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Intervention Service in Situations of Trafficking, Migration, Repatriation, Street Exploitation and the Role of the Social Worker

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Abstract. The importance and the essential role of the social worker who works in the Intervention Service in Situations of Trafficking, Migration, Repatriation, Exploitation and Street Assistance are highlighted in this article. The protection and promotion of children's rights in Romania is carried out both at local level in communities, but mainly through specialised services in each county of the country. Assessing the role of the social worker, a member of the multidisciplinary team, in the context of protection and promotion of children's rights in situations of trafficking, migration or repatriation, it is possible to understand the complexity of his/her work in coordinating specialised interventions. The social worker is present with the beneficiaries in order to provide social services according to their needs, and when the recipients of these services are children, the social worker has the main role in accompanying the child and the family throughout this process, showing empathy and compassion towards them.

Keywords. human trafficking, repatriation of children, street assistance, exploitation, social worker, case management

1. Protection and promotion of children's rights in the context of exploitation and human trafficking

Children need to be protected, to feel safe, to live in loving families, to be treated with respect, to be able to benefit from all the rights conferred by the legislation in force. Being vulnerable, both physically and emotionally, we must pay special attention to the special protection and care needs of children. Children's rights include the right to be treated with respect, dignity and protection against any form of discrimination, to benefit from basic needs, safety, belonging, health care, education, socialisation, etc.

The general framework on the principle of safeguarding the interests of the child was established by Art. 48 para. (3) and art. 49 of the Romanian Constitution, respectively the New Civil Code, art. 263. - paragraph 1 - "Any measure concerning the child, regardless of its author, must be taken with respect for the best interests of the child". (New Civil Code - Chapter VI, Section III a, Special Provisions)

In all decisions concerning children, the principle of the best interests of the child must be the paramount consideration for their protection, development and well-being. Children have the right to life and the right to optimal physical and mental development in equal measure. They must be protected from external threats and dangers, abuse and neglect, exploitation or deprivation of basic needs. Children must be provided with everything necessary for healthy physical and emotional development. No child should be deprived of access to services that other children naturally benefit from.

In Romania, the General Directorates for Social Assistance and Child Protection are responsible for the special protection of children deprived of parental care, for the implementation of social policies in the field of child, family, elderly and other vulnerable categories of persons, with a role in the administration and delivery of social assistance benefits and social services needed by each beneficiary.

Within these institutions there are Intervention Services in Situations of Trafficking, Migration, Repatriation, Exploitation and Street Assistance, and in Constanta it was established by decision of the County Council and exercises powers in accordance with the provisions of the Law on Social Assistance No. 292/2011 and Government Decision 797/2017, for the approval of the regulations - framework for the organization and functioning of public social assistance services and the indicative staff structure.

Among the tasks of the Intervention Service in Situations of Trafficking, Migration, Repatriation, Exploitation and Street Assistance are:

- providing social services for children living on the street; identifying their problems and needs, and monitoring the situation of street children at local level in compliance with the legislation in force and the confidentiality of information;

- providing services, drawing up the necessary documentation for the repatriation of children, preparing the social reintegration of unaccompanied Romanian children; receiving, representing and accompanying the repatriated child, if his/her family is not present at the border crossing point;

- monitoring reported cases of unaccompanied children or victims of trafficking in human beings; it shall compile a database on the phenomenon of trafficking in human beings, and regularly monitor and evaluate this phenomenon in partnership with other specialised institutions;

- methodological coordination of the Public Social Welfare Services at community level on the issue of children who are exploited or at risk of exploitation;

- the processing of cases with a view to instituting special protection measures outside their own families for:

- children temporarily separated from their families, with the parents' consent/request,
- children at risk in the family for whom there is no parental consent
- children without parents or whose parents have been deprived of parental rights.

Thus, the social problems faced by children are vast and they are in various situations of social and psychological vulnerability, such as:

- *children in a situation of trafficking, labour exploitation or at risk of exploitation; repatriated children, migrants, returnees from other countries;*
- *street children;*
- *children transiting the county unaccompanied by adults;*
- *children temporarily or permanently separated from their parents;*

- *children who have committed criminal offences and are not criminally responsible;*

2. The role of the social worker in the Trafficking, Migration, Repatriation, Exploitation and Street Assistance Intervention Service.

