

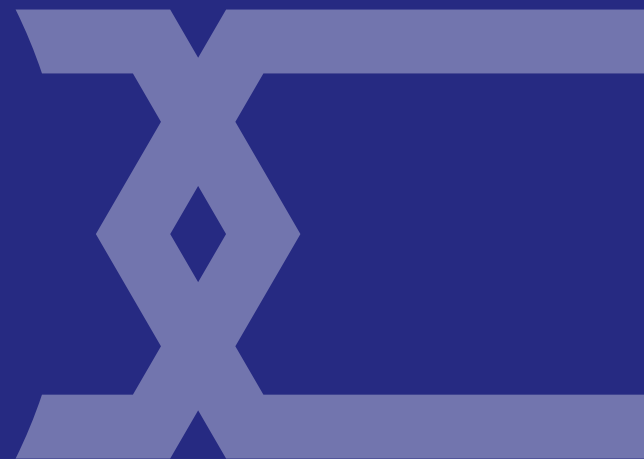


## **Chapter 12. National & cross-border referral mechanisms**

Unit-responsible partner: Dignita



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## 12. National and cross-border referral mechanisms

### 12.1 Introduction

This chapter explores the frameworks, procedures, and collaboration strategies designed to enhance the referral processes within and across national borders. These mechanisms aim to provide timely and effective support to individuals, particularly those at risk or in need of specialized care and protection. It highlights how Bulgaria, Germany, Greece, Poland, Romania and Slovenia have developed and implemented these systems to address the needs of vulnerable populations, especially in migration and anti-trafficking contexts.

By the end of this chapter, learners will be able to:

- Define referral mechanisms and their role in safeguarding vulnerable individuals.
- Understand the specific characteristics of NRMs and CB-RMs in Bulgaria, Germany, Greece, Poland, Romania and Slovenia.
- Identify common challenges and innovative practices across these countries.
- Develop skills for designing effective referral pathways



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## 12.2 Definitions

### Referral Mechanism

A Referral Mechanism is a structured framework that ensures victims of trafficking are identified, referred, and provided with appropriate assistance and protection. It establishes clear protocols for cooperation between different stakeholders, including law enforcement, social services, healthcare providers, and NGOs.

Types of Referral Mechanisms:

- **National Referral Mechanism (NRM):** This is a country-specific framework that formalizes the process of identifying and supporting trafficking victims. It ensures that victims receive tailored services such as shelter, legal aid, and psychological care, regardless of their willingness to cooperate in investigations.
- **Transnational Referral Mechanism (TRM):** This framework facilitates the cross-border cooperation necessary when victims are trafficked between countries. It ensures continuity of care and legal support across jurisdictions.

Referral mechanisms aim to promote a victim-centred approach, ensuring access to rights and services, while fostering collaboration among all relevant actors.

### Detection of trafficking victims

The detection of trafficking victims under EU legislation is primarily addressed in Directive 2011/36/EU on preventing and combating trafficking in human beings. This Directive emphasizes a victim-centred approach, which includes early identification and specialized assistance for victims. Detection involves identifying individuals who have been exploited, such as for sexual or labour purposes, using coercion, fraud, or force. The



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EU has also set out frameworks for victim identification through common indicators and cooperation among law enforcement, social services, and civil society organizations. This ensures that victims are identified even in vulnerable populations, such as migrants and refugees, and provided with support regardless of their legal status or cooperation in investigations.

### Identification of trafficking victims

The identification of trafficking victims involves recognizing individuals who have been subjected to exploitation through means such as force, coercion, fraud, or abuse of vulnerability. According to EU Directive 2011/36/EU, identification is a crucial first step in ensuring victims receive the necessary support and protection. It is a process that should be proactive and based on indicators such as signs of physical or psychological abuse, restricted movement, or lack of control over personal documents.

Victim identification often involves a multidisciplinary approach, including cooperation between law enforcement, social services, healthcare providers, and NGOs. The process is designed to be non-discriminatory and sensitive to the needs of specific groups, such as women, children, and migrants, who may face increased vulnerability to trafficking.

### Referral of trafficking victims

The referral of trafficking victims involves directing identified individuals to appropriate services and support systems for protection and assistance. This process is typically carried out through a National Referral Mechanism (NRM), which ensures cooperation between law enforcement, social services, and NGOs. NRMs aim to provide comprehensive support, including medical care, legal assistance, and reintegration





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services, while respecting victims' rights and needs. The EU emphasizes cross-border cooperation to facilitate victim referrals between Member States, particularly for those trafficked across borders.

### **Potential/presumed VoT**

A potential or presumed victim of trafficking (VoT) refers to individuals who display indicators of trafficking but have not yet been formally identified as victims by competent authorities. This concept helps ensure that individuals receive necessary support and protection even before official identification is confirmed.

Under the EU Anti-Trafficking Directive, detection is the initial phase where authorities or NGOs recognize signs of trafficking. Once someone is considered a presumed victim, they are entitled to certain rights, such as access to assistance and protection under national mechanisms, while formal identification is being processed.

### **Identified VoT**

An identified VoT is an individual who has been formally recognized as a victim of human trafficking by competent authorities following a thorough assessment. This identification is based on clear evidence of exploitation through force, coercion, or other means as defined by the EU Anti-Trafficking Directive (Directive 2011/36/EU).

Formal identification grants victims access to specific rights and protections, including medical care, legal assistance, and residence permits where applicable. This process typically involves law enforcement agencies, social services, or designated organizations and is essential for ensuring the victim's safety and access to justice.



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## Recovery and Reflection period

The Recovery and Reflection Period is a legal mechanism established under EU and Council of Europe frameworks to support victims of human trafficking. Its primary purpose is to grant a period during which victims can recover from their ordeal and decide whether to cooperate with authorities in the investigation and prosecution of traffickers.

Under EU Directive 2004/81/EC and the Council of Europe Convention on Action against Trafficking in Human Beings, this period is provided as soon as there are reasonable grounds to believe someone is a trafficking victim. During this time, authorities cannot enforce expulsion orders, ensuring the person remains safe and receives necessary support, such as medical care, legal advice, and psychological counselling. The duration of this period is determined by national laws, but it typically lasts at least 30 days.

