

International Organization for Migration (IOM)

The UN Migration Agency

**Assessment of the capacity of the Directorate of
Permanent Secretariats of the State Chancellery of
the Republic of Moldova to coordinate
counter-trafficking policies and of the feasibility of the
introduction of a National Rapporteur on Combating
Trafficking in Human Beings in Moldova**

REPORT

11 May 2020

This report was prepared for the International Organization for Migration (IOM) Mission to Moldova as part of the *Enhancing the Government's Counter-Trafficking Response and Improving the Protection of Victims of Trafficking and Witnesses in the Republic of Moldova* project funded by the Embassy of the United States in Chisinau (International Narcotics and Law Enforcement section).

The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of the International Organization for Migration or the United States Department of State.

Prepared by: Hanna Antonova, Independent Consultant
Tel.: +61 423 521 748
E-mail: hanna.antonova@gmail.com

National peer review by: Tatiana Fomina, International Center "LA STRADA" (Moldova)
Main Analyst
Tel: +373 22 23 49 06
E-mail: tfomina@lastrada.md

List of Acronyms

CAP	Center for Assistance and Protection to Victims and Potential Victims of Trafficking in Human Beings
CCTP	Center for Combating Trafficking in Persons of the Ministry of Interior of the Republic of Moldova
CNPAC	National Center for Child Abuse Prevention
CoE	Council of Europe
CT	Counter-trafficking
DPS	Directorate of Permanent Secretariats of the State Chancellery of the Republic of Moldova
EU	European Union
GoRM	Government of the Republic of Moldova
GPO	General Prosecutor's Office of the Republic of Moldova
GRETA	Council of Europe Group of Experts on Action against Trafficking in Human Beings
IOM	International Organization for Migration
MFA	Ministry of Foreign Affairs and European Integration
MHLSP	Ministry of Health, Labor, and Social Protection
Mol	Ministry of Interior
MoJ	Ministry of Justice
NAP	National Action Plan
NCCTHB	National Committee for Combating Trafficking in Human Beings
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PS	Permanent Secretariat to the National Committee for Combating Trafficking in Human Beings
SIGMA	Support for Improvement in Governance and Management (SIGMA) Programme
TCG	Technical Coordination Group
THB	Trafficking in human beings
UN	United Nations
UNDP	United Nations Development Programme
US	United States of America
VoT	Victim of trafficking (in human beings)

Contents

Acknowledgements	5
Executive summary	6
1. Introduction	7
1.1 Background	7
1.2 Objectives of the research	16
1.3 Methodology	17
1.4 Definition of terms	20
2. Findings	22
2.1 Enabling environment	22
2.2 Organizational setup	36
2.3 Individual level	40
3. Conclusions and recommendations	44
4. Annexes	50

Acknowledgement

This report was produced thanks to the generous support extended to the Republic of Moldova by the United States of America, a major development donor for projects in the country and one of its key strategic partners. The project through which it was made possible, is a logical continuation of over a decade of technical assistance initiatives in the sphere of countering trafficking in persons funded by the Embassy of the United States in Chisinau, International Narcotics and Law Enforcement (INL) section. The International Organization for Migration (IOM) Mission in Moldova and the author acknowledge with gratitude the continuous prioritization of this critical issue by INL, and the fruitful cooperation IOM has enjoyed since 2003.

The author would also like to express her appreciation of the kind support and cooperation extended in the course of the preparation of this report by the Directorate of Permanent Secretariats of the State Chancellery of the Republic of Moldova and the IOM Mission to Moldova, as well as (in alphabetical order) the Chisinau Center for Assistance and Protection, the National Center for Child Abuse Prevention (CNPAC) NGO, CNFCEM NGO, the General Prosecutor's Office, Interaction NGO, International Center "La Strada" (Moldova) NGO, the Ministry of Foreign Affairs and European Integration, the Ministry of Health, Labor, and Social Protection, the Ministry of Interior, the Ministry of Justice, Office of the Ombudsperson, OHCHR, OSCE Mission to Moldova, Territorial Commissions for Combating Trafficking in Human Beings of Causeni, Cimislia, and Straseni Raions, UNDP, and UNICEF.

Executive Summary

This report was commissioned by the International Organization for Migration Mission in Moldova, in cooperation with the Directorate of Permanent Secretariats of the State Chancellery of the Republic of Moldova, and with the financial support of the Embassy of the United States in Chisinau (International Narcotics and Law Enforcement section).

The research forming the basis of the report explores the implications of the reform of the State Chancellery of the Republic of Moldova, which encompassed the absorption of the Permanent Secretariat to the National Committee for Combating Trafficking in Human Beings into the Directorate of Permanent Secretariats. It analyzes the capacity of the newly-created Directorate to fulfil the vital functions pertaining to the development, implementation, monitoring, and evaluation of counter-trafficking policies in Moldova, which were previously performed by the Permanent Secretariat.

In this context, the research additionally looked at the feasibility of and options for the establishment of an office of the National Rapporteur for Combating Trafficking in Human Beings in the Republic of Moldova. In that, the research fulfils the task foreseen by Moldova's National Action Plan on Preventing and Combating Trafficking in Human Beings for 2018-2020 approved by the Government of the Republic of Moldova Decree Nr.461/2018 (activity 1.1.1.).

The resulting conclusions serve as a basis for relevant recommendations with regard to securing the sustainability and continued effectiveness of counter-trafficking response of the Government of the Republic of Moldova through ensuring an appropriate institutional framework, in line with the international standards and commitments as well as the current situation and needs in the country.

1. Introduction

1.1 Background

a) *Estimated scope of human trafficking in Moldova*

Moldova is one of Europe's poorest countries.¹ Despite its progress in reducing poverty and promoting growth, the country continues to rely heavily on remittances from the over 1 million Moldovan migrant workers² to sustain private consumption, a key driver of growth.³ An estimated 41% of Moldovan households have someone in their extended family who is working abroad.⁴ With such a considerable rate of external labor migration, together with the readiness to accept unsafe overseas employment offers,⁵ the risks of trafficking in human beings (**THB**) for Moldovans are significant, with estimated 6% Moldovan households reporting at least one family member who has been trafficked and exploited abroad within the past three years (compared to estimated 2% in 2014-17).⁶ Moldovan men, women, girls, and boys are known to have been subjected to sexual and non-sexual forms of exploitation within Moldova and in Russia, Germany, other countries in Europe, and the Middle East. Most victims come from rural areas and have low levels of education.⁷

The number of known victims of trafficking (**VoTs**) has been steadily rising within the past three years, with 197 adults and 35 children identified in 2016, 201 adults and 48 children in 2017, and 305 adults and 60 children in 2018.⁸

The latest research and statistics thus indicate no reason to suggest that THB is receding in Moldova. In terms of percentage of population affected, the country remains the most affected in the European Union's (EU) Eastern Partnership region.⁹

b) *Overview of the Government response*

Over the past 15 years, the Government of the Republic of Moldova (**GoRM**) has been making a sustained effort to address the proliferation of vulnerable migration and human trafficking, *inter alia*, by ratifying key international and European legal instruments, adopting corresponding domestic legislation and policies, and establishing a comprehensive and decentralized multidisciplinary institutional base for combating THB.

The Republic of Moldova ratified the United Nations (**UN**) Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing it (**Palermo Protocol**) in September 2005.¹⁰ In May 2006, it ratified the Council of Europe (**CoE**) Convention on Action against THB.¹¹ The

¹ <https://www.worldbank.org/en/country/moldova/overview#1>

² The current population of Moldova is 3.55 million (Ibidem)

³ <https://www.worldbank.org/en/country/moldova/overview#3>

⁴ Human Trafficking Survey: Belarus, Georgia, Moldova, and Ukraine. IOM and Info Sapiens, 2019, p.3

⁵ Ibidem, p.4

⁶ Ibid., p.3

⁷ Trafficking in Persons Report. US Department of State, 2019, p.331. Access: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

⁸ Source: National Reports on the Implementation of the Policy for Preventing and Combating THB for 2017, 2018, and first half of 2019. Access: <http://antitrafic.gov.md/lib.php?l=ro&idc=30>

⁹ Human Trafficking Survey: Belarus, Georgia, Moldova, and Ukraine. IOM and Info Sapiens, 2019, p.3

¹⁰ https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang_en

¹¹ https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=C8VCXTSf

status of implementation of the Convention by its Parties is subject to regular monitoring by the CoE Group of Experts on Action against THB (**GRETA**).

In June 2014, the Republic of Moldova signed an Association Agreement with the European Union, which came into force in July 2016. Parties to the Agreement commit to continue the dialogue and cooperate on the establishment of an effective and preventive policy against illegal immigration, smuggling of migrants, and THB, combating networks of smugglers and traffickers, and protecting the victims.¹² The consequent Recommendations on the Association Agenda, *inter alia*, prompt the Republic of Moldova to approve and implement a six-year national strategy for preventing and combating THB, as well as to strengthen co-ordination, monitoring and reporting mechanisms and capacities both at political and administrative level.¹³

The GoRM has continuously worked to reflect its international commitments in the national legislative framework.

The draft National Development Strategy “Moldova 2030”,¹⁴ a key strategic planning document of the country outlining GoRM’s priorities and commitments with regard to the implementation of the Sustainable Development Goals¹⁵ specifically recognizes the vulnerability of Moldovan migrants and their children to THB, along with VoTs’ being a group at risk of poverty and social isolation.¹⁶ It thus includes elimination of THB¹⁷ under two of its ten strategic goals (3. Improvement of Labor Conditions and Decreasing Informal Employment and 9. Promotion of Peaceful, Safe, and Inclusive Society), with a specific target for the reduction in the number of VoTs per 100,000 of population.¹⁸

A comprehensive Law Nr. 241/2005 on Preventing and Combating THB has been in place since October 2005 and regularly updated, most recently in March 2018, to reflect the outcomes of the public administration reform. The Law governs all aspects of counter-trafficking (**CT**) response, including prevention of THB, prosecution of traffickers, protection of VoTs, and partnership, cooperation, and coordination among stakeholders, both domestically and across borders (the so-called “4Ps” of CT response).

Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

The Law established a high-level National Committee for Combating THB (**NCCTHB**), a consultative body to the GoRM tasked with the formulation and monitoring of CT policies,

¹² Association Agreement between the European Union and European Atomic Energy Community and their Member States, on one part, and the Republic of Moldova, of the other part, dtd.27.06.2014, point (d) paragraph 2 of Article 14 and point (a) paragraph 1 of Article 16

¹³ Recommendation No 1/2017 of the EU-Republic of Moldova Association Council of 4 August 2017 on the EU-Republic of Moldova Association Agenda [2017/1489], pp. L2015/11 and L2015/21. Access: <https://op.europa.eu/en/publication-detail/-/publication/b5f3d453-84a7-11e7-b5c6-01aa75ed71a1>

¹⁴ It should be noted that the Strategy has not been officially approved by the Parliament and is likely to be considerably modified. The version published by the State Chancellery has been returned to the Government by the Parliament for review. Currently, the finalization of the draft Strategy and its submission for the official approval to the Parliament is planned for March 2020 (see p.4.2.1. of the Government Action Plan 2020-2023, approved by the Government Decree Nr.636 of 11 December 2019). The review may substantially affect the contents of the document.

¹⁵ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

¹⁶ See the draft National Development Strategy “Moldova 2030”, pp.45, 125-126. Access: www.parlament.md > [LegislationDocument](#)

¹⁷ Unlike its predecessor, Moldova 2020, which did not include any CT agenda

¹⁸ See the draft National Development Strategy “Moldova 2030”, p.67, 70, 128-129, 131

coordination of executive authorities' efforts, and cooperation with international and non-governmental actors,¹⁹ to ensure the effectiveness of the GoRM's work in this sphere.²⁰

The composition and functioning of the NCCTHB are regulated by the GoRM Decree Nr.472/2008 on the Approval of the Composition of the NCCTHB and of the Regulation on NCCTHB. The Committee is chaired by the Minister of Foreign Affairs and European Integration, with the Ministers of Interior and of Health, Labor, and Social Policy acting as deputy chairs, and its members are heads of executive public authorities, including law enforcement agencies and other organizations involved in CT work.²¹

NCCTHB's functions encompass:

- coordination of CT activities and cooperation with relevant governmental, non-governmental, and international stakeholders;
- presenting to the GoRM proposals on the principles of state CT policy and recommendations regarding the identification and elimination of root causes and conditions promoting THB as well as the implementation of CT activities;
- monitoring of the implementation of national CT policy documents and approving national reports;
- collecting and analyzing information on the scope, conditions, and trends in the sphere of THB at the national level;
- developing proposals for the improvement of CT legislation;
- organizing public information campaigns on THB;
- coordinating the work of territorial commissions and specialized agencies on the implementation of CT policies, as well as on other issues connected to preventing and combating THB;
- evaluating the implementation of CT policies and informing the Government and civil society of the results.²²

The Committee is expected to meet at least on a quarterly basis²³ (in practice, it has been meeting on average two to three times a year) and to provide an annual report to the GoRM.²⁴ Its decisions are mandatory for all executive authorities if signed by the Prime Minister.²⁵

The responsibilities of the Chair of the NCCTHB include:

- ensuring the execution of NCCTHB's functions;
- approves meeting agendas and schedule;
- calls and chairs NCCTHB meetings;
- signs resolutions of the NCCTHB;
- signs invitations to participate in NCCTHB meetings for representatives of NGOs and international organizations.

¹⁹ Article 8 of the Law Nr.241 of 20 October 2005 on Preventing and Combating THB. Access:

https://www.legis.md/cautare/getResults?doc_id=27475&lang=ro

²⁰ GoRM Decree Nr.610 of 03 July 2018 on the Adoption of the Regulation on the Government. Access:

https://www.legis.md/cautare/getResults?doc_id=119333&lang=ro

²¹ Paragraphs 2 and 3 of the GoRM Decree Nr.472 of 26 March 2008 on the Approval of the Composition of the National Committee for Combating Trafficking in Human Beings and the Regulation on the National Committee. Access:

https://www.legis.md/cautare/getResults?doc_id=23592&lang=ro

²² Ibidem, para 5

²³ Ibid., para 13

²⁴ Ibid., para 18

²⁵ Ibid., para 17

In-between the formal NCCTHB meetings, interagency issues are discussed by the Technical Coordination Group (**TCG**) consisting of frontline practitioners (established in 2012 by the PS). The group also serves as a review platform and monitoring tool for the implementation of NCCTHB resolutions and meets as regularly as necessary. Based on TCG meetings' results, information notes are forwarded to the Office of Prime Minister with indications on issues that require attention and follow up. The Office then sends indications signed by the Prime Minister to relevant executive authorities, as it sees fit.²⁶

"The members of the Committee do not conduct in-depth discussions on the existing issues, and the meetings are often limited to "presenting success stories". Important topics are discussed by the TCG. Therefore, TCG meetings need to be organized regularly." (From the interview with La Strada Moldova)

At the local level, CT action plans are expected to be developed, coordinated and monitored by Territorial Commissions for Combating THB closely emulating the structure and practices of the NCCTHB (in line with GoRM Decree Nr.234/2008 on the approval of the Standard Regulation on Territorial Commissions for Combating THB²⁷). However, in reality, not in all raions (Moldova's administrative territorial units) such commissions are active or have sufficient motivation, capacities, or resources for regular and/or substantial meetings. In most raions, they have been heavily reliant on the constant mobilization effort, guidance, and support from the national level.²⁸

Other crucial elements of the CT infrastructure in Moldova include:

- the National Coordination Unit within the Ministry of Health, Labor and Social Protection (MHLSP) coordinating a network of local multidisciplinary teams (acting on the basis of the GoRM Decree Nr.228/2014 on the activity of a territorial multidisciplinary team within the framework of the National Referral System²⁹), which together form the mechanism for the provision of direct assistance to (potential and presumed) VoTs;
- the Law Enforcement Coordination Council created through the Order of the Prosecutor General of 28 June 2013 and chaired by the General Prosecutor's Office (**GPO**);
- specialized law enforcement agencies (Center for Combating Trafficking in Persons – **CCTP**, GPO Section for Combating THB, responsible personnel appointed at all levels, etc);
- other interagency and specialized actors (see chart below).³⁰