Social workers in such a complex service, have in the foreground the principle of the best interest and protection of the child at risk of neglect, abuse, exploitation and trafficking. They work in multidisciplinary teams with psychologists, lawyers, police, etc., for prevention and intervention in cases where children are in difficulty.

Children in difficulty are vulnerable, may be victims of abuse by adults or other children, may be exploited through work, neglected, may have health problems and may not attend school. Other risks to which these vulnerable children are exposed may be: lack of material conditions in the family and basic needs cannot be met, family abandonment, parents working abroad, parents who use alcohol or other substances, human trafficking, etc.

In these situations, the social worker has to take decisions quickly to ensure the best interests of the child, protecting children and promoting their well-being.

The social worker is responsible for the intake of each child in difficulty, their initial assessment, counselling and support, together with the psychologist. He/she provides access to services for the child, to specialised protective services, monitors the child and reassesses the progress made by the child during the provision of social services. The interventions carried out by the social worker in the multi-disciplinary team are aimed at implementing specialised intervention plans and programmes for the rehabilitation, recovery, preparation for life and reintegration of the child into the family/society.

Thus, the social worker uses the case management method from the moment of referral to the resolution/closure of the case, following all its stages according to the Order no. 288 /2006, for the approval of the Minimum Mandatory Standards on case management in the field of child rights protection:

- *identification and initial assessment of cases;*
- *comprehensive assessment of the child in the family and community context;*
- *planning of benefits, services and interventions for the child, family/legal representative and others important to the child;*
- *provision of benefits, services and interventions for the child, family/legal representative and others important to the child;*
- *regular monitoring and reassessment of the child's progress, effectiveness of benefits, services and interventions;*
- *completing the plan that includes benefits, services and interventions for the child and family and closing the case.*

Thus, the social worker carries out an activity with profound human values, based on the fundamental values and principles of the profession: dignity and uniqueness of the person, social justice, integrity of the person, confidentiality, self-determination, etc.

Within the multidisciplinary team, the social worker is in charge of the responsibilities that enhance the skills acquired using communication techniques, counselling, assessment and intervention methods and techniques, information and teamwork.

The social worker would have a priority role in coordinating specialised interventions such as: human trafficking, repatriation, exploitation, juvenile delinquency, migration, street assistance, placement.

Trafficking in human beings means *"the recruitment, transportation, transfer, harbouring or receipt of a person, by means of threats, violence or other forms of coercion, abduction, fraud or deception, abuse of authority or taking advantage of the inability of that person to defend himself or herself or to express his or her will, or by offering, giving, accepting or receiving money or other benefits in order to obtain the consent of the person having authority over another person, for the purpose of exploiting that person"* (Law no. 678/2001 on preventing and combating trafficking in human beings)

Exploitation of a person means: *"the performance of work or services in a forced manner or in violation of the legal rules on working conditions, wages, health and safety; keeping in a state of slavery or other similar procedures of deprivation of liberty or servitude; forcing to practice prostitution, pornographic representations for the production and dissemination of pornographic materials or other forms of sexual exploitation; removal of organs; carrying out other such activities that violate fundamental human rights and freedoms"* (Art 182 Exploitation of a person | Criminal Code)

In the case of a child victim it is recommended to involve a multidisciplinary team coordinated by a case manager, who can intervene both in the assessment process and in the provision of specialised services.

Exploitation of children through labour - is the forced performance of work or services in violation of legal rules on working conditions, wages, health and safety, slavery or other similar deprivation of liberty or servitude; forced prostitution, pornographic performances for the production and dissemination of pornographic material or other forms of sexual exploitation; forced begging.

The United Nations Convention on the Rights of the Child includes explicit provisions against the economic exploitation of children. Article 32 of the Convention prohibits child labour that interferes with a child's education and/or is hazardous or harmful to the child's development.

Child labour or exploitative child labour is defined as work that is hazardous to the health, education, physical or mental development of the child. Child labour covers various sectors, including agriculture, manufacturing, mining and quarrying, and domestic services. Often, children exploited through labour come from poor backgrounds.

Intolerable work is in fact an offence under the Romanian Penal Code, the Labour Code and special laws. The following situations can be considered aspects of identification, but are not limited to them: slavery, debt bondage and bonded labour, forced or compulsory labour, child prostitution and pornography, begging situations involving children, etc.