## 12.3 Theoretical / informative Part

### National Referral Mechanism (NRM)

NRM is a structured framework that enables state actors and civil society organizations to work together to protect the rights of trafficked persons and ensure they receive comprehensive support. It serves as a system for managing trafficking cases, offering coordinated assistance and protection to victims while supporting law enforcement efforts to combat trafficking. The primary objective of an NRM is to safeguard the human rights of trafficked persons by ensuring they are treated with dignity and respect, providing access to justice and protection, and empowering them to make decisions about their lives. To achieve this, NRMs deliver a range of essential services





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such as medical care, shelter, legal assistance, and social support, including counselling, reintegration services, and help with voluntary return or resettlement.

NRMs are designed to fit the specific needs of each country, adapting to unique social, political, economic, and legal contexts. They are developed based on an assessment of trafficking patterns and national conditions. Typically, NRMs have a central coordinating body or unit to oversee the referral process and ensure that no case is overlooked. This central unit often includes a national coordinator and a roundtable of senior representatives from government agencies and civil society, who collaboratively develop policies and procedures for victim support. Working groups may also be formed to focus on specific issues affecting trafficked persons.

Successful NRMs rely on formal agreements, such as Memorandums of Understanding (MoUs), that clearly outline the roles and responsibilities of each participant to ensure effective collaboration and prevent overlaps or gaps in service provision. They also provide detailed guidance and standard operating procedures (SOPs) for identifying trafficked persons and referring them to specialized services.

The victim-centred approach of NRMs ensures that trafficked persons are empowered, their rights are respected, and they receive the protection and assistance they need. By coordinating victim support with crime prosecution, NRMs strengthen the overall response to human trafficking and promote justice.

Effective NRMs depend on the clear delineation of roles among all agencies involved to avoid duplication of efforts and ensure efficient coordination. They must also remain flexible and adaptable to respond to changing trafficking patterns and emerging challenges. Strategic partnerships between government actors and civil society organizations are essential for ensuring the quality and effectiveness of referrals and





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support services. Additionally, binding agreements, such as MoUs, provide accountability and clarity, ensuring that all stakeholders understand their responsibilities and commitments. By incorporating these elements, NRMs ensure a holistic and coordinated approach to protecting trafficked persons, promoting their rights, and combating human trafficking effectively.

According to the last changes of Directive 2011/36/EU on preventing and combating trafficking in human beings **Member States shall take the necessary measures to establish national anti-trafficking coordinators and formal referral mechanisms and to appoint a focal point for the cross-border referral of victims.**

### Tips to trainers:

*Provide a summary of your country's National Referral Mechanism (NRM) if it exists with a list of key agencies/contact information. If there is **no formal NRM**, describe how agencies currently collaborate, detailing how formal processes and coordination efforts is functioning in identification, assistance and protection of trafficked persons.*

## 12.3.1 Bulgaria

The **National Mechanism for Referral and Support of Trafficked Persons (NRM)** in Bulgaria is the collaborative framework through which institutions carry out their



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obligations to care for victims by coordinating their efforts in strategic partnerships with NGOs, international organizations, and civil society.

According to the **Combating Trafficking in Human Beings Act, the National Commission for Combating Trafficking in Human Beings (NCCTHB)**, through its Secretary and Administration, is the coordinator of the Mechanism.

The **main objectives** of the Mechanism are to ensure the human rights of victims of trafficking in the provision of effective care and referral of victims to appropriate services. The basic principles of working with victims of trafficking are described, including unconditional support, safety and security, confidentiality and protection of personal information, and non-discriminatory treatment. The mechanism describes standard operating procedures for the identification, referral, protection, assistance, and social inclusion of victims of the crime.

On the 20 July 2016, the Government approved the National Mechanism for Referral and Support of Trafficked Persons. The validation is important for the formal adoption of the Mechanism and its implementation in the coordination of trafficking cases. It will also raise the awareness of officials working on trafficking-related issues and involved in victim identification and referral, as following its adoption, the NCCTHB administration will include in the **National Anti-Trafficking and Victim Protection Programme** annual training activities for stakeholders involved in the Mechanism at national and local levels.

The national mechanism for referral and support of trafficked persons in Bulgaria is structured in three parts: **Part A: 'Institutional framework'** presenting all the participants in NRM and their roles and functions. **Part B: 'Leading principles of work'** presenting the rules and principles for work with victims of trafficking, adopted by the participants in NRM. **Part C: 'Standard operating procedures'** describing the steps and measures in





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support to trafficked persons. It also contains **two appendices: 'Criteria for identification of trafficked persons' and 'Criteria and standards for provision of social services for trafficked persons'**. Special attention is paid to the cases of child victims of trafficking and non-EU citizens identified as victims of trafficking in Bulgaria.

The National mechanism for referral and support of trafficked persons is an **open document**. It is dynamic and should change in accordance with any changes in national legislation, new developments in the forms and methods of exploitation, new risk groups and regions, the evolving needs of the victims, and other shifting tendencies in the phenomenon which is trafficking in persons.

The full version of the National Mechanism for Referral and Support of Trafficked Persons can be found here:

[https://antitrafficking.government.bg/uploads/Files/National\\_referral\\_mechanism\\_for\\_trafficked\\_persons\\_En.pdf](https://antitrafficking.government.bg/uploads/Files/National_referral_mechanism_for_trafficked_persons_En.pdf)

### 12.3.2 Germany

The so-called **National Action Plan against Trafficking in Human Beings (NAP)** in Germany is a comprehensive framework to combat trafficking in human beings in all its forms, including forced labour, sexual exploitation, organ trafficking and forced crime. As a signatory to various international and European legal instruments, such as the UN Palermo Protocol, the Council of Europe Convention on Action against THB and relevant EU directives, Germany is committed to combating this serious violation of human rights and dignity.





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The NAP focuses on **four key objectives**: (1) prevention, (2) protection, (3) prosecution and (4) partnerships.

- (1) **Prevention** involves raising public awareness and educating potential victims and stakeholders to reduce vulnerability. Views and opinions expressed are those of the author(s) only and do not reflect those of the European Union or the European Commission (granting authority). Neither the European Commission can be held responsible for them.
- (2) **Protection** emphasises comprehensive support services for victims, including legal, medical and psychological assistance, as well as the provision of safe accommodation.
- (3) **Prosecution**, so law enforcement efforts aim to strengthen investigative capacity and ensure that traffickers face effective legal consequences.
- (4) **Partnerships** focus on improving coordination between national and international authorities, NGOs and other stakeholders.

