

DECISION

Regarding the approval of the Framework Regulation for the organization and functioning of the centers of rehabilitation for victims of domestic violence

No. 129 from 22.02.2010

Official Monitor No..30-31/176 from 26.02.2010

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In order to execute the provisions of Law No. 45-XVI from 1 March 2007 regarding the prevention and combating of domestic violence (Official Monitor of the Republic of Moldova, 2008, No.55-56, art.178), the Government

DECIDES:

1. To approve the Framework Regulation for the organization and functioning of the centres of rehabilitation for victims of domestic violence (is attached).
2. The centers that will offer assistance and protection services for victims of domestic violence will approve their own regulations of organization and functioning based on the above-mentioned Framework Regulation.
3. The Ministry of Labor, Social Protection and Family will co-ordinate the opening of such centers on the territory of the country and will monitor their activity.

PRIME-MINISTER

Vladimir FILAT

Counter-signing:

Minister of labor, social protection and family

Valentina Buliga

Minister of internal affairs

Victor Catan

Minister of finance

Veaceslav Negruța

Chișinău, 22 February 2010.

No.129.

Approved
by Government Decision
No.129 from 22 February 2010

FRAMEWORK-REGULATION of organization and functioning of the rehabilitation centers for victims of domestic violence

I. GENERAL PROVISIONS

1. The Centre for rehabilitation for victims of domestic violence (hereinafter – Centre), is a specialized institution that offers temporary placement and assistance to victims of domestic violence.
2. The Centre carries out its activity in accordance with the legislation in force, with the minimum quality standards in the field and with the present Regulation.
3. The activity of the center is monitored and evacuate by the founders and by the territorial social assistance body until a certain period of time, or at its request, by presenting activity reports.
4. The Centre is a legal person, has a stamp and a bank account.
5. The Centre organizes its activity based on the following principles:
 - 1) observance and promotion of the rights, interests and dignity of the assisted persons;

- 2) observance of the superior interest of the child and of his/her rights;
- 3) non-discrimination;
- 4) ensuring confidentiality and professional ethics;
- 5) ob of the opinion of the assisted person (adult or child);
- 6) inter-disciplinarity and multi-disciplinarity;
- 7) ensuring access to quality services;
- 8) openness towards the community.

6. The aim of the Centre is to offer temporary placement, assistance to victims of domestic violence, socialization and reintegration in the family and/or community.

II. ORGANISATION AND FUNCTIONING OF THE CENTRE

7. The Centre may be created:

- 1) by the Government, at the proposal of the Ministry of Labor, Social Protection and Family;
- 2) by local public administration authorities, at the proposal of the committee on social issues;
- 3) by international organizations and non-governmental organizations, while informing the Ministry of Labor, Social Protection and Family;
- 4) by local public administration authorities and private or non-governmental organizations, based on a joint activity agreement.

8. The Centre's object of activity is offering, free of charge, specialized social services, in accordance with the minimum quality standards and answers to the real and specific needs of each assisted person:

- 1) ensures sheltering, protection and temporary placement to victims of domestic violence;
- 2) ensures services of personal hygiene;
- 3) offers legal, social, psychological and urgent medical assistance;
- 4) offers informational support for finding a dwelling, a pre-school institution or a pre-university institution;
- 5) offers non-formal education with the view to assimilate knowledge and skills necessary for social integration;
- 6) promotes socialization and development of relations with the community and/or family;
- 7) facilitates access and informs the beneficiary about the social protection system;
- 8) elaborates, jointly with the beneficiary, an individual protection plan against any form of intimidation, discrimination, abuse and exploitation;
- 9) supports the couple parent-child/child in order to develop the autonomy that would favour his/her reintegration in the family and/or community;
- 10) monitors the post-integration situation of the beneficiaries in the family and community.

9. The accommodation of the beneficiaries will not exceed the period of 3 months, period in which the authorities and personnel of the Centre, jointly with the beneficiary, will find a durable solution.

10. The maximum capacity of the Centre is for up to 30 persons.

11. The Centre is equipped according to the quality standards, in accordance with the individual and age particularities of the beneficiaries.