Following reports of child labour exploitation, the social worker, with the support of the police and local public authorities, assesses the situation and takes action in the interests of the child victim of exploitation.

At the same time, according to the Government Decision no. 49/2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and network in situations of violence against children and domestic violence and the Methodology for multidisciplinary and inter-institutional intervention on exploited children and children at risk of exploitation through labour, child victims of trafficking in persons, as well as Romanian migrant children victims of other forms of violence on the territory of other states", the Local Intersectoral Team for preventing and combating child labour exploitation, prevention of violence against children and domestic violence was established in Constanta County.

Most of the time, abuse and exploitation are committed by family members, those in whom the child trusts and who should protect and take care of him. Abuse in all its forms causes a delay in intellectual and social development. (*Neamtu, G., Stan, D. 2005*).

As regards migration, for the migrant minor, the role of the social worker aims at respecting the rights of the child, according to the legislation in force, establishing a special protection measure, taking into account the best interest of the child and the child's ethnic, religious, cultural and linguistic particularities, or providing services in accordance with the provisions of Law no.272/2004 on the protection and promotion of children's rights, republished.

Following the identification of the migrant/refugee child, the hearing will be carried out by the General Inspectorate for Immigration at the Coast Guard Headquarters or at a police unit. After the completion of the hearing and legal formalities, the child will be taken to the competent health unit in the Municipality of Constanta for assessment of the medical condition. The social worker, together with the psychologist or lawyer, supports the child's interests by participating with him/her in the entire procedure for granting refugee status (*Art. 77 para. 3, Law no.272/2004 on the protection and promotion of children's rights*).

Until the final and irrevocable settlement of the application for refugee status, the accommodation will be provided in a residential service belonging to the General Directorate of Social Assistance and Child Protection or to an authorized private body, and in accordance with the provisions of Law no.122/2006 on the Asylum Law, the minor will benefit from temporary protection by being issued a residence permit for beneficiaries of temporary protection valid for 1 year.

Children who have been granted refugee status, benefit from the special protection of children deprived, temporarily or permanently, of the care of their parents, provided for by Law No. 272/2004 on the protection and promotion of the rights of the child, republished. When the child's application for refugee status is definitively and irrevocably rejected, the child shall be placed in a special protection service until the child is returned to the parents' country of residence or to the country where other family members willing to take the child have been identified.

With regard to repatriation, the social worker shall take steps for the return of unaccompanied Romanian children to another country, the modalities of cooperation between the institutions involved in the process of repatriation of children, the identification of parents or legal representatives of the children to be repatriated, the establishment of services responsible for the emergency reception of these children in accordance with the provisions of Decision No 1443/2004 on the methodology for repatriation of unaccompanied Romanian children and the provision of special protection measures for them.

The social worker has the role of drawing up the social inquiry which is carried out in accordance with Order 107/2005 for the approval of the social inquiry model regarding the social and family situation of the Romanian child unaccompanied on the territory of another state, with a view to his/her repatriation and social reintegration.

As regards street assistance, the social worker monitors the situation of street children at local and county level, i.e. identifies and monitors the points/areas where street children are concentrated. He/she contacts and identifies street children, contributes to their monitoring and refers them to residential services, or accompanies them to the hospital - emergency unit for medical assessment/medical care, and builds a database of them for monitoring and prevention.

3. Conclusions

Specialised social services at county level provided to children at risk are approached in an integrated manner, in multidisciplinary teams, where the social worker has the central role. The social worker is responsible for linking all assessment and intervention activities for children subject to any form of exploitation, trafficking or violence. The social worker is the one who takes the beneficiary from the initial assessment stage, informs and guides him/her through all the stages of case management.

In other words, we are talking about a specialist who uses his communication, interpersonal, planning and management skills, as well as a good knowledge of the legislative framework in relation to his role as coordinator of all the specialists involved in the multidisciplinary team.

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- [8] ***Law No 678/2001 on preventing and combating trafficking in human beings, republished
- [9] *** New Civil Code
- [10] ***Order No 288 of 6 July 2006, approving the Minimum Mandatory Standards for case management in the field of child rights protection;
- [11] <https://www.unicef.org/romania/>
- [12] <http://anpd.gov.ro/web/>
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