Germany has implemented a number of strategies to achieve these goals. The legal framework has been updated to bring it into line with EU directives, including amendments to the Criminal Code (Section 232 et seq.), which impose harsher penalties on traffickers and broaden the definition of exploitation. **Victim support initiatives** include establishing shelters, providing counselling, granting temporary residence permits to victims who cooperate with the authorities, and ensuring access to compensation and integration programmes. **Prevention campaigns** are actively carried out, targeting high-risk groups such as migrants and refugees, while law enforcement



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agencies, border officials and social workers receive specialised training to recognise and respond to indicators of trafficking.

In addition to these measures, Germany emphasises **data collection and research**, working with institutions to analyse trafficking trends and maintaining a centralised database to track cases. **International cooperation** is a key element, with Germany working closely with the EU, INTERPOL and NGOs to combat cross-border trafficking through joint operations and intelligence sharing.

However, **challenges** remain. Identifying and assisting victims in hidden forms of exploitation, such as forced labour in private households, and addressing the intersections between migration policies and anti-trafficking efforts require continued attention. There is also a need to raise public awareness, particularly in sectors such as construction, agriculture and domestic work, where exploitation is common.

Civil society organisations and NGOs play a crucial role in Germany's anti-trafficking efforts by providing direct support to victims, advocating for stronger policies and ensuring that survivors' voices are represented in decision-making processes.

### Current status of the NAP

The NAP is an evolving document that adapts to new challenges and trends in human trafficking. Its success depends on sustained commitment, adequate resources and the active participation of all stakeholders. For further information, resources are available from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Criminal Police Office (BKA).





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The NAP has to go through several phases before it is implemented at federal level. In the two phases that have already been completed, civil society (including important experts at specialist advice centres for human trafficking such as the German NGO Network against THB) was involved. There is now a draft that has been coordinated by the ministries and is technically coordinated. Financial coordination and coordination at management level are still outstanding. **Three quarters of the NAP is coordinated by the Ministry of Family Affairs, one quarter (the chapter on criminal proceedings) is coordinated by the Federal Ministry of the Interior and the Federal Ministry of Justice.**

The current status of the German NAP against THB reflects both progress and ongoing challenges. While legal frameworks and victim support systems have been strengthened in recent years, gaps remain in addressing hidden exploitation and cross-sectoral vulnerabilities. **The recent elections are likely to influence the priorities and implementation of the NAP, as the new government may adjust its focus based on its coalition agreements.** A shift towards greater emphasis on prevention, protection of migrants and international cooperation is expected, given the growing political focus on human rights and social justice. These developments could bring renewed attention and resources to the fight against trafficking, but will also require cohesive action across federal, state and local levels to ensure meaningful impact.

### 12.3.3 Greece

**The National Referral Mechanism (NRM)<sup>99</sup> in Greece** serves as the primary framework for identifying, protecting, and supporting victims of trafficking in human

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<sup>99</sup> <https://ekka.org.gr/index.php/en/ethnikos-mixanismos-anaforas-en>



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beings (THB). The mechanism is designed to foster coordination among government entities, non-governmental organizations (NGOs), and international partners to ensure a holistic approach to combating trafficking.

### Framework and legal basis

The NRM in Greece operates under the umbrella of Law **4198/2013**, aligned with international standards such as the Council of Europe Convention on Action against Trafficking in Human Beings and **EU Directive 2011/36/EU**. These legal instruments mandate the identification, referral, and assistance of trafficking victims, emphasizing a victim-centred approach. NRM is assigned the day-to-day operations to **National Centre for Social Solidarity (NCSS)**<sup>100</sup> under the supervision of the **Office of the National Rapporteur on Combatting Human Trafficking (ONR)**<sup>101</sup> under the Ministry of Foreign Affairs. According to the article 6 of the Greek legislation regarding *Improving Access to Justice for Vulnerable Groups and Enhancing Measures Against Trafficking in Human Beings* the ONR is responsible for:

*[...] the development, coordination and implementation of a national strategy to combat trafficking in human beings, at the levels of prevention, repression and prosecution of perpetrators, as well as the protection of*

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<sup>100</sup> <https://ekka.org.gr/index.php/en/ethnikos-mixanismos-anaforas-en>

<sup>101</sup> <https://www.mfa.gr/exoteriki-politiki/pagkosmia-zitimata/paranomi-diakinisi-prosopon.html>



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*victims of trafficking, which is directly under the authority of the Minister of Foreign Affairs.*<sup>102</sup>

## Reporting

The NRM provides a wide list of informative tools, referral pathways and annual reports. Reports to the NRM are made by completing the **Reporting form** provided on the website. This form includes demographic details and key points of victim's case. Instruction for completing, anonymizing and submitting the form are available online.<sup>103</sup>

### Who can be reported to the NRM:

- Officially recognized victims by a Public Prosecutor's act.
- Presumed victims, individuals with cases that suggest trafficking, based on professional assessment.

### Who can claim a report to NRM:

Only professionals belonging to the staff of public or non-state actors who are members of NRM or wish to become members can submit reports.<sup>104</sup>

### Is Reporting Mandatory?

Greek law does not mandate reporting to the NRM. However, actors within the Mechanism commit to NRM procedures and sharing relevant information with EKKA.

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<sup>102</sup> <http://www.opengov.gr/ministryofjustice/?p=4935>

<sup>103</sup> <https://ekka.org.gr/index.php/el/ethnikos-mixanismos-anaforas>

<sup>104</sup> [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/EMA-Practical\\_Guide-EN.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/EMA-Practical_Guide-EN.pdf)



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### Assistance with the Reporting Form:

Professionals unsure about form details can consult the **Instructions for Filling in the Reporting Form** on the EKKA website or contact the NRM support team via phone (+30 2132039772) or email (ema.helpdesk@ekka.org.gr).

### Consent Requirements:

For adult victims, inclusion in the NRM requires their consent. Professionals must ensure consent is obtained (verbally or in writing). For child victims, consent is not required.

### When Victims Share Limited Information:

Reports are based solely on information the victim willingly provides. Suspicions or speculations are not sufficient for identifying or reporting a victim to the NRM.

### Informative materials & networks

The NRM provides useful information for reporting, and referrals to other organizations according to the areas of work<sup>105</sup>.

### Cross- border referral mechanism

Greece, because of the geographical position as a transit and destination country, cross-border referral mechanisms are necessary for addressing trafficking effectively. According to the **strategy 2021-2025 of the Ministry of Citizens Protection for**

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<sup>105</sup> [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/NRM\\_ACTORS.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/NRM_ACTORS.pdf)



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**combatting Trafficking in Human Beings**<sup>106</sup> one of the key aims is to strengthen the cross-border collaboration and the cross-sectoral cooperation for combating cases in international spectrum and organized crime. To succeed this, the usage of EU and international channels of cooperation are of benefit.