12. The assistance of each beneficiary is accomplished based on the individual intervention plan, elaborated by the social assistant who coordinates the case within the Centre. The referral of the beneficiary to other specialized community services and reintegration in the family and/or community is coordinated with the multi-disciplinary team.

13. The Centre:

offers medical assistance, in the limit of its competence and depending on the needs of the beneficiaries. The primary and specialized medical assistance are ensured by the territorial medical units, according to the legislation;

ensures reintegration services for the victim in the family and/or community through:

- 1) work with the beneficiary's family;
- 2) referral to professional services;
- 3) facilitating finding a job;
- 4) monitoring and evaluation of the situation for a period of one year from the moment of reintegration in the family and/or community;
- 5) ensuring children's access to community educational services (school, kindergarten etc.).

14. The educational services are offered by the community educational services. The employees of the Centre ensure educational assistance for the children when preparing their homework.

15. Violent persons (verbal and/or physical), persons abusing alcohol and drugs, persons with contagious diseases, persons who are in a state of affect, cannot benefit from the services offered by the Centre.

16. The quality of the services rendered by the Centre shall be periodically evaluated by the body of accreditation of social services.

17. In order to ensure the security of the beneficiaries, the Centre benefits of security and guard, as provided by the legislation.

18. Local public administration authorities, in case of need, may offer buildings in which the centers shall operate.

III. PLACEMENT OF THE BENEFICIARIES IN THE CENTRE

19. The group of beneficiaries of the services offered by the Centre is represented by persons, victims of violence in the family, constituted of women, men and the couples mother-child/children, father-child/children. The children may be placed in the Centre only accompanied by the parent or their legal representative. The individual placement of the children is not allowed. The centers are specialized according to the sex criterion of the beneficiaries (centers of rehabilitation for women victims of violence in the family and centers of rehabilitation for men victims of violence in the family, as the case may be).

20. The placement of the adult beneficiary in the Centre takes place in the way determined by the present Regulation, at the direct request of the beneficiary or with the presentation of the personal file of the beneficiary by the territorial social assistance body, body of internal affairs, his/her referral by other local public administration authorities, other relevant institutions.

21. The placement of the beneficiaries takes place in case when there is an imminent danger for the life or health of the beneficiary and/or of her child/children.

22. The placement of the beneficiary in the Centre is voluntary, has a temporary character and includes the elaboration of the file of the beneficiary, complex evaluation and determination of the individual intervention plan.

23. The personal file of the beneficiary is filled in by the specialists of the Centre.

24. The complex evaluation of the beneficiary is done by the case manager, jointly with the community social assistant. The individual plan of services is revised on a monthly basis, or as often as it is needed in order for it to be updated to the newly-appeared social needs.

25. The services mentioned in item 8 of the present Regulation shall be ensured by the specialized staff hired in the Centre, by the partners of the Centre, by volunteers from NGOs with which the Centre collaborates.

26. For each beneficiary of the Centre a personal file shall be drafted which shall contain personal data, data about the family, professional background, medical data, other necessary and useful documents for each case in particular, a social form that would highlight the causes of the situation of social risk and the personalized intervention plan.

27. The preparation for the exit of the beneficiary from the Centre is done by the case manager under the supervision of the manager of the Centre and in collaboration with the territorial social assistance and family protection body and the multi-disciplinary team.

28. After the withdrawal of the beneficiary from the Centre, the conciliation, accompanying and emotional support services are left at the discretion of the beneficiary until his/her full integration in the family and/or community.

IV. MANAGEMENT AND STAFF OF THE CENTRE

29. The Centre is run by a person who has higher education degree in one of the following fields: pedagogy, psychology, psycho-pedagogy, social assistance, legal studies, medicine. The function of manager of the Centre may be cumulated with another function.

30. The manager is hired and dismissed from the function by the founder of the Centre, according to the legislation in force. In case when there are more founders, the manager is hired and dismissed from the function by the Assembly of the founders.

31. In his/her activity, the manager of the Centre is guided by the relevant normative and legislative acts, dispositions of the local and central public administration authorities and by the present Regulation.

