

## MEMORANDUM OF UNDERSTANDING

between

the Ministry of Internal Affairs (MIA), the General Prosecutor's Office (GPO), the Ministry of Social Protection, Family and Child (MSPFC), and

the International Organization for Migration (IOM), the Association of Women in Legal Careers / the Centre for Prevention of Trafficking in Women (AWLC/CPTW), the International Center for Protection and Promotion of Women's Rights „La Strada” (hereinafter called Parties)

**RECOGNIZING** the responsibility for the situation of trafficking in human beings, borne by the public authorities, the civil society, and as well the international community,

**ACKNOWLEDGING** that respect and protection of fundamental human rights and the restoring of these rights by consolidating the efforts of prevention and combating of trafficking in human beings shall be objective and of great importance,

**STARTING** from the need to establish a continuous, equal and mutual cooperation between public authorities, law enforcement bodies, civil society and international community,

**ACTING** in view of ensuring the right of victims of trafficking in human beings to qualitative assistance, necessary for their rehabilitation and reintegration, based on the principles of respecting confidentiality, forbidding intimidation, discrimination and other principles set in the national and international legislation, regarding development and expansion of the National Referral System (NRS) in the field of protecting and assisting victims and potential victims of trafficking in human beings (hereinafter called beneficiaries),

**RECOGNIZING** that establishment of cooperation does not grant any of the Parties the right to interfere without justification in the activity of another Party, except for the cases strictly provided in this Memorandum,

**BASING ITS COOPERATION** in the field of assisting victims of trafficking in human beings on the provisions of: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in New York on 15 November 2000, ratified by Law of the Republic of Moldova nr. 17-XV of 17.02.2005; Council of Europe Convention on Action against Trafficking in Human Beings, 16.05.2005 Warsaw, ratified by Law of the Republic of Moldova nr. 67-XVI of 30.03.2006; International Convention on the Rights of the Child, of 20 November 1989, New York, ratified by Parliament Decision nr. 408-XII of 12.12.1990 and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 25 May 2000, New York, ratified by Law of the Republic of Moldova nr. 15-XV of 06.02.2004, Recommended Principles and Guidelines on Human Rights and Human Trafficking of the UN High Commissioner for Human Rights, from 20 May 2002, New York, Law on preventing and combating of trafficking in human beings nr. 241- XVI of 20.10.2005, Law on public associations, nr. 837-XIII of 17 May 1996, national plans and strategies in the

field of preventing and combating trafficking in human beings and illegal migration, other national and international acts in the field,

**CONSIDERING** the attributions, guarantees and mutual consent of the Parties set in this Memorandum and aiming at developing and expanding the National Referral System in the field of protecting and assisting victims and potential victims of trafficking in human beings (hereinafter called “beneficiaries”), have agreed as follows:

**I. Responsibilities of the Parties regarding assistance and protection of beneficiaries:**

In accordance with the principles and above mentioned legislative and normative acts, the areas of responsibility of the Parties based on this Memorandum are to:

**The Ministry of Internal Affairs, represented by the Center for Combating the Trafficking in Persons (CCTP):**

- a. identify and refer beneficiaries, with their consent, to the National Coordination Center (NCC) within MSPFC in order to ensure their access to assistance and protection programs offered by the Parties of this Memorandum, and in emergency situations – directly to the Parties, followed by a notification of NCC;
- b. ensure that referral of beneficiaries to assistance and protection is not conditioned by their will to make declarations and participate in the criminal prosecution of the offenders;
- c. ensure beneficiaries’ access to information about their rights, about authorities, organizations and institutions that offer assistance and protection;
- d. undertake all legal measures to ensure the protection of the beneficiaries;
- e. undertake special measures for protection of children – victims of trafficking in human beings, including immediate informing of the specialized child care institution, which shall designate a tutor / guardian for the child;
- f. inform the Parties about existing dangers for the beneficiaries included in their assistance and protection programs, and, if necessary, undertake necessary beneficiaries’ protection measures, upon request of the Parties;
- g. notify in advance (via fax or e-mail) the contact persons appointed by the Parties about the planned procedural acts with participation of beneficiaries, included in assistance programs of the Parties;
- h. avoid conducting criminal procedure acts with the participation of beneficiaries during the night time, in absence of attorneys, legal representatives or parents, depending on the case;
- i. cooperate in view of obtaining information about cases / possible cases of trafficking possessed by the Parties (through dedicated telephone lines, assistance and direct counseling, etc.) and investigation of reported cases;
- j. coordinate and mediate contacts between the Parties and subjects responsible for combating and prevention of trafficking in human beings within territorial or specialized police offices;
- k. provide assistance in repatriation of beneficiaries, upon request of the Parties;