Specifically,

- Strengthening bilateral police cooperation with third countries. Mainly with the countries of origin of the victims of trafficking in Greece, through the activation of the police liaison offices of these countries in Greece or the corresponding liaison offices of the Greek diplomatic authorities in the countries of interest.
- Empowering the collaboration with other organizations and institutions in EU and Council of Europe level.
- Utilization of international police cooperation channels, Europol – Interpol - SIRENE
- Conducting operational meetings at Europol headquarters on cases of mutual interest.
- Participation in Joint Action Days to combat Human Trafficking within the framework of EMPACT.<sup>107</sup>

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<sup>106</sup> <https://www.minocp.gov.gr/inc/uploads/2021/07/29072021strathgikhn.pdf>

<sup>107</sup> <https://www.europol.europa.eu/crime-areas-and-statistics/empact>





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## 12.3.4 Poland

The **National Action Plan against Trafficking in Human Beings for 2022-2024 (hereinafter: NAP)** is the second subsequent document defining tasks in the field of counteracting trafficking in human beings. The first document of this type, titled: 'National Programme for Combating and Preventing Trafficking in Human Beings' was adopted by the Council of Ministers in September 2003. Beginning in 2009, the name of the document was changed to the National Action Plan Against Trafficking in Human Beings.

The NAP aims to intensify preventive and training measures and strengthen the role of Voivodeship Teams for Counteracting Trafficking in Human Beings, so that all components which make up the anti-trafficking system are complementary.

Activities of such entities as **Voivodeship Teams for Counteracting Trafficking in Human Beings** and the **National Consulting and Intervention Centre for the Victims of Trafficking (NCIC)** allow to provide the required support and assistance to victims of trafficking in human beings on the territory of Poland. The teams provide support to victims within the social assistance system, as well as carry out prevention activities through information campaigns on human trafficking and dissemination of knowledge among, for instance, the youth, teachers and entrepreneurs.

The cooperation between the Ministry of Interior and Administration, Border Guard, Police, Voivodeship Teams for Counteracting Trafficking in Human Beings and the National Consulting and Intervention Centre for the Victims of Trafficking in Human Beings to this date has made it possible to identify the **key needs**, i.e. intensifying and extending the scope of trainings for employees coming into contact with potential victims of trafficking in human beings, increasing the awareness of entrepreneurs with respect





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of the risks of forced labour and disseminating knowledge on the methods on preventing and reacting to this phenomenon. In accordance with this NAP, the systemic approach to the issue of trafficking in human beings shall be continued through coordination of activities, prevention measures, support and protection of victims, prosecution of the crime of trafficking in human beings, trainings, conducting research on the issue of trafficking in human beings and evaluation of activities and legislative changes.

NCIC provides comprehensive crisis intervention assistance by providing accommodation in a secure centre, food, basic medical care, psychological support, legal consultations, assistance in contacting law enforcement authorities and the assistance of an interpreter. It also runs shelters, ensures that victims of human trafficking exercise their rights, supports state and local government institutions in identifying and working with victims of human trafficking, and provides preventive counselling to individuals and consultation to institutions providing assistance to victims.

**The main objective of the National Action Plan Against Trafficking in Human Beings** is to ensure conditions required for the effective counteraction to trafficking in human beings in Poland and to support victims of such crime.

**The specific objectives of the NAP are presented below:**

- to raise the public awareness of the phenomenon of trafficking in human beings;
- to increase the standard of support provided to victims of trafficking in human beings (including underage victims of trafficking);
- to improve the effectiveness of actions taken by institutions responsible for prosecuting human trafficking by means of enhancing legal tools and structures and implementing the best practices;



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- to improve the qualifications of representatives of institutions and organisations involved in preventing human trafficking and supporting the victims;
- to extend knowledge of the phenomenon of trafficking in human beings and the effectiveness of action taken, in particular in the context of forced labour;
- to consolidate international cooperation.

Tasks planned for implementation under the NAP have a nationwide range: they concern activities of central institutions in the scope of creating commonly implemented legal regulations or model practices, as well as activities undertaken in all regions through competent units (in particular voivodeship teams for counteracting trafficking in human beings).

### **Action Plan implementation and monitoring system**

The system for implementation and monitoring of tasks provided for in the Action Plan consists of the following elements:

- **The Team for Counteracting Trafficking in Human Beings**, chaired by the Minister of Internal Affairs and Administration and deputised by the Secretary or Undersecretary of State, whose activities include matters relating to counteracting trafficking in human beings. The Team consists of representatives of departments within the Ministry of Interior and Administration and subordinate and supervised units, as well as other government administration entities and invited institutions and non-governmental organisations dealing with the issue of trafficking in human beings (in accordance with Ordinance No. 6 of the Minister of Interior and Administration of 15 February 2019 on the establishment of the Team for Counteracting Trafficking in Human Beings [Official Journal of the Ministry of Interior and Administration of





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- The Team consists of **Working Groups**:
  - Working Group for monitoring the implementation of the NAP, consisting of experts representing the institutions participating in the work of the Team;
  - Working Group for support for victims of trafficking in human beings, consisting of experts representing the institutions participating in the work of the Team;
  - Working Group for a handbook for judicial and law enforcement authorities, as well as other authorities involved in counteracting trafficking in human beings, on the handling of trafficking cases (for the duration of the task);
  - Working Group for the development of guidelines for labour inspectors on the methodology of carrying out inspection activities in cases of suspected trafficking in human beings, in particular forced labour (for the duration of the task);
- Voivodeship Teams for Counteracting Trafficking in Human Beings, which were established on the basis of Article 22 item 15 of the Act of 12 March 2004 on social assistance<sup>4</sup> and Article 17 and Article 18 section 2 of the Act of 23 January 2009 on the Voivode and Government Administration in the Voivodeship<sup>5</sup> in connection with the National Action Plan Against Trafficking in Human Beings.

The Voivodeship Teams are composed of representatives of various public institutions, law enforcement bodies and non-governmental organisations at the regional level. The participation of representatives of individual institutions depends on the decision of the voivode. The representatives of voivodeship offices, the Police, the Border Guard, the prosecutor's office, the labour inspectorate, labour offices, local governments,





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school superintendents and educational institutions and non-governmental organisations take part in the work of the appointed teams.