Institutional Framework for Combating THB in the Republic of Moldova

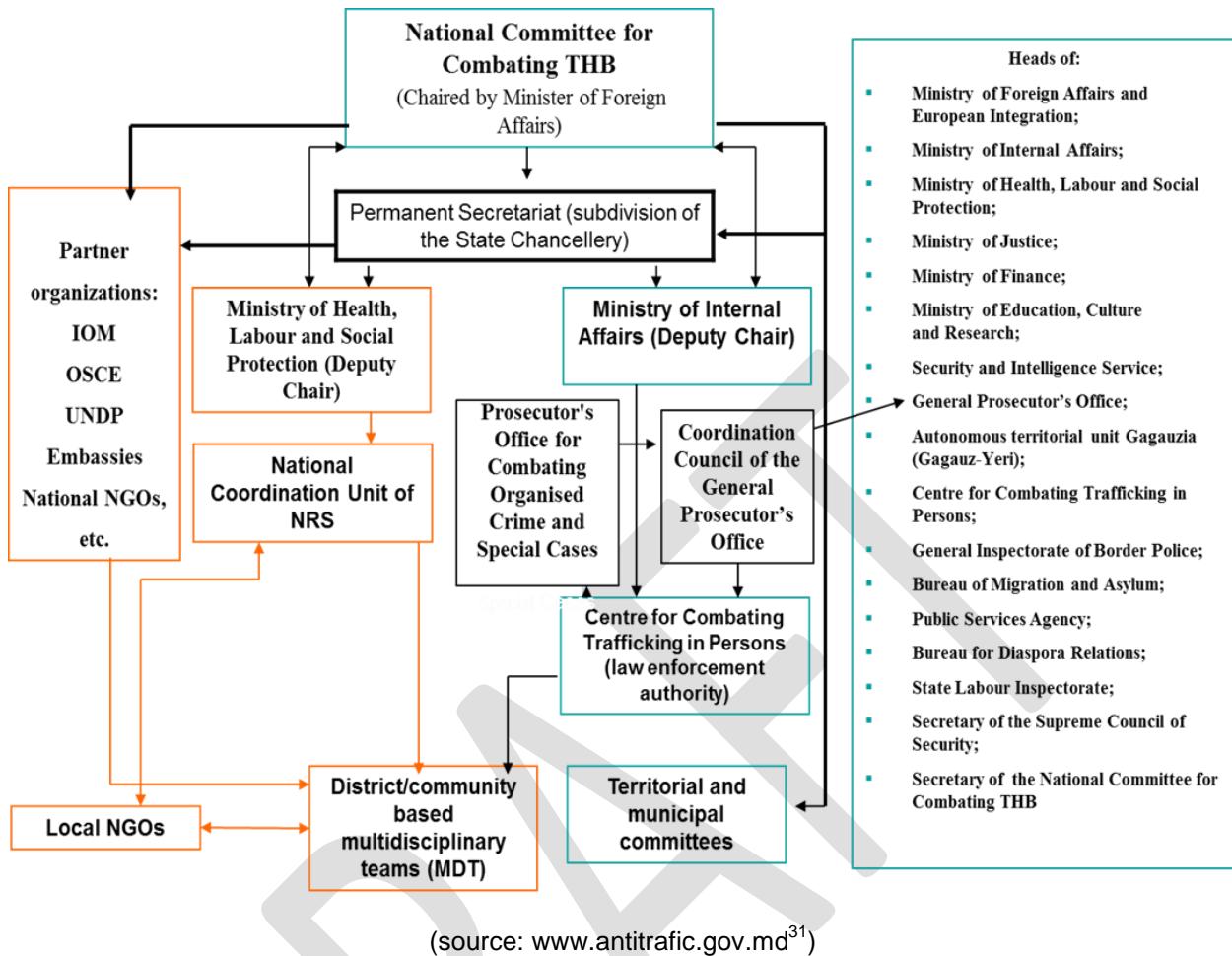
²⁶ Interview with the DPS

²⁷ Access: https://www.legis.md/cautare/getResults?doc_id=22043&lang=ro

²⁸ Interview with representatives of territorial commissions

²⁹ Access: https://www.legis.md/cautare/getResults?doc_id=19094&lang=ro

³⁰ Ref. Reply from Republic of Moldova to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. Third Evaluation Round, 2 July 2019. Access: <https://rm.coe.int/greta-2018-26-mda-rep-en/1680957130>



Following the Recommendations on the Association Agenda and the provisions of the National Action Plan for the Implementation of the EU-Moldova Association Agreement for 2017-2019,³² in May 2018, the GoRM adopted the National Strategy on Preventing and Combating THB for 2018-2023, as well as the corresponding National Action Plan (NAP) for 2018-2020.³³ The Strategy identifies and analyses existing challenges in the CT sphere and defines general objectives as well as expected effects and results of GoRM interventions in the areas of coordination of CT efforts, improvement of normative framework, collection and analysis of THB data, prevention of THB, protection of VoTs, prosecution, international partnership etc. The NAP details relevant tasks and stakeholders responsible for their implementation.³⁴

c) Permanent Secretariat to the NCCTHB

³¹ Access: <http://www.antitrafic.gov.md/pageview.php?l=en&idc=13&id=37&t=/Anti-trafficking-community/Institutional-framework/Institutional-Mechanism-of-the-National-Counter-THB/>

³² Access: <https://www.mfa.gov.md/ro/content/implementarea-acordului-de-asociere>

³³ See GoRM Decree Nr.461 of 22 May 2018 on the Adoption of the National Strategy on Preventing and Combating THB for 2018-2023 and Action Plan for 2018-2020 for Its Implementation. Access:

https://www.legis.md/cautare/getResults?doc_id=101736&lang=ro

³⁴ See Annex 2 to the GoRM Decree Nr.461 of 22 May 2018 on the Adoption of the National Strategy on Preventing and Combating THB for 2018-2023 and Action Plan for 2018-2020 for Its Implementation.

According to the Law Nr.241/2005, the operation of the NCCTHB is ensured by its permanent secretariat.³⁵

Between 2005 and 2009, the functions of the secretariat were assigned to a staff member of the Ministry of Interior (Mol), in addition to his/her regular duties, and included organization of NCCTHB meetings, collection of information from Committee members, and compilation of reports.³⁶ In 2009, to better reflect the multidisciplinary nature of CT agenda, an interagency secretariat was established through the GoRM Decree Nr.795/2009.³⁷ The Secretariat was based under the auspices of the State Chancellery and encompassed delegated focal points from the Mol/CCTP (Head of the Secretariat), Ministry of Justice (MoJ), Ministry of Education, and Ministry of Labor, Social Protection and Family, who were assigned relevant tasks in addition to their regular duties at their respective ministries. This mechanism did not prove effective,³⁸ and, to strengthen the coordination and monitoring of CT efforts, the GoRM established a Permanent Secretariat to the NCCTHB (PS) through its Decree Nr.900/2011.³⁹ The Secretariat's staff included a Secretary to the NCCTHB (Head of the PS) and two consultants (on legal issues and on social matters), with a subsequent addition of a third consultant (responsible for monitoring, evaluation, and reporting), all employed full time by the State Chancellery. While the position of the Secretary was funded from the State Budget, the consultants' positions were supported through international funding (mostly via IOM projects) until 2014 when the PS was fully integrated into the structure of the Chancellery.⁴⁰ Initially, the PS had the status of a department of the State Chancellery with a staff of four persons, but later (October 2016) was downgraded to a service with a staff of three.⁴¹

The PS's functions included:

- coordinating CT activities and cooperating with governmental, non-governmental, and international stakeholders;
- monitoring of the implementation of CT legislation and policies and providing recommendations on its improvement;
- establishing and supporting the operation of inter-agency working groups, including TCGs, to develop proposals for the improvement of CT policies;
- collecting information from relevant stakeholders and developing national reports on CT;
- coordinating the development of the CT NAP;
- facilitating the development of cooperation between public authorities and non-governmental and international actors;
- providing the necessary support to the implementation of interstate projects;
- monitoring the development of transnational cooperation mechanisms;
- identifying resources for conducting THB research in Moldova;
- supporting national and international public information and awareness-raising campaigns on THB and cooperating with mass-media;

³⁵ Point (7) Article 8 of the Law Nr.241 of 20 October 2005 on Preventing and Combating THB

³⁶ Interviews with the General Prosecutor's Office and former Secretary of the NCCTHB

³⁷ Access (in Romanian): https://www.legis.md/cautare/getResults?doc_id=11393&lang=ro

³⁸ Interview with the former Secretary of NCCTHB

³⁹ National Report on Preventing and Combating THB 2011. Access:

<http://antitrafic.gov.md/libview.php?l=en&idc=30&id=101&t=/Reports/National-Reports/REPORT-on-monitoring-of-the-implementation-of-the-National-Plan-and-the-Specific-Additional-Plan-for-Prevention-and-Combating-of-Trafficking-in-Human-Beingsin-2011>

⁴⁰ Information received from the IOM Mission to Moldova

⁴¹ Activity Report of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings for 2016, p.3. Access: http://antitrafic.gov.md/public/files/Anexa_nr._3_la_Report.pdf

- compiling suggestions for NCCTHB meeting agenda, organizing NCCTHB meetings, drafting minutes and resolutions and forwarding those to its members, as well as monitoring the implementation of and compliance to NCCTHB resolutions;
- supporting NCCTHB correspondence and operations.⁴²

The National Strategy for Preventing and Combating THB directly assigned to the PS the functions of coordinating and monitoring the Strategy's and NAP's implementation, as well as analyzing the relevant information and submitting to the GoRM an annual national report on action against THB.⁴³ However, no operational budget was allocated to the PS, and its ongoing needs and activities, including staff capacity building, were largely funded by international donors (*inter alia*, the Danish MFA, INL, and the Norwegian MFA), primarily through projects implemented by IOM, the Organisation for Security and Cooperation in Europe (OSCE), La Strada Moldova, and the Association of Women in Legal Careers/Centre for Prevention of Trafficking in Women.⁴⁴ The total estimated investment in the PS by development partners totaled over USD 200,000.⁴⁵

The establishment of a fully functional PS was welcomed by international monitoring bodies, including GRETA, which in its Second Monitoring Report on Moldova of 2016 stated: “*Since January 2014, the Permanent Secretariat has been placed within the State Chancellery. [...] There are currently four staff working in the Permanent Secretariat. GRETA welcomes the establishment of a fully operational Permanent Secretariat.*”⁴⁶; and the United States (US) Department of State, in its global Trafficking in Persons Report of 2014: “*The government increased efforts to prevent trafficking in persons during the year by making permanent the secretariat for the national committee for combating trafficking in persons, and increased its staff to four members. The secretariat was responsible for coordinating the government's anti-trafficking response.*”⁴⁷

In September 2018, through the GoRM Decree Nr.915, the PS was merged with two other similar structures responsible for the coordination of policies in the spheres of children's rights protection and collective bargaining, to form a Directorate of Permanent Secretariats (DPS). The new Directorate was tasked with “*...providing organizational, informational and secretarial assistance to the advisory bodies of the Government within the competence of the State Chancellery, namely the National Council for Children's Rights Protection, the National Commission of Collective Consultations and Negotiations, the National Committee for Combating Trafficking in Human Beings, and the National Council for Human Rights, as well as for cooperating with the civil society, through coordination, monitoring, and assessment of policies in the field of human trafficking prevention and combating, human rights, children's rights protection, and ensuring social and civil dialogue.*”⁴⁸

⁴² Paragraph 9¹ of the GoRM Decree Nr.472 of 26 March 2008 on the Approval of the Composition of the National Committee for Combating Trafficking in Human Beings and the Regulation on the National Committee

⁴³ Paragraph 4 of the GoRM Decree Nr.461 of 22 May 2018 on the Adoption of the National Strategy for the Prevention and Elimination of THB for 2018-2023 and Action Plan for 2018-2020 for Its Implementation

⁴⁴ Interviews with the former Head of the PS, OSCE, CNFCEM

⁴⁵ Information received from IOM, La Strada Moldova, and OSCE.

⁴⁶ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova. Second Evaluation Round. GRETA (2016)9, p.8. Access:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680665339>

⁴⁷ See Trafficking in Persons Report. US Department of State, 2014, pp. 275-277. Access: <https://2009-2017.state.gov/documents/organization/226847.pdf>

⁴⁸ Regulation on the Activity of the Directorate of Permanent Secretariats within the State Chancellery (English translation provided by IOM Moldova)

The Head of the DPS was appointed Secretary to three GoRM consultative bodies – the National Council for Human Rights, the NCCTHB, and the National Commission for Collective Consultations and Negotiations; the Deputy Head – Secretary of the National Council for Child's Rights Protection.⁴⁹ One consultant was assigned to support each of the Directorate's areas of responsibility.

The move was criticized by the Moldovan civil society and CT stakeholders for its perceived lack of transparency and accountability,⁵⁰ as well as for its regressive nature and potential negative effects for the GoRM's CT response. The decrease in resource allocation to the CT portfolio within the State Chancellery made the national CT stakeholders question the capacity of the newly-created Directorate to perform effectively the functions previously assigned to the PS.⁵¹ Concerns were also expressed over the reduced degree of independence allowed to the Secretariat following the restructuring.⁵²

“The Permanent Secretariat used to be the key interlocutor for trafficking in human beings related issues. Now, the level of the Secretariat has been diluted.” (From the interview with the OSCE Mission to Moldova)

Following the reform, CT stakeholders sent a joint letter protesting the absorption of the PS into the DPS. International actors, including the US Embassy and OSCE, put pressure on the GoRM to reconsider the move.

“Countering Trafficking in Persons continues to be a priority for the United States Mission in Moldova, and given the scale of the issue in Moldova, the reducing of the staff raises concerns of the PS’s overall capacity to adequately address this problem.” (Embassy of the United States in the Republic of Moldova)

These efforts, however, did not produce the desired effect, among other, due to the frequent turnover of Secretary Generals resulting from changes of the Government throughout 2019 (see below).⁵³ A number of activities planned by development stakeholders with the involvement of the PS were put on hold in response to the reform, adopting a “wait and see” approach; activities re-commenced towards the second half of 2019.⁵⁴

d) Country context

Since the second half of 2016, the GoRM has been implementing a broad public administration reform agenda⁵⁵ encompassing, *inter alia*, the optimization of central government, accelerated decentralization, and modernization of the public service. The relevant changes were planned to implement the recommendations provided by the Support for Improvement in Governance and Management (SIGMA) Programme⁵⁶ in its 2015 baseline assessment report,⁵⁷ as well as to

⁴⁹ Ibidem and Job Description No.361 of the Directorate of Permanent Secretariats

⁵⁰ Interviewed stakeholders noted the poorly organized consultation process preceding the move, which largely excluded the PS and key CT actors (interviews with OSCE, La Strada Moldova)

⁵¹ Position BRIEF “Transformation of the dedicated national body for inter-sector cooperation in the area of combating trafficking in human beings”. La Strada Moldova, 2018. Access: <http://lastrada.md/eng/articles/fighting-trafficking-in-human-being-in-the-republic-of-moldova-position-brief-i-165>

⁵² Ibidem

⁵³ Interview with OSCE; information received from the INL

⁵⁴ Interviews with MFA, IOM, OSCE

⁵⁵ See Public Administration Reform Strategy for 2016-2020, approved by the GoRM Decree Nr.911 of 25 July 2016. Access: https://www.legis.md/cautare/getResults?doc_id=94394&lang=ro

⁵⁶ A joint initiative by the Organisation for Economic Co-operation and Development and the EU

address the pressing issues of the lack of human and financial resources. The growth of Moldova's economy has been decelerating since 2018, a trend that has been predicted to continue in the mid-term perspective (2019-2021)⁵⁸, and the significant brain-drain continuously experienced by the country since the early 1990s has led to decreasing availability of quality personnel for government and private institutions at all levels.⁵⁹

In the course of the reform, the number of Ministries was reduced from 16 to nine, with the expectation of increasing the efficiency of governmental agencies' operation, optimization of administrative costs and, as a result, increase of average wages for public servants to make government jobs more attractive for qualified personnel.⁶⁰ Reportedly, the financial resources were so scarce that the GoRM had to place a moratorium on the creation of new civil service positions.⁶¹ That meant that existing staff, even though their salaries were raised, had to take on additional tasks and responsibilities, with the overall result of decreased effectiveness.⁶²

