLSPF carries out a risk and safety assessment to examine potential threats to the returnee and his or her family, including the risk of re-trafficking. The assessment takes the returnee's opinion into account.

If the risk and safety assessment determines that the respective trafficked person's life and safety are seriously endangered, one or more Moldovan policemen can be sent to the destination country to accompany the trafficked person throughout his or her travel or meet him or her at the border in order to ensure his or her physical safety.

If the trafficked person has serious psychic or physical disorders, a specialist doctor can be appointed to travel to the destination country to accompany the person during travel or meet him or her at the border.

Once the trafficked person has voluntarily returned, the MLSPF begins the procedures providing rehabilitation and reintegration assistance within the National Referral System. This is only carried out with the consent of the respective individual.

The MLSPF can provide data on a repatriated trafficked person's status to competent foreign authorities with the prior consent of the person concerned.

5. MECHANISMS FOR THE REPATRIATION OF UNACCOMPANIED MINORS FROM AUSTRIA TO MOLDOVA

Due to their high vulnerability to human trafficking based on their young age and lack of parental presence, unaccompanied minors require special treatment when returning to their countries of origin. This necessitates strong cooperation between the sending and receiving ends of the return process. Repatriation processes regarding minors are thus important areas to apply preventative approaches to avoid future trafficking situations. This can be strengthened by increasing communication and exchange between both countries before and after the return to ensure the minor's wellbeing.

5.1. From Austria

Austria has very few provisions on the repatriation of unaccompanied foreign minors. According to the Alien's Police Law, a forced return of an unaccompanied minor can only be undertaken if the authorities have considered the individual aspects of the case and ensured

¹⁸ The procedures described in this section are regulated under Decision No. 948 of 7 August 2008 of the Government of the Republic of Moldova "On Approval of Regulation on the Procedure for Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Migrants' Trafficking, as well as Unaccompanied Children".

that the minor can be handed over to a family member, legal guardian or specialized service provider (Article 46 paragraph 3). Practically speaking, the forced return of unaccompanied minors is very rare in Austria.¹⁹

If an unaccompanied minor applies to voluntarily return through IOM, both the legal guardian in Austria and the legal guardian in the country of return must be identified. The legal guardian in Austria must undertake a best interest determination to assess whether it is in the minor's best interest to voluntarily return and, if the return is indeed the best decision, sign a form of consent regarding the minor's return. The legal guardian in the country of return must sign that he or she accepts responsibility for the minor and provide for his or her well-being. Only after these documents have been signed can the return process be initiated. Voluntary return through IOM Vienna is implemented through the General Humanitarian Voluntary Return Programme, which is based on a memorandum of understanding with the Austrian Mol. The return process is initiated based on a request from a return counselling organization.

The Drehscheibe crisis centre, which is part of the Austrian youth welfare authority and provides immediate care for unaccompanied minors in Vienna, has developed its own repatriation procedures. When a minor is admitted to Drehscheibe, the staff investigates the circumstances of the minor's stay in Austria, paying particular attention to the whereabouts of the parents and the minor's legal status. In cases of repatriation, Drehscheibe contacts partner organizations in the country of return and independently assesses whether the well-being of the minor can be guaranteed after his or her return and whether sufficient structures for reintegration exist in the country. Local authorities are also contacted in order to receive a guarantee that the minor will be cared for following the return. Once these initial steps have been taken, Drehscheibe begins the repatriation process and contacts the foreign embassy. If the minor's well-being in the country of origin cannot be guaranteed, the minor remains in Austria.

In order to ensure that the minor is indeed cared for following the return, Drehscheibe carries out monitoring for a period of six months following the minor's return. Firstly, bimonthly reviews of the reports provided by the local authorities and NGOs are carried out. These reviews evaluate whether the minor is appropriately accommodated, attends school and is safe. If the minor requires health care, these reviews assess whether these services have been provided. If the child has been reintegrated into his or her family, a further monitoring control is carried out through the local school, the local youth welfare and the local police. If the child does not appear at school for a number of days, the youth welfare and the police are notified and the reasons for the minor's absence are investigated.²⁰

¹⁹ International Organization for Migration (2010). Exchange of information and best practices on first reception, protection and treatment of unaccompanied minors. Second edition. Brussels: International Organization for Migration.

²⁰ European Migration Network (2010). Programmes and Strategies in Austria Fostering Assisted Return to and Re-integration in Third Countries. Vienna: International Organization for Migration.