The representatives of the institutions participating in the work of the regional teams increase the effectiveness of their activities through the ongoing exchange of information and coordination of all undertakings, including those of a preventive nature.

The **tools for periodic evaluation** of the implementation of the NAP include:

- a report on the implementation of the National Action Plan approved by the aforementioned Team,
- a report on the work of the Team for Counteracting Trafficking in Human Beings submitted to the Minister of the Interior and Administration by the end of February each year,
- meetings of the Working Group for monitoring the implementation of the NAP.

### 12.3.5 Romania

The **National Mechanism for Identification and Referral (MNIR) of Victims of Trafficking in Persons in Romania** was approved by Government Decision No. 88/2023. The mechanism is structured into **nine chapters**: 1) Terms and Definitions; 2) Ethical and Deontological Principles in the Application of the National Mechanism for Identification and Referral of Victims of Trafficking in Persons; 3) General Considerations Regarding the National Mechanism for Identification and Referral of Victims of Trafficking in Persons; 4) Identification of Victims of Trafficking in Persons; 5) Referral of Victims of Trafficking in Persons; 6) Specific Aspects of Identifying and Referring Minor Victims; 7) Specific Aspects of Identifying and Referring Victims with Citizenship Other than





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Romanian; 8) Assisted Voluntary Repatriation; 9) Evaluation and Monitoring of the Implementation of Measures Specific to MNIR.

The mechanism in Romania outlines three **key processes**:

- **Detection of trafficking victims:** The action of identifying indicators suggesting a potential trafficking situation and identifying potential victims, leading to the notification of law enforcement authorities or the National Agency Against Trafficking in Persons (ANITP) or specialized service providers.
- **Identification of trafficking victims:** The process of assessing and determining that a person is a victim of trafficking, considering both legal and victimological perspectives.
- **Referral of trafficking victims:** The process by which the victim is directed to assistance and protection services appropriate to their specific needs.

The effective implementation of MNIR requires collaboration among various institutions and organizations:

- The National Agency Against Trafficking in Persons (ANITP) coordinates activities related to prevention, identification, and victim assistance.
- The police and prosecutorial authorities are responsible for investigating cases and protecting victims.
- Public social assistance services provide support and social reintegration for victims.
- Non-governmental organizations and private social service providers deliver specialized services and additional support.





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## Monitoring and Evaluation of MNIR

ANITP is responsible for centralizing, analysing, and evaluating the information obtained with the contribution of the institutions and organizations responsible for implementing the measures and actions under MNIR.

### The status of trafficking victims in Romania

The mechanism in Romania establishes three types of situations for recognizing the status of a trafficking victim:

- A **potential victim of trafficking** is a person identified before exploitation, during exploitation, or after escaping a trafficking situation, and who exhibits specific indicators of the trafficking process.
- A **presumed victim of trafficking** is a person for whom there are indicators of having been trafficked. Their status is determined through an identification interview conducted immediately after basic needs are met, and when the potential victim is physically and emotionally capable of providing informed consent for the interview.
- An **identified victim of trafficking** is a presumed victim who, following corroboration of data and additional information, is granted the status of a trafficking victim under legal provisions.

The legal status of a trafficking victim is confirmed by:

- The National Agency Against Trafficking in Persons (ANITP), which evaluates evidence and can confirm the status based on indicators and procedures.



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- Prosecutorial authorities (e.g., prosecutors), who can establish the victim's status during a criminal investigation.
- A judicial decision: If the victim participates in the criminal process as an injured party, they can be officially recognized through a court ruling.

According to Article 2, letter c of Law No. 678/2001 on preventing and combating trafficking in persons, a victim of trafficking is defined as a natural person who is the passive subject of the acts stipulated in Articles 210, 211, 264, and 374 of the Criminal Code, or an attempt at one of these acts, regardless of whether or not they participate in the criminal process as an injured party.

According to Article 34, letter a of Law No. 211/2004, a victim of a crime is defined as a natural person who has suffered harm of any kind, including injury to their physical, mental, or emotional integrity, or economic damage, directly caused by a crime. This also includes family members of a person who died as a result of a crime and who have suffered damages due to the death of the respective person.

### **Recovery and reflection period**

In Romania, a presumed trafficking victim is granted 90 days to decide whether to participate in the criminal process. The recovery and reflection period begins after the identification interview, once the presumed victim has been informed of his/her rights and obligations. If, during the recovery and reflection period, the presumed victim decides to cooperate with the prosecutorial authorities, their decision is communicated by the case manager to the ANITP specialist, who facilitates communication with the prosecutorial authorities. If, after the 90-day legal recovery and reflection period, the presumed victim chooses not to participate in the criminal process, their specific





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situation is assessed to determine their assistance and protection needs, ensuring the continuation of specialized services to support reintegration.



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## GOOD PRACTICE:

### VoT support and protection: Emergency Voucher Distribution Mechanism for Crime Victims in Romania

The vouchers are designed to address the **urgent needs of crime victims**, serving as an advance payment of the financial compensation approved by the Compensation Commission. They can be used for essential products and services, such as food, accommodation, transportation, medicine, and medical supplies.

The beneficiaries include:

- a) Victims of violent crimes or other intentional acts of violence, such as domestic violence, attempted murder, bodily harm, slavery, **human trafficking**, child trafficking, forced or compulsory labour, rape, sexual assault, child pornography, torture, etc.
- b) Family members of victims who died as a result of these crimes.

#### 4. Mechanism for Issuing and Distributing Vouchers

##### 4.1. Requesting the Vouchers

The victim or their representatives submit the application to the tribunal in the jurisdiction where the victim resides. The application must include supporting documents such as proof of income, medical records, police or legal reports confirming the victim's status, and other documents justifying the urgent needs for which the advance compensation is requested. To prevent delays and ensure the correctness of the process, public and private entities involved in voucher distribution may assist victims in completing their applications.

##### 4.2. Approval of Vouchers

Applications are reviewed by two specialized criminal judges designated by the tribunal, forming the Compensation Commission for Crime Victims. The Commission's activity is supported by clerks appointed by the tribunal president. The secretariat manages the documentation, communicates with victims, and implements decisions. If the victim's request is approved, the Commission authorizes the issuance of vouchers as an advance for urgent needs. The total value of the vouchers cannot exceed five times the gross minimum national salary. The 2024 gross minimum national salary is 3700 lei / 740 Euro. Thus, the amount approved cannot exceed 18,500 RON / €3,700.