The reforms also affected the State Chancellery,⁶³ which in the first half of 2016 underwent an institutional and functional assessment (funded by the United Nations Development Program - UNDP), with a resulting set of recommendations for a better alignment of the Chancellery's structure and competencies with that of the "Center of Government" as defined by SIGMA.⁶⁴ Following the assessment, the Chancellery proceeded with an optimization exercise, which included cutting and reorganization of many of its divisions, which was inevitably to affect the PS.⁶⁵

In the meantime, the UN Office of High Commissioner for Human Rights (OHCHR), following the revision of the majority of Treaty Bodies for Moldova as well as Universal Periodic Review recommendations, advocated for the establishment of a PS for Human Rights within the State Chancellery to coordinate the implementation of the comprehensive NAP for Human Rights. OHCHR's analysis indicated that there were more than ten different conventions that had separate secretariats spread across different Ministries. The previously existing within the MoJ secretariat in charge of coordinating the implementation of the NAP for Human Rights was found inefficient. A study of international best practices suggested Georgia's model, where a Human Rights Secretariat was established as part of the Apparatus of the Prime Minister, as the most suitable for Moldova. The intention was to create a permanent entity within the Prime Minister's Office (State Chancellery) that would provide support the high-level National Human Rights Council in coordinating and monitoring the implementation of national human rights policies, as well as the international human rights treaties to which the Republic of Moldova is a party. The Council was created in February 2019⁶⁶ as an inter-branch consultative body of the GoRM ensuring collaboration among all power structures (incl. executive, legislative, and

⁵⁷ See Principles of Public Administration: Moldova. Baseline Measurement Report. SIGMA, December 2015. Access: <http://www.sigmaproject.org/publications/Baseline-Measurement-Moldova-2015.pdf>

⁵⁸ Moldova Economic Update. World Bank, 13 May 2019. Access:

<https://www.worldbank.org/en/country/moldova/brief/moldova-economic-update>

⁵⁹ Hill, W.H. and Kramer, D.J. The Fight for the Poorest Country in Europe. The American Interest, July 2019. Access: <https://www.the-american-interest.com/2019/07/02/the-fight-for-the-poorest-country-in-europe/>

⁶⁰ <https://gov.md/en/content/pavel-filip-about-reform-public-administration-effects-reform-must-be-felt-those-working>

⁶¹ Interview with UNDP

⁶² Ibidem

⁶³ <https://gov.md/en/content/public-administration-reform-starts-reforming-state-chancellery>

⁶⁴ See Institutional and Functional Analysis of the State Chancellery and the Prime-Minister Office of the Republic of Moldova (Ref No. 16/01220). Second Draft Report. Ernst & Young and UNDP Moldova. Access:

<http://www.czechaid.cz/wp-content/uploads/2017/04/P%C5%99%C3%ADloha-%C4%8D.-3.pdf>

⁶⁵ Interviews with OHCHR, MFA

⁶⁶ GoRM Decree Nr.65 of 11 February 2019 on the National Human Rights Council. Access:

https://www.legis.md/cautare/getResults?doc_id=112706&lang=ro

judiciary), and (potentially) absorbing the various coordination councils, for the implementation of the relevant international treaties.⁶⁷ The Directorate of Permanent Secretariats was envisioned as a new entity within the State Chancellery, with seven to nine public servants working on all human rights-related issues.⁶⁸

Apparently, the confluence of the reform process and OHCHR's efforts resulted in the establishment of the DPS as a compromise "solution" in the situation where the GoRM was torn between the scarcity of human and financial resources on one hand and its multiple international commitments on the other.⁶⁹

In addition to the stress of continuous reforms, throughout 2019, the country saw two changes of Government, first in June following lengthy coalition negotiations after the parliamentary elections of February 2019,⁷⁰ and then in November 2019 after the coalition Cabinet had been dismissed via a no-confidence motion by the Parliament.⁷¹

The political instability created a difficult operational context for all governmental agencies, which repeatedly put things on hold throughout 2019 in the anticipation of new leadership and priorities. This, *inter alia*, affected the work of the NCCTHB (only one meeting of the Committee took place in 2019), as well as other similar government advisory bodies like the National Human Rights Council and the National Council for Child's Rights Protection (no meetings took place in 2019).⁷²

1.2 Objectives of the research

The research forming the basis for this report sought to assess the capacity of the newly established DPS to fulfill its role in the formulation, coordination, monitoring and evaluation of CT policies. It, *inter alia*, explored:

- whether the intended purposes of the restructuring had the potential to materialize in the form of a more comprehensive and efficient CT response;
- whether the current resource allocation to CT-related tasks within the DPS corresponded to the present challenges and needs in the country; and
- whether there were any existing or emerging risks for the CT response in Moldova in the context of the new institutional setup (including, *inter alia*, technical and financial capacities, continuity and coherence, and potential to achieve meaningful progress and impact).

Experiences of other countries was considered as a reference point, where relevant.

The working hypothesis of the research was that the absorption of the PS into the DPS had significantly weakened the institutional framework for the development, implementation, and monitoring of CT policies in Moldova and could have significant negative implications for the effectiveness and coherence of CT response in the mid- and long-term perspective.

⁶⁷ According to the information received in the course of the interview with La Strada Moldova, the initial draft of the relevant GoRM Decree produced by OHCHR reportedly included a provision on the dissolution of all such councils, including NCCTHB

⁶⁸ Interview with OHCHR

⁶⁹ Ibidem

⁷⁰ See e.g. Hill, W.H. and Kramer, D.J. The Fight for the Poorest Country in Europe. *The American Interest*, July 2019

⁷¹ See e.g. <https://www.euronews.com/2019/11/12/moldovas-fledgling-government-brought-down-by-no-confidence-vote>; <https://www.osw.waw.pl/en/publikacje/analyses/2019-11-14/moldova-parliament-approves-a-new-government-linked-pro-russian>

⁷² Interview with DPS, review of State Chancellery's website

In connection with the capacity assessment of the DPS, the research additionally explores the feasibility of introducing the position of a National Rapporteur as an avenue to strengthen the CT institutional framework in Moldova and advance the GoRM towards the standards established by the CoE Convention on Action against THB.

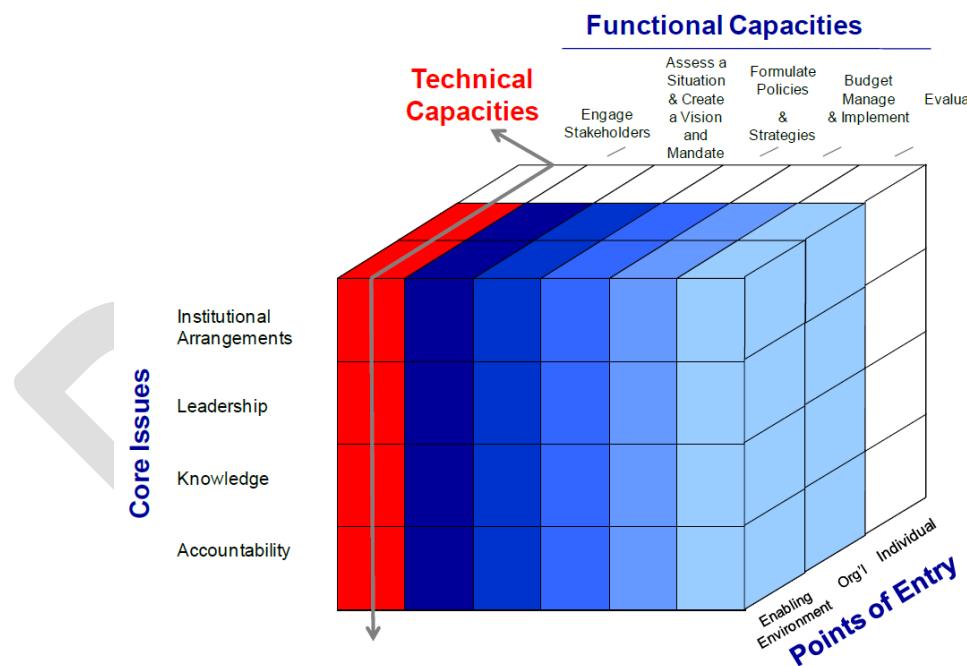
Based on the research findings, the present report draws conclusions with regard to DPS's capacity to fulfil its role in formulating, coordinating, and monitoring the implementation of effective CT policies, vis-à-vis the working hypothesis, as well as with regard to the feasibility of appointing a National Rapporteur within the GoRM. The conclusions are then used as a basis for a set of tentative recommendations for potential amendments to relevant normative acts, institutional setup, and resource allocation, as relevant.

1.3 Methodology

The research used the UNDP Capacity Assessment Framework as a methodological starting point for analysis.

This Framework has three dimensions: (i) points of entry, (ii) core issues and (iii) functional and technical capacities (see Figure 1).

Figure 1: UNDP Capacity Assessment Framework⁷³



The framework provides tools to analyse the different **levels** at which institutional capacity resides (points of entry):

- 1) enabling environment (a broader system within which individuals and organizations function);⁷⁴

⁷³ UNDP Capacity Assessment Methodology User's Guide. UNDP, 2008, p.37. Access: <https://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/undp-capacity-assessment-methodology/UNDP%20Capacity%20Assessment%20Users%20Guide.pdf>

⁷⁴ Ibidem, pp.36-37

- 2) organizational (internal policies, arrangements, procedures and frameworks)⁷⁵, and
- 3) individual;

while considering four **capacity issues** (core issues):

- 1) institutional arrangements (policies, procedures and processes that countries have in place to legislate, plan and manage the execution of development, rule of law, measure change and such other functions of state⁷⁶);
- 2) leadership (ability to influence, inspire and motivate people, organizations and societies to achieve - and go beyond - their goals⁷⁷);
- 3) knowledge (creation, absorption and diffusion of information and expertise towards effective solutions⁷⁸); and
- 4) accountability (two parties adhering to a set of rules and procedures that govern their interactions and that are based on a mutual agreement or understanding of their roles and responsibilities vis-à-vis each other; rights holders and duty bearers both delivering on their obligations⁷⁹),

as well as key **functional and technical capacities** necessary for effective policy formulation and management/coordination:

- 1) engage stakeholders;
- 2) assess a situation and define a vision and mandate;
- 3) formulate policies and strategies;
- 4) budget, manage and implement; and
- 5) evaluate.⁸⁰

Elements of the framework were used to help structure the research and ensure a more comprehensive and robust analysis of the DPS's capacities and, correspondingly, the feasibility of introducing a National Rapporteur within the GoRM, as well as a source to develop research tools (interview guides, survey forms).

The research encompassed the following steps:

- desk review of the national legislation, action plans, bylaws and internal regulations, PS reports, international and national monitoring reports (e.g. US Department of State annual Trafficking in Persons reports, GRETA reports, civil society shadow reports, etc);
- desk review of the legislation and practice of setting up and running CT coordinating agencies in other countries as a reference point and additional basis for recommendations;
- desk review of the relevant legislation and practices in countries where the institute of National Rapporteur has been introduced successfully;
- overview of the current trafficking in persons situation in Moldova;
- analysis of the political context conditioning the relevant reforms;
- analysis of information obtained through written surveys of the relevant stakeholders, including government officials, civil society activists, and representatives of concerned international organizations;
- semi-structured interviews with the relevant stakeholders, focusing on juxtaposing the current DPS's setup and operations as well as the idea of appointing a National Rapporteur with the needs and expectations regarding the CT response and its coordination in Moldova;
- validation of the preliminary report containing relevant conclusions and recommendations with the key stakeholders prior to its finalization and publicizing, through its circulation for

⁷⁵ Ibid.

⁷⁶ Ibid., p.43

⁷⁷ Ibid., p.53

⁷⁸ Ibid., p.58

⁷⁹ Ibid., p.62

⁸⁰ Ibid., p.6

review and comments, as well a validation workshop with interested parties (held in February 2020).

Full list of referenced materials, field visit agenda, list of interviewed stakeholders, as well as interview guides and survey forms are attached to this report as **Annexes 1-5**.

The following limitations should be taken into account in connection with the findings described in this report. While the research is rooted in the broader discussion of the issue of policy coordination and monitoring in the CT sphere, detailed exploration of these concepts is outside of its scope and thus not included in the report. Only a limited number of documents that needed to be examined in the course of the research were available in English or Russian. Furthermore, governmental agencies' websites in Moldova do not always have up-to-date Russian or English versions, fully aligned with their Romanian versions; and Russian versions of the national laws and normative framework available from official websites occasionally have discrepancies with their originals in Romanian. These sources thus had to be reviewed/verified using online translation services. Language barriers complicated the research process, particularly electronic search for certain documents or activity reports, and may have affected some its results. Due to the time constraints, the analysis of relevant international legislation and practice had to rely on secondary sources (such as reports by international monitoring bodies and civil society, existing research, EU online resources). While all possible effort was made to ensure that the referenced materials were accurate and based on primary sources, some of the consulted secondary sources could contain information which may be outdated by the time of the final publication of the report. Users of this report are encouraged to communicate any discrepancies to IOM Moldova and/or the author. Finally, due to the limited time available for field work, no direct observation of DPS's work was possible. Relevant information was collected through interviews and surveys of stakeholders, which are subject to information source bias.

Furthermore, the author's background and primary expertise should also be mentioned as a potential source of implicit bias in the sense that combating THB is *a priori* viewed as necessarily a national priority. Analyzing the relevance and/or required scope of CT response in Moldova is largely considered to be outside of the focus of this report.

It is also important to note that the context in which the DPS was operating in 2019 may have created additional distortions affecting the results of this assessment. Firstly, the political instability hindered the operation of all governmental agencies and made it more difficult to convene the consultative bodies within DPS's sphere of responsibility as well as to mobilize the governmental stakeholders. Secondly, the DPS as a new structure was not fully operational until the second half of 2019, as it took time for the team to settle into their jobs and fill in the vacant positions. Finally, the DPS has so far largely worked with the policy documents, activity plans, and practices/procedures previously developed by the PS. Thus, the timeframe of this research may not have been optimal to observe and assess the full scope of the Directorate's performance (e.g. how it would approach the development of a new NAP, what kind of revisions/ improvements to pre-existing practices it would introduce over time, etc).

The research was conducted in collaboration with the IOM Mission to Moldova and in close consultation with the DPS, as well as the US Embassy in the Republic of Moldova as the Donor of the project. The IOM Mission to Moldova provided financial resources for the research, available background documents and information (including English translations where necessary/ possible), along with the administrative and logistical support of the required fieldwork and validation exercises.