- l. submit information of common interest upon request of the Parties for monitoring the current situation of beneficiaries involved in criminal procedure acts and for planning of long term assistance;
- a. cooperate with Parties on analyzing the causes and conditions that encourage the phenomenon of trafficking in human beings;
- m. appoint contact persons, who will ensure the connection with the Parties of this Memorandum.

**The General Prosecutor's Office:**

- b. control observation of human rights in cases assigned to the trafficking in human beings category, including of victims of trafficking in human beings;
- c. conduct studies and analyses in order to find and remove the causes and conditions that encourage trafficking in human beings and publication of statistical information and analysis reports on prevention and combating of trafficking in human beings;
- d. identify and refer beneficiaries, with their consent, to NCC within MSPFC in order to ensure their access to assistance and protection programs offered by the Parties of this Memorandum, and in emergency situations – directly to the Parties, with a later notification of NCC;
- e. ensure that referral of beneficiaries to assistance and protection is not conditioned by their will to make declarations and participate in the criminal prosecution of the offenders;
- f. ensure beneficiaries' access to information about their rights, about authorities, organizations and institution that offer assistance and protection;
- g. undertake all legal measures to ensure the physical protection of beneficiaries involved in criminal charges, upon necessity;
- h. provide information about existing dangers for the beneficiaries included in assistance and protection programs of the Parties, and, if necessary, undertake necessary measures of their protection, at request of the Parties;
- i. undertake special measures for protection of children – victims of trafficking in human beings, including immediate informing of the specialized child care institution, which shall designate a tutor / guardian for the child;
- j. cooperate in view of obtaining information about cases / possible cases of trafficking possessed by the Parties (through dedicated telephone lines, assistance and direct counseling, etc.) and investigation of reported cases;
- k. coordinate and mediate contacts between the Parties and subjects responsible for combating and prevention of trafficking in human beings within territorial or specialized prosecution offices;
- l. submit information of common interest upon request of the Parties for monitoring the current situation of beneficiaries involved in criminal procedure acts;
- m. cooperate with Parties on analyzing the causes and conditions that encourage the phenomenon of trafficking in human beings;

- n. appoint contact persons, who will ensure the connection with the Parties of this Memorandum.

**The Ministry of Social Protection, Family and Child:**

- a. receive the information about the beneficiaries referred by the Parties through NCC;
- b. manage the Data Base focused on victims of trafficking in human beings and analyze the information about assisted beneficiaries;
- c. coordinate repatriation activities of beneficiaries (adults and children);
- d. analyze identified cases and refer them to Social Assistance Services (central and local) or to the Parties, in order to assess the needs of the beneficiaries and to provide necessary assistance;
- e. in crisis situation to refer beneficiaries on urgent basis to the Chisinau Rehabilitation Center, followed by an assessment of their needs;
- f. coordinate permanent monitoring in the reintegration process of beneficiaries;
- g. develop and implement the NRS project, build capacities of existing services and develop the normative basis for creation of the community services;
- h. cooperate with the Parties on analyzing the causes and conditions that encourage the phenomenon of trafficking in human beings;
- i. appoint contact persons (at central and local level) who will ensure the connections with the Parties of this Memorandum.

**The International Organization for Migration:**

Within its Prevention and Protection Program:

- a. support the Parties in performing activities related to the development and implementation of NRS;
- b. contribute to capacity building of human resources in the field;
- c. provide logistic and financial assistance and involve human resources in repatriation, rehabilitation and reintegration of beneficiaries;
- d. support MSPFC in:
  - 1. co-financing the Chisinau Rehabilitation Center;
  - 2. interviewing and prompt assessment of primary needs (social questionnaire) of beneficiaries referred by the Parties of this Memorandum to NCC;
  - 3. analysis of cases referred to NCC in order to determine their eligibility for inclusion in rehabilitation and reintegration program managed by IOM, informing the Parties about the decision taken;
  - 4. placement of beneficiaries (upon necessity);
  - 5. providing rehabilitation assistance to beneficiaries within Chisinau Rehabilitation Center and management of Protection and assistance program within NRS;