##### 4.3. Voucher Issuance

The Ministry of Justice provides funding for the vouchers. Authorized entities contracted by the Ministry issue the vouchers (debit cards). In 2024, the Ministry budgeted and issued 300 vouchers. The Ministry monitors the voucher distribution system and evaluates its efficiency through quarterly reports.



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#### 4.4. Voucher Distribution

Public and private entities enrolled in the system, including NGOs, support distribution to beneficiaries. As of September 2024, 55 entities were enrolled and authorized to distribute vouchers to crime victims. Vouchers are distributed within 72 hours of the Commission's decision. They are issued on electronic media (bank debit cards) and are valid for 90 days.

#### 5. Impact of the Mechanism

This system combines rapid access to resources with a legally robust approach, ensuring immediate support for crime victims and upholding their rights through a transparent and well-coordinated process. The first voucher having a value of 18.000 lei / 3.600 Euro was distributed in August 2024.

## 12.4 Suggested activity for the chapter

Table 18. Roleplay with a case study

Activity Name	Roleplay with a case study
Type of Activity	<p><b>Roleplay with a case study</b></p> <p>Scenario:</p> <p>Maria, a 28-year-old woman from Eastern Europe, was offered a job in Germany as a hotel housekeeper through a recruitment agency. The agency promised a competitive salary, accommodation, and legal employment. Trusting the opportunity, Maria accepted the offer signed the contract, paid a fee of 3000 BGN to the agency and travelled to Germany.</p>

	<p>Upon arrival, she discovered the reality was far from what she had been promised. Her employer withheld her passport and forced her to work long hours without pay under harsh conditions. She was constantly monitored, verbally abused, and threatened if she sought help. After months of exploitation, Maria managed to escape and sought assistance from a local workers' rights NGO.</p>
<b>Duration</b>	45 minutes
<b>Learning Objectives</b>	<p>Participants will:</p> <ul style="list-style-type: none"> <li>• Develop the ability to recognise labour trafficking indicators.</li> <li>• Identify key stakeholders involved and their specific roles and responsibilities.</li> <li>• Explore communication and cooperation mechanisms between authorities in a victim's home country (origin) and destination country.</li> <li>• Practice creating a coordinated response plan for handling cases of international labour exploitation and trafficking.</li> </ul>
<b>Materials Needed</b>	Printed or digital case study.

## Guidelines for the facilitator

### Introduction and Briefing (10 minutes)

Brief participants on the scenario and the objectives of the role-play.

### Scene and Role Setting (10 minutes)

Set the context: Maria has escaped and approached a local workers' rights NGO for help.

The NGO initiates contact with relevant authorities and stakeholders to provide support and justice.

### Role-play setup:

Divide participants into roles that reflect the key stakeholders involved, such as:

- Maria (the victim)
- Local Police (Germany)
- Labour Rights NGO (Germany)
- Anti-Trafficking Unit (Maria's home country)
- Consular Officer (Maria's home country)
- Social Worker
- Recruitment Agency Representative (if needed for context)

### Role-Play Execution (15 minutes)

	<p>Allow participants to interact based on their assigned roles. Encourage them to:</p> <ul style="list-style-type: none"> <li>• Identify immediate needs (safety, shelter, legal aid).</li> <li>• Discuss referral steps (who contacts whom, what resources are mobilized).</li> <li>• Highlight challenges in communication or jurisdictional differences.</li> <li>• Propose solutions for Maria's case, including repatriation, compensation, and prosecution of the traffickers.</li> </ul>
<b>Debriefing</b>	<p>Use guiding questions to prompt discussion (10 minutes):</p> <ul style="list-style-type: none"> <li>• 'What challenges did you face during interagency coordination?'</li> <li>• 'How effective was the communication across different agencies?'</li> <li>• 'What could have improved the referral process?'</li> </ul>
<b>Tips for facilitator</b>	<ul style="list-style-type: none"> <li>• Keep the role-play and debrief within the allotted time frame.</li> <li>• Gently guide participants if they diverge from the scenario's objectives.</li> <li>• If the group is large, consider breaking into smaller groups and running parallel role-plays.</li> </ul>

	<ul style="list-style-type: none"> <li>• Tailor the depth of the scenario based on participants' familiarity with the topic.</li> <li>• Offer handouts or follow-up reading on interagency cooperation, NRM, and CBRM for further learning.</li> </ul>
<b>Handouts</b>	Printed case studies
<b>Variations for online implementation</b>	<p>Pre-Assign Roles and Distribute Materials:</p> <ul style="list-style-type: none"> <li>• Share role descriptions, background materials, and scenario details ahead of time via email or a shared online folder (Google Drive, Dropbox).</li> <li>• Include key responsibilities and talking points for each role to help participants prepare.</li> <li>• Breakout Room Role-Play (optional for large groups):</li> <li>• Assign Breakout Rooms: Create rooms for smaller groups to simulate different stages of the referral process (e.g., one room for NGO coordination, another for law enforcement and consular collaboration).</li> <li>• Facilitator Monitoring: Visit each breakout room to ensure discussions are on track and offer guidance or prompts as needed.</li> </ul>



	<ul style="list-style-type: none"> <li>• Use Chat and Shared Docs: Encourage participants to take notes in a shared document or use the chat feature to summarize key decisions.</li> <li>• Reconvene in the main room to simulate joint meetings where all stakeholders come together to finalize plans for supporting Maria.</li> <li>• Chat Functionality: Encourage participants to use the chat for quick side discussions, clarifications, or to raise questions during the role-play.</li> <li>• Screen Sharing: Share flowcharts, referral mechanism diagrams, or key legal frameworks to keep everyone aligned on processes and objectives.</li> </ul>
References	NRMs, C-BRMs

## 12.5 Reflections

### Personal and Group Reflection

- What was the most significant learning takeaway from this training?
- How did the role-play impact your understanding of interagency cooperation in trafficking cases?



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- What skills or knowledge do you feel you still need to improve to handle referral cases effectively?
- How might you apply what you've learned in your current or future work?

## ANNEX 1

### Description of identification and referral procedures in Romania

#### 3.1 Detection or self-detection of trafficking victims

**3.1.1 Detection of a trafficking victim** involves identifying indicators suggesting that a person may be a potential victim of trafficking, prompting the case to be reported or notified within the MNIR framework. Detection can be reactive, as a response to a report or information, or proactive, through continuous analysis of community-level issues, based on raising awareness about the risks associated with trafficking in persons or minors.