1.4 Definition of terms

For the purpose of the research, the key terms used throughout this report are defined as follows:

Capacity assessment – an analysis of desired capacities against existing capacities which generates an understanding of capacity assets and needs that can serve as input for formulating a capacity development response that addresses those capacities that could be strengthened and optimizes existing capacities that are already strong and well founded.⁸¹

Coordination – a set of functions ensuring that decisions made and actions implemented in one program or organization consider those in others, *inter alia*, to avoid conflict, seek ways to cooperate on solutions that can benefit all the organizations involved and their clients, and achieve broad inter-sectoral goals.⁸² To coordinate implies not only to agree on joint goals and to communicate and align plans and activities, but also to direct stakeholder actions. In this sense, coordination is also a method of management combining a degree of control over a group of actors independent of each other with a degree of decentralization and freedom of decision making and of implementation. As such, it takes the form of the continuous cycle of development/planning, approval, implementation, monitoring, and evaluation of a public policy.⁸³

Policy document – a document that describes and analyzes the existing problems, establishes tasks for the resolution of a specific problem, and defines instruments for resolving the problem and its presumed consequences for the state and society. Aside from that, policy documents must foresee the possible risks associated with their implementation. Policy documents include concepts, strategies, programs, and plans.⁸⁴

Public policy development – a process by which the Government transposes its political vision into strategies, actions and normative acts to deliver results to its citizens. This process establishes what needs to be done by examining the basic reasoning and effectiveness of the policies, elaborating the implementation method, and constantly reviewing how well the desired results are delivered.⁸⁵

Monitoring - a continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds.⁸⁶

Evaluation - the systematic and objective assessment of an ongoing or completed policy, its design, implementation and results, aiming to determine the relevance and fulfilment of

⁸¹ UNDP Capacity Assessment Methodology User's Guide. UNDP, 2008, p.5

⁸² For instance, see B. Guy Peters (2018) The challenge of policy coordination, Policy Design and Practice, Vol. 1, pp.2-3. Access: <https://doi.org/10.1080/25741292.2018.1437946>

⁸³ E.g. see Fomina, T. Coordination as a New Style of Policy Management in Anti-Trafficking Field. La Strada Moldova, 2014, p.10. Access: http://lastrada.md/publicatii/ebook/La_Strada_express6_en_f.pdf

⁸⁴ Paragraphs 4 and 5 of the GoRM Decree Nr.33 of 11 January 2007 on the Rules of Development and Unified Requirements for Policy Documents (in Russian). Access (in Russian):

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=319904&lang=2>

⁸⁵ Public Administration Reform Strategy for 2016-2020, approved by the GoRM Decree Nr.911 of 25 July 2016, paragraph 62

⁸⁶ Glossary of Key Terms in Evaluations and Results Based Management. OECD, 2010, p.27. Access: <https://www.oecd.org/dac/evaluation/2754804.pdf>

objectives, efficiency, effectiveness, impact, and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process. Evaluation also refers to the process of determining the worth or significance of an activity, policy or program. An assessment, as systematic and objective as possible, of a planned, on-going, or completed development intervention.⁸⁷

DRAFT

⁸⁷ Ibidem, p.21

2. Findings

2.1 Enabling environment

a) International standards and practice

The Palermo Protocol does not specify any requirements with regard to CT policy coordination, although it does emphasize the need for comprehensive CT policies and cooperation with all relevant governmental and non-governmental stakeholders, nationally and internationally.⁸⁸

The CoE Convention on Action against Trafficking in Human Beings in turn calls for its Parties to:

- take measures to establish or **strengthen national coordination** between the various bodies responsible for preventing and combating THB;⁸⁹
- adopt measures necessary to **ensure coordination of the policies and actions** of their governments' departments and other public agencies against THB, where appropriate, through setting up coordinating bodies;⁹⁰
- encourage state authorities and public officials to **co-operate with non-governmental organizations, other relevant organizations** and members of civil society in building strategic partnerships with the aim of achieving the purposes of the Convention;⁹¹
- consider appointing **National Rapporteurs** or other mechanisms **for monitoring the anti-trafficking activities** of State institutions and the implementation of national legislation requirements.⁹²

In its Explanatory Report on the Convention, the CoE further elaborates that THB as a cross-cutting phenomenon, and often a transnational criminal activity calls for coordinated policy and action. The Report then clarifies that the Convention makes it a **requirement to coordinate** all sectors whose action is essential in preventing and combating THB, such as the agencies with social, police, migration, customs, judicial or administrative responsibilities, non-governmental organizations, other relevant organizations, and elements of civil society.⁹³ The Convention, according to the Report, does not necessarily require the establishment of special coordination bodies.⁹⁴

In its country reports, however, GRETA has highlighted what it considers good coordination practices, for example: "*In a number of countries, the structures which co-ordinate action against THB are not placed within a particular Ministry but, rather, are directly subordinated to the Cabinet of Ministers or the Prime Minister; this can be considered good practice as it demonstrates the willingness of the authorities to ensure that such structures have a genuine inter-agency functioning.*"⁹⁵

⁸⁸ Article 9 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children Supplementing the UN Convention against Transnational Organized Crime. Access:

https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf

⁸⁹ Part 1 Article 5 of the CoE Convention on Action against THB. Access: <https://rm.coe.int/168008371d>

⁹⁰ Ibidem, part 2 Article 29

⁹¹ Ibid., Article 35

⁹² Ibid., part 4 Article 29

⁹³ Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings. Warsaw, 16.V.2005. Paragraphs 102 and 295. Access: <https://rm.coe.int/16800d3812>

⁹⁴ Ibidem, paragraph 295.

⁹⁵ Report on the compliance of Kosovo with the standards of the Council of Europe Convention on Action against Trafficking in Human Beings. GRETA, 2016, p.16. Access: <https://rm.coe.int/16806454cc>. Also see: GRETA Second Evaluation Round Report on France, p.10. Access: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>

This view of the need for multidisciplinary coordination was echoed by the UN Human Rights Council, which in its Second consultative meeting on strengthening partnerships with national rapporteurs on THB and equivalent mechanisms noted that “...coordination mechanisms should be more neutral and able to adopt a multidisciplinary approach to human trafficking, for instance to avoid addressing issues related to trafficking by focusing exclusively on migration control policies when dealing with cases of trafficking.”⁹⁶

The CoE Convention does stress though that if specialized entities are established, they should be rendered “*the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure.*”⁹⁷ They are also required to “*have adequate training and financial resources for their tasks.*” The Explanatory Report clarifies that “*the independence of authorities specialising in antitrafficking action should not be absolute*” and only extend to “*the degree necessary for them to perform their functions satisfactorily*”, while they “*should as far as possible integrate and co-ordinate their action.*”⁹⁸

The CoE Convention also does not include any specific requirements for the position of the National Rapporteur, but GRETA’s country monitoring reports repeatedly stress that the “*human rights-approach of the Convention requires adequate monitoring and evaluation*”⁹⁹ and that “[...] *the key features of National Rapporteurs’ mechanisms [...] should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders.*”¹⁰⁰

GRETA has criticized governments that had placed National Rapporteurs with executive authorities, thus providing additional commentary on the expected role and functions of this institution, for instance: “*The fact that the function of the National Rapporteur has been assigned to an official of the executive branch [...] may limit the independence of this office, the capacity of taking a holistic approach to evaluating anti-trafficking policies and their implementation, and the ability to critically analyse the situation and provide effective guidance to all involved public bodies and non-state actors.*”¹⁰¹

A key point for GRETA has therefore been a **structural separation** of the National Rapporteur as a monitoring body from any state agencies that have executive CT responsibilities, to enable “*an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.*”¹⁰²

⁹⁶ Paragraph 35 of UN Human Rights Council, Report of the Special Rapporteur on trafficking in persons, especially women and children, Addendum: Second consultative meeting on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms, 2 April 2015, A/HRC/29/38/Add.2. Access: <https://www.refworld.org/docid/5583eb094.html>

⁹⁷ Part 1 Article 29 of the CoE Convention on Action against THB

⁹⁸ Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings. Warsaw, 16.V.2005. Paragraph 294

⁹⁹ For instance, see GRETA report on Croatia (Second Evaluation Round, 2016), p.9. Access:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630e7c>

¹⁰⁰ For instance, see GRETA reports on Denmark (Second Evaluation Round, 2016), p.10; on Lithuania (Second Evaluation Round, 2019), p.8, on the UK (Second Evaluation Round, 2016), p.11. Access:

<https://www.coe.int/en/web/anti-human-trafficking/country-reports>

¹⁰¹ For instance, see GRETA report on Lithuania (Second Evaluation Round, 2019), p. 8

¹⁰² Ibidem.

Exemplary practice

The Explanatory Report to the CoE Convention references the institute of the National Rapporteur established in the Netherlands. The institution is an independent “think tank” created and maintained through funding by the Ministry of Security and Justice as well as several other ministries (Social Affairs and Employment, Health, Welfare and Sport, and Foreign Affairs), to establish a science-based approach to combating THB and sexual violence against children, and reporting directly to the Dutch Government.

The Rapporteur’s main task is to report on the nature and extent of human trafficking and sexual violence against children in the Netherlands, and on the effects of the government policies pursued. Its reports discuss relevant legislation and normative framework, prevention efforts, criminal investigations, prosecution of perpetrators, and victim support. They also contain policy recommendations aimed at improving the fight against human trafficking and sexual violence against children. All reports are public and available online.

The Rapporteur reports to the Dutch Government, which, in turn, responds to the report to Parliament. It is however not a complaints body and has no power of criminal investigation.

The Bureau of the National Rapporteur employs 16 staff, primarily researchers and analysts who gather information from the relevant authorities, organisations, and individuals, review criminal files held by police and judicial authorities, and co-operate with foreign counterparts and international organisations.¹⁰³

The scope of functions of National Rapporteurs is likewise not standardized by the CoE Convention and thus varies among states. In practice, it ranges from collecting information and statistical data, producing national and international reports, monitoring and evaluation of CT policies, to initiating and directing research, tracking THB trends, and raising public awareness (see **Annex 7** for more information).

The majority of CoE Member States, with few exceptions, have assigned the overall CT policy formulation, coordination, and monitoring to some form of an interagency group, or council/committee/commission (often high-level) under the supervision of a line ministry, which serves as the national CT coordinator by taking the functions of its “**secretariat**” as well as charge of the day-to-day management of CT operations. It is not unusual for these latter functions to be added to other existing responsibilities of the relevant staff within the responsible department of that ministry (see **Annex 7** for more information).

The role of the National Rapporteur is in most cases assigned to the same interagency group or line ministry, with only a few governments (in the most economically developed countries) having it vested in a separate agency. In a limited number of cases, to meet the standard of independence, national coordinators have commissioned external actors to conduct impartial evaluations of the national CT policies. Such practices, even though welcomed by GRETA, were not considered a fully appropriate substitute for regular monitoring & evaluation conducted by a mandated National Rapporteur.¹⁰⁴

¹⁰³ See <https://www.dutchrapporteur.nl/>

¹⁰⁴ For instance, see GRETA report on Denmark (Second Evaluation Round, 2016), p.10. Access: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806662af>

At the same time, the limited affordability of an independent National Rapporteur to most states, especially in small countries, was duly acknowledged by the UN Human Rights Council. During its Second consultative meeting on strengthening partnerships with national rapporteurs on THB and equivalent mechanisms, it suggested that “*it would be helpful if independent national coordinators also acted as an equivalent rapporteur mechanism*”, as “*they were usually in a close working relationship at operational level with all the relevant actors working on the fight against trafficking, which made it easy for national coordinators to gather information about existing problems and the progress made*”; provided that the national coordinators are “*equipped with the relevant legal provisions, which would allow them to carry out both the monitoring and reporting functions*.¹⁰⁵ The practice of combining the National Coordinator and National Rapporteur functions in the same governmental entity therefore remains acceptable at some high-level international fora.

There is a number of other international reference documents and recommendations providing additional detail on the roles of National Coordinator and National Rapporteur in the sphere of combating THB, albeit these are non-binding and as such are of advisory nature. Summaries of a selection of such documents are included in **Annex 6**.

b) Institutional arrangements

In the context of the practices described above, Moldova’s model of CT policy coordination and monitoring is both common and unusual. On the one hand, the NCCTHB as the interagency coordinating body composed of officials from the competent national executive authorities and tasked with CT policy formulation, coordination, monitoring and evaluation, is similar to its counterparts in other states.

On the other, as seen from **Annex 7**, since such interagency bodies are, in most cases, high-level, meeting rarely and formally, and thus unable to perform the day-to-day operational coordination functions, in the majority of the CoE Member States, such functions are taken over the central executive agency whose head serves as the chair of the interagency coordinating body. Following this logic, in the case of Moldova, that would be the MFA. However, the role of the Minister of Foreign Affairs and European Integration and the staff of the MFA with regard to CT policy coordination and monitoring has largely been limited to formal functions, such as convening and presiding over NCCTHB meetings, signing official documents of the Committee, presenting draft CT policy documents for official approval, and submitting the relevant GoRM reports to international monitoring bodies.¹⁰⁶

The relevant operational functions of the NCCTHB have thus been delegated to the DPS, a secretariat placed in the “Center of Government” (the State Chancellery) – a rare case in the in the CoE region – with the Head of the DPS acting as the *de facto* National CT Coordinator.

The State Chancellery of the Republic of Moldova is the public authority that exercises control over the work of ministries, departments, state services and inspections, government

¹⁰⁵ Paragraph 34 of UN Human Rights Council, Report of the Special Rapporteur on trafficking in persons, especially women and children, Addendum: Second consultative meeting on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms, 2 April 2015, A/HRC/29/38/Add.2.

¹⁰⁶ In fact, when interviewed for this report, representatives of the MFA expressed the hope that the chairmanship of the NCCTHB is eventually transferred elsewhere. According to them, this is justified by the fact that the Minister, due to the nature of his/her work, is often away on duty trips, and thus can rarely preside over Committee’s meetings having to delegate this role to subordinates, which, in their view, had had negative effects on the Committee’s effectiveness.

commissions and councils, as well as local authorities, within the limits of its competencies.¹⁰⁷

The State Chancellery is, *inter alia*, responsible for:

- organization of the activity of the Government, in order to carry out the domestic and foreign policy of the state;
- creation of the general framework for defining the priorities of Government activity;
- methodological and organizational support for the system of planning, elaboration and implementation of public policies by governmental authorities;
- monitoring of the implementation of the Government Action Plan;
- developing analytical and informational materials;
- preparing draft acts of the Government, including the realization of the legislative initiative right, and verifying their execution;
- the exercise by the Government of the prerogatives related to its relations with local public administration authorities.¹⁰⁸

At the first glance, the State Chancellery is well positioned to support the coordination of multidisciplinary policies as a governmental authority placed above all executive authorities, both at the national and local levels. As part of its many functions, it does currently provide the organizational and informational assistance to a select number of interagency consultative bodies of the Government,¹⁰⁹ the secretarial work for five of which is assigned to the DPS.¹¹⁰

The State Chancellery is, *inter alia*, specifically tasked with:

- ensuring the coordination of the process of planning of public policies and development of policy documents in line with the priorities of the Government Action Program and development strategies;¹¹¹
- coordination of the process of planning and management of technical assistance provided by international organizations and donor countries;¹¹²
- controlling the implementation by ministries and other central administrative authorities of documents approved by the Parliament, the President of the Republic of Moldova, and the Government, as well as of the Program and action plans of the Government;¹¹³
- ensuring the implementation by the Government of its legal competencies in its relations with the local authorities, including the organization of administrative control over the activities of relevant authorities.¹¹⁴

In this sense, the State Chancellery's mandate is consistent with the core functions of a national CT coordinator.

The State Chancellery is also mandated to conduct monitoring and evaluation of Government policies and of the planning and management of technical assistance as well as preparing information and analytical materials,¹¹⁵ which are traditionally the functions of a national CT

¹⁰⁷ Paragraph 247 of the Regulation on the Government, approved by the GoRM Decree Nr.610 of 03 July 2018. Access: https://www.legis.md/cautare/getResults?doc_id=119333&lang=ro

¹⁰⁸ Regulation on the Organization and Functioning of the State Chancellery, approved by the GoRM Decree Nr.657 of 6 November 2009, paragraph 7. Access: https://www.legis.md/cautare/getResults?doc_id=116611&lang=ro

¹⁰⁹ Ibidem, paragraph 7k. The list of advisory bodies includes: the National Council for State Awards, the National Commission for Collective Consultations and Negotiations, the National Council for the Protection of the Rights of the Child, the National Committee for Combating Trafficking in Human Beings, the National Council for Road Traffic Safety, and the National Council for Human Rights

¹¹⁰ Ibid., paragraph 13

¹¹¹ Ibid., paragraph 7 litera (d)

¹¹² Ibid., litera (h)

¹¹³ Ibid., litera (l)

¹¹⁴ Ibid., litera (p)

¹¹⁵ Ibid., paragraph 7, litera (c), (d), (e), and (h)

rapporteur. Importantly, as part of the public administration reform, these functions of the State Chancellery are being strengthened, *inter alia*, by equipping it with relevant monitoring and evaluation frameworks and data collection instruments for state policies.¹¹⁶

At the same time, the continued placement of coordination functions for select thematic policies in the State Chancellery appears to go against the overall direction of the public administration reform, which has sought to better align the Chancellery's structure and functions with the concept of the "Centre of Government"¹¹⁷ and decentralize the government through a gradual transfer of authority to the lower levels of public administration. Correspondingly, the vision was for the State Chancellery to focus primarily on the development and monitoring of the overall Government Action Plan, while the responsibility for specific policies was to be vested with the relevant line ministries. The assessment conducted in 2016 to form the basis for the State Chancellery reform recommended reconsidering the placement of these functions, including with regard to CT policies, in order to allow the Chancellery to focus on its core mandate, i.e. supporting the work of the Government.¹¹⁸

It also appears to contradict the practices that exist for other multidisciplinary thematic policies within the GoRM, where secretariats for advisory bodies are placed with line Ministries (for example, secretariats for gender equality and domestic violence are placed in the MHLSP; secretariat for combating illicit drugs is placed within the Mol, etc). In that regard, DPS's functions related to policy formulation essentially parallel those of ministerial subdivisions for analysis, monitoring and evaluation of policies specifically created to be responsible for the development of public policy documents, including at the inter-sectoral and sectoral level, examining the results and impact of their implementation, and coordinating monitoring, evaluation and reporting.¹¹⁹