6. support multidisciplinary teams at local level in their activity of coordination, monitoring and provision of rehabilitation and reintegration services to beneficiaries;
- e. collaborate with the Parties in analyzing causes, conditions and trends of trafficking in human beings phenomenon; develop and distribute information materials in this regard (websites [www.iom.md](http://www.iom.md) and [www.migratie.md](http://www.migratie.md); publication of guidelines, brochures, leaflets, posters, etc.) in order to diminish the phenomenon;
- f. facilitate, organize exchange of experiences and national and international best practices;
- g. inform the Parties about managed programs and projects in the field of counter-trafficking and services available to beneficiaries;
- h. appoint contact persons who will ensure the connections between the Parties of this Memorandum and other organizations;

**The Association of Women in Legal Careers / The Centre for Prevention of Trafficking in Women:**

Within its programs and projects, AWLC/CPTW bears the responsibility to:

- a. cooperate with the Parties in identification and referral of beneficiaries, with their consent to NCC within MSPFC in order to ensure their access to assistance and protection programs offered by the Parties of this Memorandum, and in emergency situations – directly to the Parties, followed by a notification of NCC;
- b. offer legal counseling to beneficiaries referred by the Parties of this Memorandum and other organizations within NRS;
- c. prepare and submit civil cases in court in the interest of the beneficiaries, in view of repairing the material and moral damage caused by the criminal acts;
- d. redirect cases of trafficking in human beings to GPO, MIA and territorial divisions responsible for combating trafficking in human beings to initiate and conduct the criminal prosecution;
- e. represent beneficiaries, with their consent, in criminal trials that are conducted in the Republic of Moldova, irrespective of the phase of the trial, offering them legal support and counseling;
- f. offer legal counseling and assistance in obtaining identity and other documents of beneficiaries, which were lost during the trafficking;
- g. offer social reintegration assistance to beneficiaries;
- h. monitor beneficiaries referred by AWLC/CPTW to specialized divisions within NRS project;
- i. build interdepartmental capacity in order to combat trafficking in human beings;

- j. cooperate with the Parties in analyzing the causes and conditions that encourage the phenomenon of trafficking in human beings;
- k. inform the Parties about managed programs and projects in the field of counter-trafficking and services available to beneficiaries;
- l. appoint the contact persons (at central and local level) who will ensure the connections with the Parties of this Memorandum.

### **The International Center for Protection and Promotion of Women's Rights „La Strada”**

Within its programs and projects, “La Strada” International Center assumes the responsibility to:

- a. monitor the situation in the country related to trafficking in human beings and its evolution trends by conducting studies, research in the field and make the respective information available to the Parties;
- b. develop drafts of normative acts/standards in the field of combating trafficking in human beings, in collaboration with specialists from other organizations active in this area;
- c. provide comments/proposals regarding improvement of legislation in the field of combating trafficking in human beings, upon request of the Parties;
- d. develop, publish and disseminate information materials for the specialists in the field of combating trafficking in human beings and for the at-risk group (specialized or thematic editions, brochures, leaflets, posters, etc.);
- e. conduct activities of professional capacity building of specialists from the counter-trafficking domain, organize continuous education seminars, workshops, round tables;
- f. facilitate and organize exchange of experience with specialists from other countries;
- g. cooperate with the Parties in identification and referral of beneficiaries, with their consent, to National Coordination Center (NCC) within MSPFC in order to ensure their access to assistance and protection programs offered by the Parties of this memorandum, and in emergency situations – directly to the Parties, followed by a notification of NCC;
- h. collaborate with GPO, CPTW and other Parties in solving concrete cases of trafficking in human beings, upon their request;
- i. provide psychological support and other kind of assistance to beneficiaries;
- j. monitor cases redirected by “La Strada” International Center to specialized divisions within NRS project;
- k. inform the Parties about managed programs and projects in the field of counter-trafficking and services available to target persons;
- l. appoint the contact persons (at central and local level) who will ensure the connections with the Parties of this Memorandum.