Detection is carried out by a wide range of actors, as follows:

- Specialized investigative and prosecutorial bodies in Romania (DCCO, DIICOT). The actions of DCCO and DIICOT, along with their subordinate structures, are considered the primary means of detecting and identifying victims of trafficking.
- Control bodies (IM, IGI, ANPIS/AJPIS, local-level national police, border police, gendarmerie, etc.).



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- Other professional categories that may come into contact with potential victims, including specialists in schools, hospitals, transportation, public or private social service providers, whether specialized or not in trafficking, IOM, Romanian embassies/consulates, emergency hotline operators, etc. In the case of minors who are trafficking victims, professionals are required to report the case to the county directorates of social assistance and child protection, using the national helpline 119.
- The general public.

**3.1.2 Self-detection** refers to the reporting or notification of a potential trafficking situation made directly by the potential victim or by calling the emergency hotline 112, the Green Line managed by ANITP: 0 800 800 678 (toll-free national call) or 004 021 313 31 00 (accessible from abroad), as well as other hotlines available through public or private specialized service providers.

### 3.2 Reporting/Notification of Trafficking Victims

In the case of detecting a potential trafficking victim, subsequent actions may involve reporting and/or notifying the case:

- a) Reporting the case** is the process of informing the prosecutorial authorities, carried out by control bodies, other professional categories, or the general public, regarding reasonable suspicions of the commission of a trafficking offense. The purpose of reporting is to investigate the offense, identify the victim, and, with their consent, notify ANITP for referral to assistance and protection.





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**b) Notifying the case** involves transmitting information to ANITP/public or private providers with specialized services in the field of trafficking that: 1) a person has been detected as a potential trafficking victim to evaluate trafficking indicators and immediate needs and risks; 2) a person has been identified as a presumed trafficking victim to facilitate referral for assistance and protection.

### 3.3 Identification of trafficking victims

The identification of a victim is carried out through an identification interview:

- The interview conducted by prosecutorial authorities consists of taking a statement from the individual as an injured party or as a witness, while also gathering the necessary evidence to establish the trafficking offense. The prosecutorial authority, with the victim's consent, may notify ANITP for the evaluation of immediate needs and referral to assistance.
- The interview conducted by ANITP or public/private providers with specialized services in trafficking involves evaluating signs and indicators of trafficking, identifying the factors that led or contributed to the person's involvement in trafficking, assessing the person's vulnerabilities, their suffering during the trafficking process, and the long-term consequences such as stigmatization, health problems, and economic losses.

To avoid repeated interviews, the initial assessment of risks and assistance and protection needs is conducted simultaneously with the identification interview.

Based on the conclusions of the identification interview, the individual is granted the status of a presumed victim. The presumed victim is then informed of their rights and





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obligations, including the right to a recovery and reflection period, and about alternative protection and assistance services available locally and regionally, their role, and the possible duration of assistance. The victim can choose the services they need.

If the decision is that the person does not qualify as a presumed victim of trafficking, the specialist conducting the interview will, depending on the case's specifics, direct or refer the individual to other specialized services.

For presumed victims, the specialists who conducted the interview and assessed the risks and needs work with the victim to create a **management plan** addressing immediate risks and needs to reduce or eliminate risks and cover needs. The management plan includes specific actions and implementation responsibilities and can be updated based on the case's evolution.

### 3.4 Referral of trafficking victims

Before the referral is made, the victim is fully informed about the available assistance and protection services, chooses the service he/she prefers, and provides his/her consent for the referral. Depending on the specific needs of the victims and the availability of services, referrals can also be made to crime victim support services or other specialized services such as psychological counselling, medical and social assistance, medication and food, accommodation in shelters or protected housing, and information about applicable judicial and administrative procedures. Information about the presumed victim is promptly transmitted to the service provider to facilitate the necessary steps for receiving the victim, assigning a case manager, and establishing the assistance team.





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## Recovery and reflection period

In Romania, a presumed trafficking victim is granted 90 days to decide whether to participate in the criminal process. The recovery and reflection period begins after the identification interview, once the presumed victim has been informed of his/her rights and obligations.

If, during the recovery and reflection period, the presumed victim decides to cooperate with the prosecutorial authorities, their decision is communicated by the case manager to the ANITP specialist, who facilitates communication with the prosecutorial authorities.

If, after the 90-day legal recovery and reflection period, the presumed victim chooses not to participate in the criminal process, their specific situation is assessed to determine their assistance and protection needs, ensuring the continuation of specialized services to support reintegration.

## 3.5 Identification and referral of minor victims

Trafficking victims claiming to be minors receive emergency services until their age is confirmed (e.g., emergency placement, medical services). Statements to prosecutorial authorities are taken by professionals trained in child interviewing, in the presence of a psychologist and an ANITP representative. Statements are made in the presence of parents/legal guardians, provided they are not involved in the trafficking situation. The identification interview is conducted by an ANITP representative in collaboration with the county social assistance and child protection directorate representative and, if





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applicable, a representative of a private specialized service provider (for cases detected by them). Parents/legal guardians may consent to the interview and the provision of specialized services and can participate in the identification interview if not implicated in the trafficking situation.

Children are informed of their rights according to their age and maturity. The decision for the minor victim to participate as an injured party in the criminal process or court proceedings is made by the parents if they are not involved in trafficking. For children under special protection measures, the decision lies with the legally appointed representative.

### 3.6 Identification and referral of victims with non-Romanian citizenship

Depending on the situation, the specialist who first comes into contact with the victim will request support from the IGI, embassy, consulate, or specialized non-governmental organization to contact a translator/interpreter or intercultural mediator to provide linguistic interpretation/intercultural mediation for the victim in his/her interactions with specialists. Translation/interpretation is conducted in a language the person understands, preferably their native language.

If the specialist identifies trafficking indicators during the identification interview (and the potential victim is granted presumed victim status), they notify the prosecutorial authorities and the IGI to establish the victim's legal status.

Trafficking victims with non-Romanian citizenship may, depending on their specific situation, be granted tolerance to stay in Romania (issued by the prosecutor or court), a temporary residence permit (issued by the General Inspectorate for Immigration at the request of judicial authorities), or residency rights for EU, EEA, and Swiss citizens.