This situation has reportedly created misunderstanding between line ministries and the State Chancellery over the issue of multidisciplinary policy coordination. The current issues with the policy on children's rights where the MHLSP acts as the National Coordinator, while the State Chancellery has secretariat functions, with no clear delineation of responsibilities,¹²⁰ and with the Lanzarote Convention secretariat responsibilities, which appear to be a contentious point among Mol, MHLSP, and the State Chancellery, provide stark examples.¹²¹ Notably, the 2016 assessment of the State Chancellery recommended moving the PS of the NCCTHB to the MFA and the PS of the National Council for Child's Rights Protection to the MHLSP, as it did not find their continued placement in the Chancellery sufficiently justified.¹²²

The PS to NCCTHB in particular, between 2011 and 2018, assumed a role that went beyond mere "secretarial" support to an interagency council and was not paralleled in any other secretariats that had existed within the State Chancellery. It took on functions and responsibilities, which were not organic to the "Center of Government",¹²³ including, *inter alia*:

¹¹⁶ Interview with La Strada Moldova, with reference to the draft of the GoRM Decree on the National Strategic Planning Framework and Requirements towards National Policy Documents which was reportedly open for public discussions at the end of 2019. Access (in Romanian): <https://particip.gov.md/projectview.php?l=ro&idd=6806>

¹¹⁷ See Public Administration Reform Strategy for 2016-2020, paragraph 60

¹¹⁸ See Institutional and Functional Analysis of the State Chancellery and the Prime-Minister Office of the Republic of Moldova (Ref No. 16/01220). Second Draft Report. Ernst & Young and UNDP Moldova, p.76

¹¹⁹ See Public Administration Reform Strategy for 2016-2020, paragraph 61

¹²⁰ See case study on p.31 of this report

¹²¹ Interviews with UNICEF, Mol, CNPAC

¹²² See Institutional and Functional Analysis of the State Chancellery and the Prime-Minister Office of the Republic of Moldova (Ref No. 16/01220). Second Draft Report. Ernst & Young and UNDP Moldova, pp.53-54, 59

¹²³ Interviews with the former Head of the PS, UNICEF, CNPAC

- operational coordination of activities among specialized entities;
- serving as the focal point to respond to and to mobilize various stakeholders to address systematic and *ad hoc* issues;¹²⁴
- addressing individual cases of THB, which required operational interagency coordination, including across borders;¹²⁵
- direct implementation of certain multidisciplinary activities foreseen by the NAP, for which other stakeholders had no political will or necessary resources/ authority (such as information campaigns or capacity building activities);¹²⁶
- acting as focal point for foreign counterparts (CT Coordinators) and developing international cooperation in the CT sphere.

“In the past, the Permanent Secretariat took upon itself the responsibility not just for the those aspects of the [National Action] Plan which it was capable of implementing on its own, but also of those for which support was promised by development partners within the framework of technical assistance projects.” (From the interview with La Strada Moldova)

Considering that the public administration reform in Moldova is still ongoing, further revision of the State Chancellery's structure and functions is possible and likely to trigger further changes affecting the DPS (including its possible dissolution) in the mid- to long-term perspective.

At the same time, the PS, by serving as the *de facto* National Coordinator, has been a strong asset to the GoRM's CT response, which was specifically acknowledged by the Government in a number of its official documents, including:

- the GoRM's comments on GRETA's First Monitoring Report (list the institutionalization of the PS in the State Chancellery as an achievement);¹²⁷
- National Strategy for the Prevention and Combating of THB for 2018-2023 (lists the PS as one of the strengths as part of the SWOT¹²⁸ analysis: *“The Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings, as a division of the State Chancellery, responsible for the organization of activity of the National Committee for Combating Trafficking in Human Beings by way of coordination and ensuring effective management of national policies for the prevention and combating of trafficking in human beings for the purpose of the fulfilment of the tasks of the National Committee for Combating Trafficking in Human Beings and strengthening of the cooperation with public authorities, with development partners, as well as with the analogous agencies from other countries for the purpose of the creation of a national and transnational cooperation mechanism in this sphere.”*¹²⁹)

¹²⁴ Example: In Cimișlia, the TC Secretary noticed a profusion of recruitment ads for work in Poland. She took a photo of one of such ads and forwarded it to the PS. PS referred the matter to CCTP which checked the firm and confirmed its legitimacy (ref. interview with TCs)

¹²⁵ Interviewed stakeholders *inter alia* brought up the case of VoTs exploited as drug couriers in the Russian Federation (interviews with IOM, former Head of the PS) and the cases of ethnic minority VoTs exploited in the EU (interview with the former Head of the PS); CAP staff mentioned that the PS facilitated referrals of a handful of VoT cases to them.

¹²⁶ Interview with IOM

¹²⁷ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova. First Evaluation Round. GRETA (2011)25, P.45. Access: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc2f>

¹²⁸ Abbreviation refers to “strengths, weaknesses, opportunities, and threats”. SWOT analysis is a strategic planning tool used to help identify internal and external factors affecting an organization.

¹²⁹ Chapter 5 of Annex 1 to the GoRM Decree Nr.461 of 22 May 2018 on the Adoption of the National Strategy for the Prevention and Elimination of THB for 2018-2023 and Action Plan for 2018-2020 for Its Implementation

- State Chancellery's Strategic Development Plan for 2017-2019 (lists the communication and information platform antitrafic.md run by the PS among the strengths as part of the SWOT analysis).¹³⁰

The PS was able to achieve a level of CT response coordination, which was perceived by the majority of CT stakeholders as effective, consolidating, and coherent.¹³¹ At the national level, it ensured timely development of CT policy documents¹³², systematic operation of the NCCTHB and the TCG, consistent follow up on their decisions and action points, and opportune mobilization of relevant stakeholders and resources to respond to persistent and emerging challenges.¹³³ At the local level, the PS's constant engagement with the territorial commissions helped stimulate interagency cooperation, build capacities, activate relevant actors, and raise the resources needed to organize regular CT activities.¹³⁴

Case study

When it became apparent to frontline service providers at the Chisinau Center for Assistance and Protection to Victims and Potential Victims of Trafficking in Human Beings (CAP) that the law governing free issuance of identity documents to (presumed and potential) VoTs was not working, they contacted the PS for help:

"We went to [the former Head of the PS] Mrs. Berejan, and she put the issue up for discussion at the next NCCTHB meeting," said a representative of CNFCEM NGO in an interview for this research.

The PS took the lead on analyzing the problem, developing action points, and coordination of relevant stakeholders in their implementation. As a result, amendments to relevant legislation were drafted, a focal point at the Agency for Public Services appointed, along with focal points at the raion level, and the list of proof-of-status documents that VoTs needed to provide was shortened.¹³⁵

"Everyone left the Committee [NCCTHB] meetings with a clear understanding of who is responsible for doing what, and there was follow up with authorities on their respective action points." (CNFCEM NGO)

NB: The initiative was realized with funding from international donors channeled through development partners.

"Compared to the sphere of children's rights protection, in the CT sphere, things have been better organized. There is a strategy, there is a committee, and a clear monitoring and reporting function. There is cooperation, and the role of the Permanent Secretariat is prominent." (Daniela Simboteanu, CNPAC NGO)

In this context, preserving the strong and active coordination role that the PS had developed between 2011 and 2018 is critical for maintaining and raising the level of CT response previously achieved by the GoRM, provided that combating THB remains a priority.

The need for it is particularly acute at the local level, where most VoTs and persons at risk reside. The decentralization process is yet to result in the allocation of sufficient financial and human resources, in addition to responsibilities, to the local authorities, and ensuring adequate level of expertise in raion administrations. The latter continue to lack capacities, motivation,

¹³⁰ State Chancellery Strategic Development Programme for the period of 2017-2019, p.31. Access:

<https://cancelaria.gov.md/ro/apc/programa-de-dezvoltare-strategica-1>

¹³¹ Interviews with CCTP, MHLSP, CNFCEM, CNPAC, IOM, La Strada Moldova, OSCE.

¹³² NAP for 2012-13 was approved in June 2012, NAP for 2014-16 in June 2014, and for 2018-20, in May 2018.

¹³³ Interviews with CCTP, MHLSP, CNFCEM, CNPAC, IOM, La Strada Moldova, OSCE

¹³⁴ Interview with representatives of local territorial commissions for combating THB

¹³⁵ Interviews with the former Head of the PS, CAP/CNFCEM, and Ms. Tatiana Catana

and/or knowledge to organize effective CT work.¹³⁶ Territorial commissions to require ongoing guidance from the center on putting together and implementing annual action plans (many perceive the NAP as too complicated and voluminous and find it too difficult to use it as a reference), methodological support, along with information on the THB trends as well as ideas and resources for awareness raising activities.¹³⁷ Practice shows that few would proactively seek relevant advice and support on their own unless constantly mobilized from the center.¹³⁸ Thus, without strong leadership from the national level, all previous achievements with regard to territorial commissions will be quickly lost.

“When the Permanent Secretariat came to us with ideas, it was easier for us to work. When they get silent, everything stands still.” (From the interview with the Territorial Commissions for Combating THB)

The strong interagency coordination role of the PS was *specifically* enabled by its placement in the State Chancellery, which accorded it a level of authority over a wide variety of national and local stakeholders.¹³⁹ It also ensured a truly multidisciplinary approach to combating THB, which excluded the possibility of the issue being disproportionately treated as a certain *type* of phenomenon (e.g. as criminal offense, social issue, migration issue etc).

The culture of following the lead of different peers for different policies as part of the decentralization of public administration is still undeveloped in Moldova. The fact that some ministries are not fully committed to implementing NCCTHB decisions because those are signed by the Minister of Foreign Affairs as Chair of the NCCTHB (and as such, the *de jure* National CT Coordinator), and not by the Prime Minister¹⁴⁰, is an illustration of the relevant challenges. In this sense, delegating all *de facto* National Coordinator functions performed by the Secretariat to date to a line ministry would be a step back for Moldova, including from the perspective of what is internationally considered best practice as referenced above.

Furthermore, in the context of resource scarcity, it has been a common approach within the GoRM to assign policy coordination functions to line ministries without allocating additional human or financial resources. Relevant responsibilities thus usually fall to the lot of existing staff in addition to their full-time workloads. Examples of this are abundant.¹⁴¹ The result is that policy coordinators have often struggled to support more than the most basic level of coordination activity, such as organizing meetings of consultative bodies, collecting information on NAP implementation, and compiling reports. Considering these factors, as well as opinions expressed during interviews with relevant stakeholders, it is apparent that line ministries would not be keen on taking over the PS’s functions.¹⁴²

¹³⁶ Interviews with DPS and territorial commissions

¹³⁷ Ibidem

¹³⁸ Ibid.

¹³⁹ Interview with La Strada Moldova

¹⁴⁰ Interview with DPS

¹⁴¹ As exemplified by the failure of the previous model of CT policy coordination where the secretariat to NCCTHB was placed with the MoI (ref. interviews with GPO, former Head of PS) and of human rights policy coordination where the secretariat was placed with the MoJ (ref. interview with OHCHR and MoJ). In another example, currently four staff within MLHSP act as secretariat for two policy coordination bodies (interagency councils for gender equality and domestic violence), in addition to their operational responsibilities, such as coordination of assistance to (potential and presumed) VoTs nation-wide, repatriations etc. (ref. interview with MHLSP); a similar situation was described by the MoI with regard to its multiple secretariat responsibilities (ref. interview with the MoI).

¹⁴² Interviews with MoI, MHLSP, MFA

“We want things to return to the way they used to be [before the absorption of the PS into the DPS].” (From the interview with the CCTP)

No serious discussions have also taken place with regard to transferring the relevant functions of a National Rapporteur from the PS/DPS to a separate authority, and the overall understanding of their scope and purpose was observably limited. Interviewed stakeholders pointed out that:

- the setup of the NCCTHB and TCG has so far allowed the PS/DPS to maintain constant interaction with civil society and other relevant stakeholders and ensured a free and open exchange of information, opinions, and concerns with regard to the national CT response;
- the strong and vocal ‘watchdog’ role of civil society in the CT sphere, which is largely perceived as sufficient “checks and balances”, precludes the necessity of an additional governmental institution performing this function;¹⁴³
- Moldova undergoes periodic international monitoring (including GRETA, US Department of State, UPR, CEDAW, and other relevant monitoring instruments), and its results have been regularly reviewed and addressed by the NCCTHB and TCG and fed back into the national CT policies;¹⁴⁴
- the reports produced by the PS/DPS have largely been considered comprehensive enough, containing information from all key stakeholders, and an additional data collection and reporting effort has thus been considered unnecessary. Improving the quality of reports is seen as a matter of capacity building rather than the issue of institutional setup;¹⁴⁵

NB: The practice of separating the functions of National Coordinator and National Rapporteur exists in Moldova, for instance, for the policies against the proliferation of illicit drugs. The MoI as the National Coordinator and Secretariat to the relevant interagency coordinating body collects information, prepares reports, and drafts policies. At the same time, the MHLSP conducts independent monitoring by collecting data from a different set of stakeholders and issues its own reports as the National Rapporteur, providing an alternative point of view to that of the National Coordinator. Interviewed stakeholders however did not consider such an approach necessary for the CT sphere, as in that case all of the relevant information was collected by the DPS.¹⁴⁶ Sending the same information to two different agencies (National Coordinator and National Rapporteur) would be viewed as an additional burden of double-reporting.

- no existing governmental agency stood out as an apparent place to embed the office of an independent National Rapporteur. Most of the interviewed stakeholders named the Ombudsperson’s Office, the General Prosecutor’s Office, and the Parliamentary Commission for Human Rights as the state agencies possessing the necessary level of independence.¹⁴⁷ However, significant concerns were voiced regarding each of them as a possible location of the National Rapporteur, including the weakness of existing mechanisms for the implementation of their recommendations;¹⁴⁸ and

¹⁴³ Interviews with GPO, OSCE, CAP, and CNFCEM

¹⁴⁴ For example, in response to the downgrading of Moldova to Tier 2 Watch List in the US Department of State’s Trafficking in Persons Report 2017, a set of measures to implement priority actions in the field of prevention and combating THB for the year 2017 was developed and approved on 4 August 2017 by the Prime Minister of the Republic of Moldova and disseminated for implementation at the central and local level (ref. National Report 2017. Access: <http://antitrafic.gov.md/libview.php?l=ro&idc=30&id=1110&t=/Rapoarte/Nationale/Raport-national-de-realizare-a-politicii-de-prevenire-si-combatere-a-traficului-de-fiinte-umane-pentru-anul-2017>)

¹⁴⁵ Interviews with MFA, MoJ, OSCE, territorial commissions

¹⁴⁶ Interview with the MoI

¹⁴⁷ Interviews with DPS, IOM, OSCE, OHCHR, MFA, MHLSP, CAP, CNFCEM and other stakeholders

¹⁴⁸ Ibidem

- the dire lack of resources and the overall trend towards a smaller government in Moldova mean that there is unlikely to be any political will to create additional structures at this point.¹⁴⁹

Case study

In the sphere of children's rights protection, the GoRM has formed a National Council chaired by the Prime Minister, with a permanent secretariat within the State Chancellery (also transferred to the DPS in November 2018), appointed a National Coordinator (MHLSP), and established a Children's Ombudsperson office. Yet, in practice, there is no clear delineation of mandates, and stakeholders have often observed competition and a lack of basic communication, coordination, and cooperation among these three institutions. The National Council was expected to be facilitating these processes with the help of the DPS, however, this is yet to materialize.

The Children's Ombudsperson develops an independent report, with recommendations for each Ministry involved in the implementation of the National Strategy and Action Plan for Children's Rights Protection. The report is then sent to the Parliament for review and approval. However, there has been no substantial follow up on the Ombudsperson's reports.¹⁵⁰

These factors make it likely that the DPS will be pressed to continue playing the role previously developed by the PS as much as possible, at least in the short-term perspective.

c) Normative framework

According to the Regulation on the activity of the Directorate of Permanent Secretariats within the State Chancellery¹⁵¹, the DPS, *inter alia*, operates in line with the Law Nr. 241/2005 on Preventing and Combating THB, the GoRM Decree Nr.472/2008 on the Approval of the Composition of the NCCTHB and the National Committee Regulation, and the GoRM Decree Nr.657/2009 on the Organization and Functioning of the State Chancellery, Its Structure and Staffing Limitations.