## **II. Responsibilities of the Parties in the area of beneficiaries related information exchange:**

### **The Ministry of Internal Affairs, represented by the Center for Combating the Trafficking in Persons (CCTP):**

- a. manage the information received from the Parties, regarding the beneficiaries, observing confidentiality and security;
- b. ensure strict confidentiality of the identity of information sources and the role of other Parties in forwarding the information, as well as non-disclosure to other agencies in the country or abroad, except for the cases when previously the Parties and source of information agreed otherwise;
- c. use the information received from the other Parties with diligence and confidentiality, in conditions provided by legislation in force, in particular when the respective information resulted from the initiation of a criminal case;
- d. decline using respective information during investigation of a criminal charge in order to not imperil the security of the information source, in cases when beneficiaries refuse to provide information or the Party that offered the information refuses mentioning its role as an intermediary of passing it;
- e. not communicate information received from the Parties to mass media, except for the cases when its release is authorized by the respective Party in written or there is a need to establish the person's identity (in case of children and retarded persons or persons with other mental deficiencies who do not know their identity);
- f. assume full responsibility in case of injuries, losses borne by the beneficiaries, the Parties of this Memorandum or third parties, resulted from actions taken by MIA staff violating this Memorandum;
- g. inform the Parties which passed the information regarding taken actions and decisions regarding the particular case -

### **The General Prosecutor's Office:**

- a. manage the information received from the Parties, regarding the beneficiaries, observing confidentiality and security;
- b. ensure strict confidentiality of the identity of information sources and the role of other Parties in forwarding the information, as well as non-disclosure to other agencies in the country or abroad, except for the cases when previously the Parties and source of information agreed otherwise;
- c. inform the Parties which passed the information regarding taken actions and decisions regarding the particular case

### **The Ministry of Social Protection, Family and Child:**

- a. pass the information to the Parties via the contact persons appointed by the Parties, only on the basis of expressed consent of the beneficiary;

- b. maintain confidentiality of the information received from the Parties;
- c. not disclose the information received from the Parties through mass media, except for the cases when such release is authorized in written by the Parties.

**The International Organization for Migration:**

- d. pass the information to the Parties via the contact persons appointed by the Parties, only on the basis of expressed consent of the beneficiary;
- e. maintain confidentiality of the information received from the Parties;
- a. not disclose the information received from the Parties through mass media, except for the cases when such release is authorized in written by the Parties.

**The Association of Women in Legal Careers / The Centre for Prevention of Trafficking in Women:**

- a. pass the information to the Parties via the contact persons appointed by the Parties, only on the basis of expressed consent of the beneficiary;
- b. collect, analyze and pass the information to CCTP of MIA about cases of trafficking in human beings, especially about traffickers, and, only upon expressed consent of the involved victims of trafficking in human beings, with indication of the information source;
- c. pass to CCTP of MIA the information about a possible trafficking case received on the phone from an anonymous source;
- d. maintain confidentiality of information and sources of information, protect the rights and interests of involved victims of trafficking in human beings;
- e. pass the information and the conclusions resulted from the analysis of the trafficking in human beings phenomenon in Moldova and abroad, in order to identify efficient methods to combat this phenomenon.

**The “La Strada” International Center:**

- a. pass to GPO and CCTP of MIA the information about trafficking cases obtained from the Hotline 080077777 operators, with indication of the source, when possible;
- b. pass the information to the Parties via the contact persons appointed by the Parties, only on the basis of expressed consent of the beneficiary;
- f. maintain confidentiality of the information received from the Parties;
- c. not disclose the information received from the Parties through mass media, except for the cases when such release is authorized in written.

### **III. Final provisions**

No provision of this Memorandum shall affect the immunities and privileges enjoyed by the Parties in the Republic of Moldova, according with the legislation regulating their functioning and activity.

The Parties are entitled to request modification of this Memorandum depending on managed and implemented programs and projects, upon prior written notice of the Parties.

This Memorandum shall enter into force upon signature and remains in force until expression by any of the Parties of the intention to terminate the Memorandum, by giving a prior written notice, which shall be presented to the Parties no later than 30 days before the date of termination.

For the Ministry of Internal Affairs

For the General Prosecutor's Office

For the Ministry of Social Protection, Family and Child

For the International Organization for Migration

For the Centre for Prevention of Trafficking in Women /  
Association of Women in Legal Careers

For the International Center for Protection and  
Promotion of Women's Rights „La Strada”