32. The manager of the Centre is the administrator of all resources, has the right to hire and dismiss the staff in accordance with the legislation, is responsible for the legal and administrative activity of the Centre.

33. The manager of the Centre is responsible for the organization of the activity of the Centre and for the quality of the services offered. The manager guarantees access to the assistance services for the beneficiaries.

34. The manager of the Centre ensures:

- 1) the functioning of the Centre according to the minimum quality standards;
- 2) the administration of the financial and material resources of the Centre, according to the national accounting standards;
- 3) the organization and evaluation of the activity of the Centre's staff, according to the post job description;
- 4) the completion and presentation of the forms and of the reports regarding the activity of the Centre by its founders, the local and/or central public authority;
- 5) the evidence of the cases of violence in the family and reporting to the territorial social assistance body, based on the approved forms;
- 6) studying and generalization of the causes and conditions of committing of acts of violence in the family;
- 7) the confidentiality of the programme and registries of the beneficiaries;
- 8) the representation of the Centre in the relations with other private and public organizations;
- 9) access and supervision of the continuous training of the personnel.

35. The manager of the Centre holds weekly sessions for planning the activity of the Centre or as often as it is needed.

36. The manager of the Centre concludes agreements of specialized services providing with other relevant organizations/institutions, as the case may be. Also, the Centre concludes collaboration agreements with territorial law enforcement in order to ensure physical protection of the beneficiaries and security of the institution.

37. In case of temporary incapacity of exercising the attributions of the manager, the responsibility for the good functioning of the Centre is transferred to the deputy manager.

38. The staff of the Centre is constituted of specialists who correspond to the needs of its functioning, according to the legislation in force.

39. The staff of the Centre is hired through open competition, in accordance with the legislation.

40. The hiring committee is consisted of a manager, representatives of the founders of the Centre, of the territorial body of social assistance.

41. The hiring of the personnel is done based on the individual work contract, concluded in the accordance with the legislation in the field.

42. At the moment of the hiring, and later every 6 months, the hired personnel is required to pass the medical exam, according to the legislation.

43. The hired personnel of the Centre is required to keep confidential all information related to the private life of the beneficiaries, which they obtain in the course of their work, and not to request, nor to receive undeserved benefits for the work performed.

44. With the agreement of the victim who has been informed in advance, the hired personnel of the Centre announces the relevant bodies about the violent acts committed in the family, in the stipulated time limits, by taking into account the legislation in the field.

45. The structure and the posts of the Centre are determined and approved by the founders, in accordance with the Minimum Quality Standards, with the aim and objectives of the Centre and the provisions of the labor legislation in force.

46. The Centre activates according to a special schedule (24/24 hours), depending on the placement needs, assistance, rehabilitation and reintegration of the victims of domestic violence.

47. The personnel carries out the activity according to the job descriptions, in the premises of the Centre, in accordance with the determined working hours and individual assistance programs of the victims of violence in the family.

48. The structure and training of the personnel has to correspond to the objectives of the Centre.

49. The remuneration of the personnel of the Centre is done in accordance with the legislation.

V. FINANCING OF THE CENTRE

50. The expenditures related to the activity of the Centre are supported by the joint budget of the founders.

51. The Centre may be financed from the state budget, budget of the territorial-administrative units, donations, grants, other sources, according to the legislation.

52. The Centre has in its use fix assets from the patrimony of the public territorial-administrative unit or any other unit, from donations, sponsorships, etc., as provided by the law.

53. The organization and functioning of the Centre may be supported financially and materially by economic agents and entrepreneurs in the terms of the Law No. 1420-XV from 31 October 2002 on philanthropy and sponsorship.

VI. FINAL PROVISIONS

54. The activity of the Centre ceases based on the decision of the founders, by informing the Ministry of Labor, Social Protection and Family, in accordance with the Civil Code of the Republic of Moldova No.1107-XV from 6 June 2002.

55. After the cease of the activity of the Centre, its patrimony shall be transmitted to the founding members, in accordance with each founder's contribution.