Analysis (see **Annex 8**) shows that these documents are not fully harmonized with each other. Specifically:

- the delineation of duties between the Minister of Foreign Affairs and European Integration as the Chair of the NCCTHB (the **de jure national CT coordinator**) and the Head of DPS as the Secretary of the NCCTHB (functioning as the **de facto national CT coordinator**) is not clear. While according to the GoRM Decree Nr.472/2008 the Chair is tasked with "ensuring the implementation of the functions of the National Committee"¹⁵² and "representing the Committee in the relations with national public authorities as well as in international relations",¹⁵³ these responsibilities are not further concretized in the normative framework. MFA's responsibilities as Chair of the NCCTHB per the GoRM Decree Nr.472/2008 are not reflected in the Regulation on the organization and functioning of the MFA.¹⁵⁴ In the meantime, the DPS is responsible for "ensuring the (organizational) activity of the National Committee",¹⁵⁵ which includes a detailed array of activities closely paralleling those of the

¹⁴⁹ Interviews with INL and La Strada Moldova

¹⁵⁰ Based on the information received from UNICEF, CNPAC NGO, OHCHR

¹⁵¹ English translation of the document was provided to the author by IOM Moldova

¹⁵² Paragraph 7 of the GoRM Decree Nr.472/2008

¹⁵³ Paragraph 6 of the GoRM Decree Nr.472/2008

¹⁵⁴ See the GoRM Decree Nr.697 of 30 August 2017 on the Organization and Functioning of the Ministry of Foreign Affairs and European Integration. Access: https://www.legis.md/cautare/getResults?doc_id=113103&lang=ro

¹⁵⁵ See Part (7) of Article 8 of the Law 241/2005 and Paragraph 9 of the GoRM Decree Nr.472/2008

NCCTHB “for the purpose of implementation of the tasks of the National Committee”,¹⁵⁶ which also include liaising with national authorities and international stakeholders;

- DPS’s mission/purpose inconsistently formulated as either “providing organizational and information support and secretarial/clerical assistance” to the NCCTHB (among other Government advisory bodies), i.e. acting as a logistical, informational, and record-keeping service, and/ or “ensuring the functioning/ operation” of the NCCTHB and other Government advisory bodies, i.e. delegation of the operational implementation of their competencies;
- It is further evident from the comparison that Law Nr.241/2005 and the GoRM Decree Nr.472/2008 assigns to the DPS (and formerly the PS) functions and responsibilities that are not part of the State Chancellery’s mandate according to the GoRM Decree Nr.657/2009, including, *inter alia*, coordination of activities of specialized agencies, facilitating cooperation among public authorities and with the civil society and international stakeholders, fostering international cooperation, coordination of the organization of public information campaigns, supporting the implementation of interstate projects, and evaluation of policy effectiveness;
- It is also evident that some of the important competencies assigned to the NCCTHB by Law Nr.241/2005 are not reflected in the GoRM Decree Nr.472 and have not been explicitly delegated to the DPS, even though they are in line with the GoRM Decree Nr.657/2009, such as exercising control over the implementation of the CT legislation and policy documents and conducting analytical work on the THB situation and implementation of CT policies in Moldova;
- Finally, some of the competencies/ functions, which are assigned to the PS of the NCCTHB by Law Nr.241/2005 and GoRM Decree Nr.472/2008 and are in line with the State Chancellery’s mandate per GoRM Decree Nr.657/2009, such as coordination of the development of CT policy documents, are not properly reflected in the Regulation on the activity of the DPS.¹⁵⁷

(Notably, the DPS Regulation is better streamlined compared to the previous PS Regulation and more aligned with the GoRM Decree Nr.657/2009 but is not as well coordinated with the Law Nr.241/2005 and the GoRM Decree Nr.472/2008.)

The National Strategy for Preventing and Combating of THB for 2018-2023 approved by the GoRM Decree Nr.461/2008 lists coordination of the prevention and combating of THB among its common goals and interventions. The key task in this area is defined as “*ensuring the implementation of the national policy in the sphere of prevention and combating of THB on the basis of effective coordination and strengthened cooperation with implementing partners.*”¹⁵⁸ The Strategy therefore emphasizes and supports a strong coordination role for the CT policies within the GoRM.

Furthermore, the Strategy notes that international observers had criticized the GoRM for the lack of reliable information on THB between 2005 and 2010, which was one of the reasons for the creation of the PS and assigning to it the responsibility for monitoring of the NAP implementation and preparation of annual National Reports on the Prevention and Combating of THB¹⁵⁹ (essentially, the functions of the National Rapporteur). Collection and analysis of

¹⁵⁶ Paragraph 9’ of the GoRM Decree Nr.472/2008

¹⁵⁷ NB: According to the Public Administration Reform Strategy for 2016-2020 (see paragraph 60), the General Directorate for the Coordination of Policies, External Assistance and Reform of the Central Public Administration of the State Chancellery is in charge of the elaboration and approval by the Government of quality public policies, to ensure their implementation, monitoring and evaluation by central administrative authorities.

¹⁵⁸ National Strategy for Preventing and Combating THB for 2018-2023, Annex Nr.1 to the GoRM Decree Nr.461 of 22 May 2018, chapter III, pp.22-23

¹⁵⁹ Ibidem, p.9

statistical data, as well as conducting research on THB, is another common goal established by the Strategy, with the key task of guaranteeing the availability of reliable and relevant statistical information and data on THB as well as access to them.¹⁶⁰

Analysis of the NAP for the implementation of the National Strategy in 2018-2020 (see Annex 8) indicates however that assignment of relevant responsibilities to the PS (and consecutively DPS as its successor) is inconsistent with both the National Strategy and the normative framework regulating the work of the DPS reviewed above, as well as internally within the NAP. This includes:

- inconsistent involvement of the PS/DPS in the activities, which are in line with its mandate as well as the Strategy's emphasis on coordination (examples: the drafting/ coordinating amendments to CT legislation is sometimes assigned to the PS/DPS as the responsible authority, sometimes as partner, and sometimes PS/DPS is *not* included in respective actions at all; actions related to ensuring interagency cooperation are mostly *not* assigned to the DPS);
- occasional assignment to the PS/DPS of activities, which are not fully or at all in line with the mandate of the State Chancellery or the DPS (examples: conducting regional/international thematic seminars, ensuring training of specialists, coordination of info campaigns, etc);
- inconsistent involvement of the PS/DPS in activities related to monitoring and data collection on THB (examples: PS/DPS is not included at all, even as a partner, in the development of specific guidelines on the procedure of analysis/ monitoring of the THB situation; conducting research of the phenomenon and trends of THB; establishment of mechanisms for registering (presumed) VoTs availing themselves of the reflection period; analysis of the system of long-term assistance and protection of (presumed) VoTs; monitoring of financial compensation of VoTs). This, *inter alia*, means that the monitoring function on THB is not consolidated within the PS/DPS as the *de facto* National Rapporteur and that it is not fully capacitated to ascertain the consistent collection coherent, comparable, and useful data and availability of quality and needs-based research on THB, even though the NAP flags the lack of relevant data and research as a key issue¹⁶¹;

and, additionally,

- non-assignment to the State Chancellery either as responsible authority or partner of activities which are in line with its mandate but not part of the PS/DPS mandate (examples: the activity associated with the strengthening of mechanisms of planning and financial management in the area of combating THB, even though it is responsible, in cooperation with the Ministry of Finance, for ensuring that the requirements regarding *inter alia* integration of policy documents in the Medium-Term Budgetary Framework are complied with;¹⁶² development of the mechanism for regulation and state control of private companies in vulnerable sectors and of the mechanism of monitoring of sectors of economy vulnerable to domestic THB, even though State Chancellery is responsible for the monitoring of legislation on state control over entrepreneurial activity and conducting monitoring of compliance with such legislation in the course of analysis of consequences of regulation¹⁶³).

The NAP does not contain any action points to ensure its periodic evaluation and does not allocate any funding to such an exercise.

¹⁶⁰ Ibid.

¹⁶¹ Ibid., p.10

¹⁶² See Specific Objective 2 of Public Administration Reform Strategy for 2016-2020, pp.22-23. *NB:* This Strategy predates the National Strategy on Preventing and Combating THB

¹⁶³ Litera (I') and litera (I'') of paragraph 7 of Annex 1 to the GoRM Decree Nr.657 of 6 November 2009 on the Organization and Functioning of the State Chancellery, Its Structure and Staffing Limitations

Based on this analysis, it can be concluded that the current normative framework does not establish a consistent set of competencies and responsibilities for the DPS with regard to formulating, coordinating, monitoring and evaluating CT policies.

d) External monitoring

The Republic of Moldova is currently undergoing the third round of evaluation of GRETA (GoRM response to the relevant GRETA questionnaire has been provided, and GRETA site visit conducted). The report is expected by the summer of 2020. GRETA will be closely watching the developments with regard to national coordination of CT policies and activities.

Additionally, annual assessment is conducted by the US Department of State as part of the preparation of its global Trafficking in Persons Report, which places governments in three tiers according to their level of effort to combat THB.¹⁶⁴ Tier 3 countries may be subject to certain restrictions on assistance from the US.

Moldova's ranking as a Tier 2 country has been relatively consistent over the recent years. However, it has a past experience of being downgraded to Tier 3 in 2008, when the lack of leadership in the NCCTHB was listed among the criticisms in the Report.¹⁶⁵



(source: Trafficking in Persons Report 2019¹⁶⁶)

The 2018 Report included a comment on the PS's capacity, “*which observers stated was insufficient to manage the workload.*”¹⁶⁷ The absorption of the PS into the DPS was then noted in the 2019 Report, with cautious remarks on the reduction in the number of “*staff dedicated exclusively to coordinating CT efforts from four to one and reducing the funding from the State Chancellery for combating trafficking*”, which “*limited the government's ability to conduct public*

¹⁶⁴ Tier 1 - governments fully meet the minimum standards for the elimination of trafficking as established by the US Trafficking Victim Protection Act (TVPA). Tier 2 - governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards. Tier 2 Watch List - governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which :a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of THB from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year. Tier 3 - governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so (Ref. Trafficking in Persons Report 2019, pp.36-37)

¹⁶⁵ Trafficking in Persons Report 2018. United States Department of State, 2018, p.183. Access: <https://2009-2017.state.gov/documents/organization/105658.pdf>

¹⁶⁶ Trafficking in Persons Report 2019. United States Department of State, 2019, p.329

¹⁶⁷ See Trafficking in Persons Report 2018. United States Department of State, 2018, p.307

awareness campaigns.”¹⁶⁸ Nevertheless, since the overall level of CT effort was maintained, Moldova’s tier ranking remained unchanged.

The data collection round for the next Trafficking in Persons Report starts in January 2020; the Report is expected in July 2020. To maintain its tier ranking, the GoRM would be expected to demonstrate increased level of effort to prevent and combat THB.

“Given the NCCTHB reorganization is still relatively new (September 2018), its effects on the GoRM commitment and ability to combat THB are still being assessed. The government reported the reorganization will not affect its ability to provide annual Trafficking in Persons report data and that it still remains committed to combatting THB; Post continues to monitor these efforts.” (Embassy of the United States in the Republic of Moldova)

These additional contextual factors are likely to keep the GoRM from significantly cutting back on its CT efforts and to continue putting pressure on the DPS to maintain the scope of PS’s operations, at least in the short-term perspective.

2.2 Organizational setup

The DPS was created to jointly perform the functions of permanent secretariats to the following advisory bodies of the Government:

- National Council for Human Rights (chaired by the Prime Minister, meets two to three times a year);
- National Committee for Child Protection (chaired by the Prime Minister, meets two to three times a year);
- National Committee for Combating THB (NCCTHB) (chaired by the MFA, meets quarterly);
- National Committee for Collective Negotiations (chaired by the Ministry of Economy and Infrastructure, meets monthly); and
- National Committee for Participation (coordination platform for civil society, currently not functional).

Despite some crossovers, the five portfolios assigned to the DPS have vastly different scopes, sets of priorities and stakeholders, and resource input requirements. DPS staff noted that this inter-sectoral nature of their work had not yet provided for any cross-fertilization or better-informed activities within its different thematic areas, but rather had drawn resources away from the thematic priorities. The work of the DPS remains largely siloed.¹⁶⁹ (It is worth noting that there likewise was no meaningful cooperation between the permanent secretariats prior to the reform.¹⁷⁰) The need to juggle an extensive amount of commitments resulting from the broad thematic portfolios managed by the Directorate has been also a cause for constant scheduling conflicts (“*everything happens at the same time*”), which significantly reduced the DPS’s capacity to adequately implement its functions¹⁷¹ and availability to stakeholders.¹⁷²

The DPS is a division of the State Chancellery subordinated to the Deputy Secretary General of the Government¹⁷³ (an upgrade from PS’s latest status of a service, however, also a demotion from its previous direct subordination to the Secretary General). Unlike formerly the Head of the

¹⁶⁸ Ibidem, p.330

¹⁶⁹ Interview with the DPS

¹⁷⁰ Interview with the former Head of the PS

¹⁷¹ Interview with the DPS

¹⁷² Interview with OSCE

¹⁷³ https://cancelaria.gov.md/sites/default/files/organigrama_cancelaria_de_stat_octombrie_2019.pdf

PS, the Head of the Directorate does not have any signing authority, including for the most basic documents, such as event invitations, which significantly limits the DPS's independence,¹⁷⁴ a matter of serious concern flagged by a number of interviewed stakeholders.¹⁷⁵

The Directorate has seven staff positions, including Head, Deputy Head, and five principal consultants, each in charge of a specific thematic area (human rights, children's rights protection, THB, and social partnership). The Head of the DPS is Secretary to three GoRM consultative bodies – the National Council for Human Rights, NCCTHB, and the National Commission for Collective Consultations and Negotiations; the Deputy Head – Secretary of the National Council for Children's Rights Protection, the role that the relevant official continues to perform since before the creation of the DPS.

The staffing of the DPS was universally described as "insufficient" for all areas of its responsibility by the interviewed stakeholders, including the Head of DPS. It was also deemed unstable, as one staff available per thematic area means that the DPS does not have sufficient backup capacity and cannot ensure continuity in case of staff prolonged absence or separation.¹⁷⁶

Staff allocation also does not appear to be consistent with the scope of thematic areas or PS functions assigned to the DPS with regard to the different consultative bodies it serves.¹⁷⁷ For instance, human rights is an exceedingly broad portfolio encompassing all of the population and all of the Government, while CT is more specialized and narrow, yet both are assigned the same number of staff; for the children's rights portfolio, the DPS's role is limited to secretarial functions, as the National Coordinator's role is vested with the MHLSP, while for CT, the DPS is assigned the functions of the National Coordinator and National Rapporteur, yet both spheres are allocated the same number of staff; etc.

It should be further noted that the current staff allocation to the CT portfolio within the DPS is at the lower side of the spectrum of staffing of national coordinators' offices in the CoE Member States of similar population sizes and/or economic situations as Moldova (see **Annex 9**).

Excessive workload of the existing staff of the PS to the NCCTHB was already flagged as a problem for coordination of CT activities in the National Strategy for Preventing and Combating THB for 2018-2023. At the time of the development of the Strategy, the PS had three staff fully dedicated to the work for NCCTHB, after one of its staff positions had been cut in the course of the State Chancellery reform.¹⁷⁸ Yet, the problem was not addressed in any of the actions foreseen in the NAP for 2018-2020, and the workload which had earlier been considered strenuous for three full-time staff, following the State Chancellery reform, was expected to be largely shouldered by one staff on a full-time basis (the Principal Consultant for THB) and one on a part-time (under 30%) basis (the Head of the DPS), the latter with an occasional backup by the Deputy Head.