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## 4. Assisted Voluntary Repatriation

Based on informed consent, the assisted voluntary repatriation of a trafficking victim to his/her country of origin or residence can be facilitated through the transnational collaboration of institutions and organizations involved in victim identification and referral. Assisted voluntary repatriation ensures the victim's safe return, with specialized assistance and reception at the point of arrival in the country of origin or residence.

The decision of the victim to return to their country of origin or residence is made after they have received accurate and relevant information about their rights, the possibility of being included in an assistance program in the destination or origin/residence country, and the steps involved in the repatriation process.

ANITP serves as the central notification point for transnational trafficking situations, both for Romanian citizen victims identified in other countries and for foreign citizen victims identified in Romania. If institutions/organizations in the destination country contact other institutions/organizations in Romania instead of ANITP, these entities are required to notify ANITP.

Information exchanges about the victim are conducted confidentially, respecting the individual's right to privacy, and limited to the minimum necessary to ensure the proper implementation of the assisted voluntary repatriation process.

### 4.1 Repatriation of Romanian Citizen Victims

Upon receiving notification about a Romanian citizen victim, ANITP requests timely information from partners in the destination country regarding the risk assessment and the victim's assistance and protection needs to document the case prior to repatriation.







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With the victim's consent, ANITP and territorial-level institutions (e.g., local national police, child protection and assistance directorates) assess the situation at the victim's residence place in Romania.

Departure assistance for Romanian citizen victims from the destination country is provided in accordance with the procedures in that country, with the potential involvement of Romanian diplomatic missions. Arrival assistance is provided by an ANITP or IOM specialist, who may, if needed, request support from an additional specialist from public or private service providers specialized in trafficking victim support. Arrival assistance is always conducted with prior notification to the Border Police.

If the victim does not wish to be included in an assistance and protection program, the team present at the point of arrival/frontier in Romania will provide the victim with contact information for the regional ANITP center in their area of residence and/or public or private providers offering specialized protection and assistance services for trafficking victims.

The team responsible for receiving the victim communicates confirmation to partners in the destination country regarding the victim's safe arrival and handover in the country of origin.

#### 4.2 Repatriation of Foreign Citizen Victims

The repatriation decision is communicated by the IOM office in Romania to the central notification point in the country of origin or residence or to the IOM office in the country of origin or residence. For a foreign citizen victim in Romania, departure assistance will be provided by ANITP specialists and/or IOM.



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### 4.3 Repatriation of Minor Victims

The repatriation of unaccompanied Romanian minor citizens is reported to both ANITP and ANPDCA. If the evaluations conducted by social services at the minor's family residence conclude that the natural family does not provide the necessary material and moral guarantees for raising and caring for the child, the county social assistance and child protection directorate proposes a special protection measure after the minor's return to the country.

Priority is given to placing the child within the extended family/relatives if they can provide adequate protection and care and were not involved in trafficking or connected to those implicated in the trafficking situation. If placement with relatives is not possible, alternative forms of family-based protection or accommodation in specialized residential services are considered.

The DGASPC in the county or district of the minor victim's residence will designate a person to pick up the child from the point of entry/arrival in Romania and accompany them to their home or to a specialized center for unaccompanied children or trafficking victims located in the county where the border crossing point is situated.

For a foreign minor victim, departure assistance will be provided by a DGASPC or IOM specialist, who may request additional support from other specialists in institutions or organizations with which the victim has contact, as needed.

In the case of an unaccompanied minor victim who is a foreign citizen in Romania, repatriation can occur following a prior assessment by competent authorities, only if the minor is sent to their parents (when they have been identified and do not reside in Romania), family members (with their consent), the designated guardian, or appropriate





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reception centers in the country of origin or residence. If the parents or other family members cannot be identified, or if the minor is not accepted in their country of origin, they are granted permanent residence rights in Romania.

## Good practice on VoT support and protection: Emergency Voucher Distribution Mechanism for Crime Victims in Romania

### 1. Legal Framework

The distribution of vouchers to crime victims in Romania is governed by three key legislative acts:

- a) Law No. 211/2004: Establishes measures to ensure information, support, and protection for crime victims.
- b) Law No. 318/2015: Provides the framework for the administration of seized assets and introduces financial support mechanisms for crime victims.
- c) Government Decision No. 541/2023: Approves the methodology for issuing, distributing, and reimbursing vouchers, specifying their value and the criteria for selecting the entities involved.

### 2. Purpose of the Mechanism

The vouchers are designed to address the **urgent needs of crime victims**, serving as an advance payment of the financial compensation approved by the Compensation Commission. They can be used for essential products and services, such as food, accommodation, transportation, medicine, and medical supplies.

### 3. Beneficiary Categories



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According to the law, the beneficiaries include:

- a) Victims of violent crimes or other intentional acts of violence, such as domestic violence, attempted murder, bodily harm, slavery, human trafficking, child trafficking, forced or compulsory labour, rape, sexual assault, child pornography, torture, etc.
- b) Family members of victims who died as a result of these crimes.

## 4. Mechanism for Issuing and Distributing Vouchers

### 4.1. Requesting the Vouchers

The victim or their representatives submit the application to the tribunal in the jurisdiction where the victim resides. The application must include supporting documents such as proof of income, medical records, police or legal reports confirming the victim's status, and other documents justifying the urgent needs for which the advance compensation is requested. To prevent delays and ensure the correctness of the process, public and private entities involved in voucher distribution may assist victims in completing their applications.

### 4.2. Approval of Vouchers

Applications are reviewed by two specialized criminal judges designated by the tribunal, forming the Compensation Commission for Crime Victims. The Commission's activity is supported by clerks appointed by the tribunal president. The secretariat manages the documentation, communicates with victims, and implements decisions. If the victim's request is approved, the Commission authorizes the issuance of vouchers as





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an advance for urgent needs. The total value of the vouchers cannot exceed five times the gross minimum national salary. The 2024 gross minimum national salary is 3700 lei / 740 Euro. Thus, the amount approved cannot exceed 18,500 RON / €3,700.

#### 4.3. Voucher Issuance

The Ministry of Justice provides funding for the vouchers. Authorized entities contracted by the Ministry issue the vouchers (debit cards). In 2024, the Ministry budgeted and issued 300 vouchers. The Ministry monitors the voucher distribution system and evaluates its efficiency through quarterly reports.

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#### 5. Impact of the Mechanism

This system combines rapid access to resources with a legally robust approach, ensuring immediate support for crime victims and upholding their rights through a transparent and well-coordinated process. The first voucher having a value of 18.000 lei / 3.600 Euro was distributed in August 2024.