5.2. To Moldova²¹

The MLSPF is responsible for all matters concerning preparing and starting the procedure to repatriate unaccompanied Moldovan children and works closely with IOM, Terre des hommes and the CAP in these regards. Such activities are regulated by the Government Decision On Approval of Regulation of Procedures for the Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Migrants’ Trafficking, as well as Unaccompanied Children (Gov. Dec. No. 948 of 7 August 2008). This decision dictates the role and responsibilities of relevant Moldovan authorities in the repatriation of unaccompanied minors.

According to the decision, repatriation should be voluntary and based on a written agreement with the minor, unless he or she is less than ten years of age, in which case a legal representative signs the agreement. The competent authorities are obligated to ensure that the respective person’s opinion has been taken into account regarding the repatriation, reunification with the biological or extended family and placement in other types of care. The repatriation should respect the best interest of the child and ensure a sustainable solution.

Before the repatriation can take place, the minor’s identity must be established and a place for the minor must be found, either with the family or an institution. If the minor’s identity cannot be determined, the foreign authorities in the respective country will be informed that the repatriation cannot be completed. If the identity can be determined, the MLSPF requests the competent authorities in the minor’s last place of residence in Moldova to conduct an emergency social assessment of the family and to develop an initial individual plan to begin preparations for the minor’s reintegration. The MLSPF shares information collected on the minor and the minor’s family with the respective host country through the Foreign Ministry. Once this procedure is complete, the MLSPF informs the host country of the repatriation date, accompanying persons, means of transportation, border crossing points, actions needed to prepare the minor for travel, etc.

After the authorities in the respective host country have agreed to the repatriation, the MLSPF plans the logistics of the repatriation. If necessary, accompanying persons are nominated to travel to the host country and return to Moldova with the minor. Upon arrival in Moldova, the minor is met by the parents or other legal representatives. If the minor is met by a staff member of a protection institution, the handoff is documented by minutes signed by both the accompanying person and the staff member. If the authorities of the host country take responsibility for accompanying the minor, the diplomatic and consular missions inform the MLSPF of the decision and relevant details.

Following the repatriation, the guardianship authority in the territory of the minor’s residence or the local authorities in the community where the protection institution caring for the minor is located undertake the necessary social and family reintegration actions. The guardianship authority monitors the minor’s situation and reports to the MLSPF. All information on the child’s case is kept in a special file stored at the MLSPF. The MLSPF can inform the host country on the minor’s situation following the repatriation with the consent of the minor concerned via the Department of Consular Affairs of the Foreign Ministry.

²¹ The procedures described in this section are regulated under Decision No. 948 of 7 August 2008 of the Government of the Republic of Moldova “On Approval of Regulation on the Procedure for Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Migrants’ Trafficking, as well as Unaccompanied Children”.

6. POTENTIAL AREAS FOR FURTHER COOPERATION BETWEEN AUSTRIA AND MOLDOVA

6.1. Repatriation of Unaccompanied Minors

Actors: Drehscheibe (Youth Welfare Authority), the MLSPF (family and child protection department) and guardianship authorities (Central Authority for Child Protection)

Issues: The Austrian shelter for unaccompanied minors (Drehscheibe) is interested in establishing cooperation with Moldovan stakeholders in order to assist unaccompanied Moldovan minors to return to Moldova and receive proper assistance following their return. Drehscheibe plans to host a series of trainings for Moldovan youth welfare authorities in 2013 to initiate this collaboration.

The 2nd Study Visit to Moldova could present an opportunity to concretely discuss operational details of the procedures for the repatriation of minors. This would also assist Drehscheibe in planning the issues to be addressed during the training in Austria.

6.2. Assisting Trafficked Men

Actors: Men's Health Center, the Centre for Assistance and Protection and IOM Chisinau

Issues: Austria has had no identified cases of trafficking in men and currently does not have a specialized service provider to assist trafficked men. In 2013, the Men's Health Center will take on this role. Moldova has already had a number of cases of trafficking in men and has gathered experience in assisting them.

The 2nd Study Visit to Moldova presents an opportunity for the Men's Health Center to learn methods of assistance for this target group. A targeted meeting could enable the CAP and IOM Chisinau to share important information on providing assistance to this often forgotten target group.

7. CONTACT INFORMATION OF AUSTRIAN AND MOLDOVAN ACTORS

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