In this situation, the DPS has been forced to prioritize and scale back its operations to routine tasks, along with a handful of issues strongly driven by development partners. The leadership

¹⁷⁴ Interview with the DPS

¹⁷⁵ Interviews with DPS, MFA

¹⁷⁶ Interview with OHCHR

¹⁷⁷ Interviews with OHCHR and UNICEF

¹⁷⁸ National Strategy for the Preventing and Combating THB for 2018-2023, Annex Nr.1 to the GoRM Decree Nr.461 of 22 May 2018, p.6

role previously assumed by the PS has been increasingly difficult to maintain. The decline in DPS's (pro)activeness was noted by many interviewed stakeholders, particularly, with regard to mobilizing and directing CT actors to resolve pressing issues, responding to critical situations, developing interventions to address new trends;¹⁷⁹ keeping stakeholders accountable for their respective commitments under the NAP as well as per NCCTHB decisions;¹⁸⁰ and coordination of international assistance in the CT sphere.¹⁸¹ Stakeholders have also commented on the loss of the sense of focus on and consolidation of efforts to prevent and combat THB, of continuity, and of an overall progress in the CT sphere.¹⁸²

“Our work used to be very dynamic, now it is a silent moment in the anti-trafficking community.” (From the interview with a former PS staff currently working with the OSCE Mission to Moldova)

Territorial commissions for preventing and combating THB were among those most affected by these changes.¹⁸³ Without guidance, stakeholders at the raion level have been either conducting meetings because of the formal requirements, or stopped meeting at all, lacking knowledge or motivation to formulate a meaningful agenda. Newly appointed heads of commissions admitted to lack even basic information on and understanding of THB and their responsibilities.¹⁸⁴

“It is embarrassing to have to meet four times a year and not know what to talk about”. (From the interview with the territorial commissions)

The Head of DPS indicated that the Directorate at present does not have an opportunity to increase its staffing,¹⁸⁵ even though the normative framework allows for lodging a relevant application with the State Chancellery. In the foreseeable future, the DPS will thus rely for support on external consultants provided through development partners' funding. At the time of the research, IOM, OSCE, and La Strada Moldova already had specific plans to support such consultancies throughout 2020, including the development of a new NAP for 2021-2023 as well as developing draft normative acts and internal documents/tools for the DPS. This, *inter alia*, means that, even though in the short-term perspective the DPS will be capacitated to maintain its role in the development, implementation, and monitoring of CT policies, in the mid- to long-term perspective its current scope does not appear sustainable, particularly, if external support significantly decreases or ceases altogether.

Separate development partners have also indicated their intention to advocate with the State Chancellery for the increased resource allocation to the DPS for policy areas of priority to them,¹⁸⁶ but no coordination of such plans to make this a concerted effort were apparent at the time of the research.

No operational budget is allocated to the DPS,¹⁸⁷ and its ongoing needs and activities continued to be funded by international donors, primarily through IOM, La Strada Moldova, OSCE, and others.¹⁸⁸ Inability to earmark financial resources for the activities planned by the PS in the

¹⁷⁹ Survey response from La Strada Moldova; interviews with CAP and CNFACEM, CCTP, OSCE, MHLSP

¹⁸⁰ Interviews with CCTP, CAP and CNFCEM, MHLSP, Ombudsperson's office

¹⁸¹ Survey response from La Strada Moldova

¹⁸² Interview with CNFCEM, MHLSP

¹⁸³ Interviews with CCTP, CAP and CNFCEM, OSCE

¹⁸⁴ Interview with representatives of territorial commissions

¹⁸⁵ Interview with the DPS

¹⁸⁶ Interviews with OHCHR, UNICEF

¹⁸⁷ The only budget the DPS is managing is of a direct budget support project with UNICEF, which they admitted was extremely challenging, *inter alia* due to the difficulty of working with the State Treasury.

¹⁸⁸ Interview with the former Secretary of NCCTHB

Medium-Term Budget Forecast had earlier been noted as a weakness as part of the National Strategy's SWOT analysis.¹⁸⁹ Again, no remedial action was included into its Action Plan, and the State Chancellery was not mentioned in relation to the fulfillment of the relevant specific task in the NAP (see section 2.1 Enabling environment, (b) Normative framework above). It was also noted by the Head of the DPS that the Directorate had no competence or opportunity to draft and apply to the State Chancellery for an operational budget,¹⁹⁰ even though it is not expressly prohibited by the normative framework.

The DPS will thus likewise continue to rely on the development partners' funding for its operational activities. At the time of the research, IOM, OSCE, and La Strada Moldova already had specific plans to support activities throughout 2020, which included capacity building at the local level, awareness raising campaigns, trainings, study visits, assistance with translation, reporting, etc. Thus, even though in the short-term perspective the DPS is capacitated to implement its responsibilities per the DPS Regulation or activities assigned to it by the NAP, this situation is unsustainable in the long-term, unless the State Chancellery is prepared and has a plan to take over at least part of DPS's operational costs.

"Now that the staff of the Permanent Secretariat to the NCCTHB is cut from three persons to one, and external technical assistance is decreasing, I think that the DPS will be forced to narrow down the scope of its activities." (From the interview with La Strada Moldova)

Reliance on external funding significantly limits DPS's independence by making its agenda unproportionally donor- rather than situation- and needs-driven. It also means that the DPS cannot independently support staff development, ensure appropriate level of communication with stakeholders, especially at the local level,¹⁹¹ commission research, or implement/ sustain any technological innovations in its work.

The main tools for communication used by the DPS are emails, official letters, antitrafic.md website, and in-person meetings. Since 2014, only the Romanian version of the website has been regularly updated due to the lack of resources for translation of materials into Russian and English (the latest updates to these versions of the website were in 2014). The DPS has been able to maintain a degree of frequency and timeliness of communication and information sharing with the CT stakeholders (a number of interviewed stakeholders remarked that their level and quality of interactions with the DPS as PS's successor remained unchanged¹⁹² and the antitraffic.md website continued to be regularly updated), albeit at the cost of overstraining the responsible staff's capacities.¹⁹³

Data collection and analysis are a key challenge for the DPS. Official information is gathered on paper, based on general requests sent to all NAP stakeholders; territorial commissions fill in a standard survey populating specific indicators; then all data is consolidated and analyzed manually. In the past, the PS was being assisted by development partners to create a pilot electronic data collection tool for gathering, storing, and analyzing information from six key central authorities; the tool was tested and amended before 2018; however, it quickly became outdated and required a revision, which was included as one of the expected outcomes in the

¹⁸⁹ National Strategy for the Preventing and Combating THB for 2018-2023, Annex Nr.1 to the GoRM Decree Nr.461 of 22 May 2018, p.30

¹⁹⁰ Interview with the DPS

¹⁹¹ During the interview, DPS staff indicated that GRETA visit in late 2019 was the first opportunity for them to visit, observe, and get first-hand experience with service providing organizations and local stakeholders

¹⁹² Interviews with CNPAC, GPO, MFA

¹⁹³ According to the Principal Consultant, relevant responsibilities consume nearly 50% of her time.

National Strategy.¹⁹⁴ The tool had however not been re-operationalized, and access keys to it were later lost. The DPS currently lacks the IT capacities and financial resources needed to update and maintain it.¹⁹⁵

The largely manual data collection and processing, along with the lack of staff capacities, hinders DPS's ability to conduct any advanced analysis beyond basic operational data summarization necessary for the regular reports. The reports produced by the PS/DPS have largely focused on the status of implementation of the NAPs and been mostly activity- rather than performance indicator-based, with little or no element of evaluation of the effectiveness of CT policies or state institutions, a situation not unique within the GoRM.¹⁹⁶ The NAP evaluation done by the DPS has so far been limited to a mere comparison of the number of activities planned and implemented in a given year vis-à-vis the general objectives.¹⁹⁷ In-depth analysis of the THB situation or of acute issues in the CT sphere is not part of the reports, and the perspective of VoTs is notably missing.

In the past, the PS, in cooperation with development partners, had commissioned an *ad hoc* independent ex-poste evaluations of the NAP (2010-2011 and 2012-2013);¹⁹⁸ however, that has not been established as a regular practice due to its dependence on the availability of external funding.

The DPS does not have funding to commission research in the CT sphere, nor does it have capacities to conduct THB situation and trends analysis, identify the needs, and formulate terms of references for relevant research. These essential functions of a National Rapporteur are likewise “outsourced” to development partners and thus depend on external funding for sustainability.¹⁹⁹

Nota Bene: The DPS's Annual Workplan for 2019²⁰⁰ lists many of these essentially internal constraints as risks (normally, external factors) to effective implementation of some of its core responsibilities with regard to the CT portfolio. Specifically, the Plan noted that:

- insufficient financial/human resources;
- insufficient time to examine and analyze information;
- insufficient skills for analysis and synthesis, organizing trainings, and implementing IT solutions;
- overstrain in other areas of responsibility,

could prevent it from achieving the intended results with regard to organizing substantial meetings of the NCCTHB, ensuring adequate public communication and transparency, improving relevant policies, providing support to the local level, and maintaining cooperation with relevant stakeholders for effective coordination and monitoring.

Based on the above, the current organizational setup of the DPS does not provide an enabling and sustainable basis for the effective and continuous implementation of its functions per the national legal and normative framework as both a *de facto* National Coordinator and National Rapporteur, without heavy reliance on external support.

¹⁹⁴ National Strategy for the Preventing and Combating THB for 2018-2023, Annex Nr.1 to the GoRM Decree Nr.461 of 22 May 2018, p.9

¹⁹⁵ Interview with IOM

¹⁹⁶ For instance, see Public Administration Reform Strategy for 2016-2020, p.21

¹⁹⁷ See Annex 3 to the National Report on the Implementing of Policy for the Prevention and Combating on THB for the Year 2018. Access: www.antitrafic.gov.md/files/Anexa_nr._3_2018.pdf

¹⁹⁸ Access: http://antitrafic.gov.md/public/files/Ex-post_independent_evaluation.pdf

¹⁹⁹ Interview with the DPS, response to written survey by IOM Moldova.

²⁰⁰ Document provided by the DPS

2.3 Individual level

a) Staff terms of reference

While the official job descriptions for the Head, Deputy Head, and principal consultants of the DPS suggest that each of them can be involved in handling the CT portfolio, in reality, the chief of this work is done by one specifically-assigned Principal Consultant on a full-time basis. The Head of the DPS is involved in this work on a part-time (30%) basis, with an occasional backup by the Deputy Head (5-10%) when the Head of DPS is away.²⁰¹

Analysis of the relevant job descriptions (see **Annex 8**) reveals similar issues as the analysis of the normative framework above. The daily tasks assigned to the DPS staff are not consistent with the mandate and priorities established by the Law Nr.241/2005, as well as with the core functions, competencies, and responsibilities assigned to the DPS by the GoRM Decree Nr.472/2008, the mandate of the State Chancellery per the GoRM Decree Nr.657/2009, and, occasionally, the DPS Regulation. In this sense, they appear to be based more on the existing needs and precedent (PS's work prior to the reform) than the current normative framework or available resources.

The job description of the Principal Consultant specifically assigned to the NCCTHB includes an uncommonly wide array of high-level responsibilities (which also sometimes encompass other thematic areas of DPS's work), *inter alia*:

- ensuring the implementation of the National Strategy and NAP;
- coordination of CT activities;
- coordination, monitoring, and evaluation of the development and implementation of state CT policies;
- coordinating cooperation among public authorities, intergovernmental organizations, nongovernmental organizations, national institutions from other countries to develop the national and transnational cooperation mechanism;
- establishing and maintaining cooperation with international institutions, donor community, and civil society to identify opportunities to fund activities on THB and protection of human rights;
- coordination of the process of identification and harmonization of financial resources for conducting studies/researches, national and international information and awareness raising campaigns on THB and protection of human rights;
- identifying resources for conducting studies/researches on THB and human rights, to assess the trends in the Republic of Moldova;
- organizing and supporting national and international information and awareness raising campaigns on THB and human rights, ensuring cooperation with the media in this area;
- organizing national delegations for participation in international conferences, workshops, training seminars etc.²⁰²

Essentially, the job description suggests that the single Principal Consultant is expected to perform the majority of functions of the National Coordinator and National Rapporteur, in addition to the logistical and clerical support to the NCCTHB and the TCG. This is an unrealistic set of responsibilities for one person that is not consistent with the position's hierarchical level, effectively precluding any professional from being successful on this job regardless of the level of experience and expertise. Such an approach also creates an exceedingly high risk of staff

²⁰¹ Information received from the DPS

²⁰² Job Description Nr.361, English translation provided by IOM Moldova

burnout in a short-term perspective, which further increases the instability of the DPS's structure.

"Diana [the Principal Consultant] cannot cover everything on her own, she's already struggling just to keep up with the routine tasks." (From the interview with the CAP)

It is evident that such allocation of responsibilities to DPS staff does not adequately capacitate the Directorate to effectively fulfil its role in developing, coordinating, monitoring and evaluating counter-trafficking policies in Moldova and creates serious risks to the sustainability and continuity of its CT work.

b) Leadership

Prior to assuming her current role, the Head of the DPS worked at the Ministry of Economy in the sphere of coordination of external assistance and international funding and had no previous experience with any of the thematic areas within the competence of the DPS. Despite the initial lack of expertise and contextual constraints,²⁰³ she was able to ensure that the key operations of the PS to the NCCTHB were maintained and progress made in bringing new counterparts on board.²⁰⁴ The key factors have been leveraging the experience of the Principal Consultant for THB, who has been on the job for over five years, as well as the assistance of development partners.

A number of interviewed stakeholders commended the Head of DPS for the high level of motivation, openness, and invested effort²⁰⁵ and positively remarked on the quality of interactions with the DPS as PS's successor.²⁰⁶ Others however noted that the lack of knowledge and experience in the relevant spheres has so far prevented the Head of DPS from developing a sound strategic vision and assuming a strong leadership role in directing stakeholder consultations and ensuring effective follow up to coordination bodies' meetings.²⁰⁷

Of note are the efforts made by the Head of DPS to improve the outputs of the Directorate's work, particularly making its reports more concise, focused, and user-friendly; improving the format of NCCTHB resolutions to include more details and to make action points more targeted; developing better data collection methods and tools; and the practice of routinely extracting meaningful lessons from DPS's activities to integrate them in the Directorate's future planning.

Case study

On 5 December 2019, the DPS organized an information session for representatives of Moldova's agricultural sector in response to the increased identification of cases of domestic trafficking and exploitation. While the workshop was supported by development partners, the DPS fully took the lead on its organization.

Despite the importance of the topic and the good intentions, the workshop was not a success. It was poorly attended, and the audience showed little understanding of and interest in the topic.

The DPS derived lessons learned with regard to pre-event communications, formulating agendas for

²⁰³ Political instability throughout 2019; time needed to fully staff the Directorate (the position of the Principal Consultant for Civil Society Cooperation was not filled until the second half of 2019; prior to that, the Head of DPS was dealing with the relevant workload).

²⁰⁴ Airlines, transportation and handling companies, agricultural sector

²⁰⁵ Interviews with MoI, GPO, MoJ, OHCHR

²⁰⁶ Interviews with CNPAC, GPO, MFA

²⁰⁷ Interviews with La Strada Moldova, CAP, CNFCEM, CCTP

future information sessions, framing the subjects based on the profile of the target audience, and making the sessions more focused on their needs. The lessons learned were fed back into the planning of the four more similar events planned for 2020.²⁰⁸

At the same time, the Head of the DPS has been finding the need to combine the numerous and demanding portfolios assigned to the DPS with the role of a *de facto* National Coordinator for combating THB, as previously developed by the PS, exceedingly overstraining and unsustainable. It is likely that in a mid-term perspective, the Head of the DPS will be seeking further revision of the Directorate's mission, scope, and structure (relevant attempts have already been made with the previous Government).

The vision so far has been that the DPS's relevant portfolios (human rights, children's rights protection, combating THB) would be integrated under the overall umbrella of the National Action Plan for Human Rights and the respective high-level government consultative body, with specific thematic issues handled by relevant sub-committees.

"If there is a need for a full-fledged National Coordinator to keep a strong focus on THB, it is best to separate this function from the DPS. If the decision is made to keep this role with the DPS, it either must be significantly scaled down, or additional human and financial resources must be allocated to the DPS." (From the interview with the DPS)

At present, the Head of DPS has not indicated a strong motivation or interest to advocate for the latter.

Considering the possible strong opposition to the idea of absorption of the CT portfolio into the broader human rights agenda,²⁰⁹ the potential consequences of an internal push for changes to DPS's role are difficult to predict. It is apparent, however, that without the prioritization of maintaining the solid National Coordinator role in the CT sphere by the DPS leadership, aggravated by the scarcity of resources, this role is likely to continue to deteriorate regardless of environmental pressures.

²⁰⁸ Interviews and DPS, IOM

²⁰⁹ Interviews with GPO, MoJ, OSCE, IOM

3. Conclusions and recommendations

The findings of the research have largely confirmed the working hypothesis that the absorption of the PS into the DPS, accompanied by the reduction of resources dedicated to the CT portfolio, had significantly weakened its capacity to fulfil its role in the development, implementation, and monitoring of CT policies in Moldova. The reform is likely to have negative implications for the effectiveness and coherence of national CT response in the mid- and long-term perspective.

Analysis indicates that at the present the DPS is not fully capacitated to effectively fulfil all of the functions previously performed by the PS. The strong leadership role previously developed by the PS is thus set to be diluted, which will adversely affect the development, implementation, monitoring and evaluation of CT policies in Moldova and the fulfilment of the GoRM's commitments under the international and national legal frameworks. Both external and internal factors are at play in this process.

The environmental pressures analyzed throughout this report are likely to force the Directorate to maintain a limited scope of operations as the *de facto* national CT coordinator and rapporteur in the short-term perspective. However, the ongoing public administration reform, which is likely to further affect the State Chancellery, renewed lobbying efforts from development partners dissatisfied with the current situation, and internal pressures are likely to trigger further changes, with currently unpredictable consequences for the CT portfolio.

The present institutional arrangement for coordination of the national CT response can thus only be viewed as a temporary solution. A new vision needs to be developed by the national CT stakeholders as soon as possible for how the role of a strong operational national CT coordinator could be preserved and further developed in Moldova.

This may entail reconsidering the entire institutional and legislative setup of the GoRM's CT response, to revise, clarify, and disambiguate the roles of all relevant actors involved in the coordination of national CT policy, including the NCCTHB, the Minister of Foreign Affairs and European Integration as its Chair, the DPS and its Head as the Secretary of the NCCTHB. While recommending specific solutions for a systematic reform of Moldova's CT response goes beyond the scope of this report, which was commissioned as a capacity assessment of the DPS, its findings suggest that the effectiveness of any future capacity building interventions are contingent on addressing the more profound issues, including:

- Should the national CT policy be integrated into a broader national policy, such as the National Human Rights Action Plan or an integrated policy for combating the crimes recognized as human rights violations and protecting victims of crime, or should it remain a separate policy?
- Which governmental agency should coordinate the national CT policy? Should it be the State Chancellery/DPS, the MFA, or another line ministry? At present, the roles of the NCCTHB and its Chair, as well as of the DPS and its Head as NCCTHB Secretary, cross over in the normative framework, and the delineation of functions observed in practice has been largely based on precedent and reliant on the strong leadership role of the PS.
- What is the role of the NCCTHB? Is it a consultative body of the GoRM or a coordinating platform? Does it remain relevant as a high-level body, or should it be re-established as a more technical-level consultative platform of the governmental agency responsible for the national CT policy coordination (e.g. modeled after the currently functioning informal TCG of the DPS), or otherwise reformed?

- Can the strong leadership role and operational functions of a *de facto* national CT coordinator previously developed by the PS be sustainably preserved and developed within a “Secretariat” placed in the “Center of Government”, or should they be vested in an executive authority, i.e. a line ministry? Which ministry would it be?
- Should the chairmanship of the NCCTHB, the operational coordination functions, and secretarial support of the Committee be consolidated in one agency, or should the GoRM retain the current, more decentralized approach to national CT policy coordination?
- What does the GoRM see as essential functions of a National CT Rapporteur, considering the context of severe human and financial resources scarcity? Should these be limited to regular information collection and reporting, or also include a broader scope of activities such as coordinating CT research, developing data collection and management tools, ensuring data quality and consistency across the board, monitoring and evaluation of the effectiveness of CT policies, etc?

Currently, there is a strong case for maintaining a distinct CT agenda, with a separate specialized coordination body and operational National Coordinator to ensure continuous mobilization of national and local authorities for an active CT response. Integrating the CT portfolio into a broader thematic policy, such as Human Rights, does not appear to be an optimal course of action in the current political and economic context of Moldova and is likely to receive strong opposition from CT stakeholders and international observers. Despite appearing as an attractive idea promoting the defragmentation of policies, such move would result in a rapid de-prioritization of the CT effort and loss of the previously generated capacities and institutional focus on the topic.

As demonstrated by the findings of this report, the operation of a (to date, *de facto*) national CT coordinator within an agency outside and above the line ministries had proven, prior to its reforming in 2019, effective in Moldova’s context and corresponded to what is internationally considered best practice. Preserving this role within the State Chancellery would be consistent with the preceding development effort and, by building on its previous achievements, is likely to require less investment from the government and development partners. It also has specific advantages with regard to coordination of activities at the local level, considering the current setup of territorial commissions for combating THB. However, this approach contains risks to future sustainability of the national CT coordinator, *inter alia*, since many of its essential functions are not organic to/paralleled within the “Center of the Government”.

On the other hand, findings of this report suggest that delegating operational coordination functions to a line ministry would pose its own set of challenges. Among other, it could weaken the leadership role of the national CT coordinator and its ability to oversee and manage the interagency field of CT policy stakeholders, pose a risks of skewing CT operational response, and otherwise limit the capacities of the national CT coordinator, in view of the specialized nature of line ministries. It would also require a major revision of the normative framework and significant capacity building effort and investment from both the GoRM and development partners. Yet, this approach would be better harmonized with the overall direction of the administrative reform and the current practice for other thematic policies in Moldova, providing for a greater sustainability of the role. It would also allow for a wider executive mandate for the national CT coordinator.

These potential advantages, however, would not materialize if the selected ministry is not equipped with the necessary human and financial resources (as currently appears to be the case for other thematic policies), as well as enabling normative framework, to perform this role. Representatives of the key Ministries (Mol, MLSPH, and MFA) interviewed for this report

expressed strong opposition to taking it on without the allocation of additional resources considering the significant overburden of their existing staff. Furthermore, a decision will need to be made on whether the operational coordination functions and the NCCTHB secretarial support are vested in one state agency or separated between two different agencies (i.e. the secretarial support functions remain with the DPS, while the operational coordination functions are transferred to a line ministry). In the latter case, clear delineation of functions in the normative framework would be essential to ensuring the effective operation of the CT coordination system and preventing potential conflicts among state agencies (ref. the situation with the children's rights protection policy coordination).

The closest opportunity to plan and budget for relevant revisions and reforms appears to be the development of the new NAP for 2021-2023. Whether the preference is ultimately given to enhancing the capacities of the DPS or transferring all or part of its CT-related functions elsewhere, the relevant action points will need to be allocated specific resources from the State Budget as part of the new CT policy document and integrated into the Medium-Term Budgetary Framework.

If the decision is made to keep the National Coordinator functions with the DPS, a better enabling environment and organizational setup must be created for it to effectively fulfill this role, specifically:

Enabling environment:

- The Law 241/2005 and the GoRM Decrees Nr.472/2008 and 657/2009 should be revised to specify that the Permanent Secretariat to the NCCTHB is delegated the operational functions of the National CT Coordinator;
- The GoRM Decree Nr.472/2008 should be revised to disambiguate the roles of the Minister of Foreign Affairs and European Integration as the NCCTHB Chair and of the DPS as its Permanent Secretariat;
- The GoRM Decree Nr.472/2008 should be harmonized with the GoRM Decree Nr. 657/2009, *inter alia*, by removing the functions of the PS which are not in line with the State Chancellery's mandate;
- The mission/ purpose of the Permanent Secretariat as the authority which is delegated the operational functions of the national CT coordinator (not merely a secretarial/clerical support of NCCTHB) should be pronounced and consistent across the relevant normative framework (Law 241/2005, GoRM Decrees Nr. 472/2008 and 657/2009, and the DPS Regulation);
- The DPS Regulation should be aligned with the GoRM Decrees Nr.472/2008 and 657/2009, including strengthening the provisions on the oversight of the implementation of CT policies, technical assistance coordination, monitoring, evaluation, and data collection and analysis, while removing non-organic functions, such as direct implementation (to be handed over to relevant executive authorities);
- All direct implementation activities, including capacity building, awareness raising, and international cooperation, in the future NAP should be assigned to the relevant line Ministries. At the same time, all activities related to policy coordination and normative framework development should include the Permanent Secretariat at least as a partner.

The comparative table attached as **Annex 8** to this report can be used as a resource for the relevant revisions of the normative framework.

Organizational setup:

- The DPS should be accorded a greater degree of independence in line with the requirements of Article 29 of the CoE Convention on Action against THB, which includes appropriate signing authority, resource planning competencies, etc.;
- Staff allocation to the CT portfolio must be increased, with separate staff positions dedicated at least to CT policy formulation and normative framework improvement; stakeholder mobilization and coordination; and monitoring, evaluation and reporting;
- Annual operational budget must be allocated to the DPS in line with its annual action plan, to ensure that it can fulfil its responsibilities with regard to coordination, communication, as well as monitoring & evaluation and data collection and analysis. The budget should cover the costs of business travel for monitoring and coordination purposes, written translation, and technological upgrades, as well as, ideally, staff development and capacity building, communications, and consultancies/research;
- DPS's capacities in the sphere of data collection and analysis must be strengthened, including through the development/re-operationalization of the relevant data collection, storage and analysis tools.

In addition, it is recommended for the development partners to consider exploring and assisting the DPS with implementing technological innovations and solutions that could facilitate its work, particularly in coordinating the work of the territorial commissions.

Individual level:

- DPS's staff terms of reference should be properly aligned with the revised DPS Regulation, in particular, removing responsibilities which are not consistent with the GoRM Decree Nr.657/2009. Annex 8 to this report could be used as a resource for the relevant revision;
- Assignment of responsibilities to the DPS staff should be commensurate to their status. For example: Principal Consultant cannot be in charge of "ensuring the implementation of the National Strategy and NAP", this should be the responsibility of the National Coordinator, or a high-level official of the governmental authority assigned the operational functions of the National Coordinator.

Any further capacity building and reform process concerning the DPS will need to be thoroughly consulted and communicated, with the involvement of all relevant stakeholders and with due consideration of Moldova's commitments under the relevant international treaties. Coordination among development partners regarding their respective advocacy efforts with the GoRM, particularly the State Chancellery, will need to be strengthened, to mitigate the potential impacts on each other's agendas. To that end, an *ad hoc* interagency working group led by the DPS and incorporating key stakeholders of its various portfolios could be a useful platform for dialogue and synchronization of the necessary normative framework and organizational setup revisions, planned capacity building activities, etc.

It would further be useful for the CT stakeholders to presently redouble their efforts to advocate with and educate the leadership of the country, of the State Chancellery, and of the DPS on the importance of a solid CT response, to prevent its further de-prioritization and deterioration. In the current context of likely political instability, CT stakeholders should also anticipate possible changes of the government, assess risks, and develop contingency and response plans, as relevant.

Special attention to the issue of the weakening CT policy coordination should be paid by the external monitoring mechanisms when assessing Moldova's CT efforts and preparing their respective reports, to draw the attention of the GoRM to the need to increase relevant capacities as well as to assist stakeholders' advocacy efforts in this regard.

Feasibility and options for the establishment of the National CT Rapporteur office

In connection with the capacity assessment of the DPS, the research explored the feasibility of introducing the position or office of a National CT Rapporteur as an avenue to strengthen the CT institutional framework in Moldova. In the country context, this issue is inseparable from the discussion on the future of the National CT Coordinator, as analyzed above, and the relevance of potential options would largely depend on its results. In this respect, an awareness raising effort with the GoRM and other relevant stakeholders (e.g. in the form of a series of roundtables, a thematic presentations as part of a regular NCCTHB meeting, dissemination of relevant information notes to key agencies, etc) on the role and potential scope of competencies and responsibilities of the National CT Rapporteur should precede and be used as a springboard for further consultations on the future institutional setup.

If the decision is made to transfer the operational CT policy coordination role from the DPS to a line ministry, separating the National Rapporteur functions could potentially help maintain a decentralized approach to CT policy management, ensure better accountability of the National Coordinator, and offer safeguards against treating THB as a certain type of phenomenon by incorporating the perspectives of all stakeholders, including VoTs. The functions of the National Coordinator and National Rapporteur would need to be clearly defined and delineated in the normative framework to avoid miscommunication and conflict between the relevant agencies, imposing a burden of double reporting on CT stakeholders, and wasting the extremely limited resources. Furthermore, strong mechanisms for following up on the National Rapporteur's reports and recommendations will need to be put in place, to ensure the effectiveness of the institution.

Interviews with stakeholders have offered a basis for considering future placement of the National Rapporteur competencies with the Ombudsperson's Office. It has a strong advantage of being an independent and appropriately accredited institution with access to all types of legal entities throughout Moldova. The Ombudsperson's Office already has expertise in monitoring, evaluation, and reporting and a broad spectrum of information sources (individual complaints, population survey, statistics, agency reports etc.). As an institution working directly with individuals and focusing on human rights, it has a strong potential to bring the currently missing perspective of persons affected by THB into the national reporting on CT policies. Mechanisms for follow up on the Ombudsperson's reports are in place, albeit some of the interviewed stakeholders pointed out that those were still comparatively weak. On the downside, the Ombudsperson's mandate is limited to assessing the impact of state policies on human rights and does not cover evaluation of their effectiveness. The Ombudsperson's Office primarily defines its priorities based on the incoming complaints, which have to date included only a handful related to THB. Additional capacity building may be required to ensure that the Office is able to perform the functions of the National CT Rapporteur in line with the international standards and best practice. At the same time, similarly to other state agencies in Moldova, serious resource base limitations are a concern, the scarcity of human resources being the most pronounced among them (at the time of the research, 60% of the Ombudsperson's Office staff positions were vacant).

An alternative approach (suggested during the validation workshop discussing this report) could be assigning the National Rapporteur functions to the relevant division of the State Chancellery. It should be considered, however, that although oversight of executive authorities, monitoring and evaluation of policies, and preparation of informational and analytical materials are organic competencies of the Chancellery, its primarily focus is the Government Action Plan, not

individual thematic policies. In this context, the National Rapporteur for THB placed in the “Center of Government” would be another exceptional practice for Moldova, demanding specific and continuous recognition of THB as a highest-level national priority. The institution in this case is likely to face risks to its long-term sustainability (akin to those encountered by the PS to NCCTHB as analyzed throughout this report). The development of an office of the National Rapporteur within the State Chancellery would also require a significant investment in capacity building, including revisions of the normative framework, training of personnel, methodological support etc.

Finally, there are existing models/precedents for other policies in Moldova (e.g. combating illicit drug trafficking) and in other countries (see **Annex 7**) of vesting the role of the National Rapporteur with a line ministry different from that of the National Coordinator. However, this approach is not recommended at this stage due to a number of significant drawbacks associated with it. These *inter alia* include limited capacities of line ministries (including limited mandate as specialized institutions, insufficient expertise in multidisciplinary monitoring, evaluation and reporting, and scarce human, financial, and technical resources) and the strong likelihood of bias resulting in conflicts among agencies and posing serious risks to the integrity of CT response in Moldova. This option may be revisited at a later stage, where the concept of decentralization of government is more profoundly ingrained in Moldova’s system of public administration.

On the contrary, if the decision is made to preserve the operational coordination functions with the DPS, an attempt to separate the function of the National Rapporteur is likely to further dilute its leadership role as the *de facto* national CT coordinator. A more appropriate course of action in this case would be advocating for the allocation of additional human and financial resources to the DPS to ensure that it is duly capacitated to fulfil this role and assist the DPS in consolidating what the GoRM would define as the priority functions of its National CT Rapporteur (see above). The latter would include, *inter alia*, harmonizing and streamlining relevant competencies and responsibilities in the legal and normative framework (particularly, the Law 241/2005, GoRM Decrees 472/2008 and 657/2009, and the DPS Regulation); strengthening DPS’s involvement and capacities to ensure the coherence and usefulness of data collection and research on THB across the board; providing additional training to the DPS on reporting; and making sure that all NAP activities related to data collection, research, monitoring and evaluation include the DPS at least as a partner. It is recommended to include relevant actions and funding in the new NAP 2021-2023.

Independent evaluation of CT policies could continue to be conducted through the engagement of civil society or independent research institutions, at least in the mid-term perspective. At the same time, the DPS could establish a more substantive cooperation with the Ombudsperson’s Office, *inter alia*, to bring the voice of VoTs into the national reporting. This could be done, for instance, through engaging the Ombudsperson’s Office in developing a special report on the rights of victims of THB, provided that due attention is paid to how such an initiative would align with the Paris Principles.²¹⁰ Relevant action points and budget allocation will need to be included in the NAP 2021-2023 to conduct such independent evaluations.

²¹⁰ <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>