

MOLDOVA

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REPUBLIC OF MOLDOVA

I. Introduction

The Republic of Moldova is a landlocked country in Eastern Europe, located between Romania to the west and the Ukraine to the north, east and south. According to the U.S. State Department *Annual Trafficking in Persons Report*, released on 05.06.2006, the Republic of Moldova is mainly a country of origin for trafficking in persons.⁶⁹ To a lesser extent Moldova is also a transit country for trafficking in persons from the former Soviet Union on their way to Europe. Most often, victims of trafficking are women and children transported mainly for sexual exploitation to Turkey, Russia, countries of the Near East (including the United Arab Emirates and Israel) and European countries. However, Moldovan men, also become victims of trafficking: they are sold in the Baltic States and other countries of the former Soviet Union for labour exploitation in construction and agriculture.

The above-mentioned information is also confirmed in the second annual report of the Regional Clearing Point (managed by the International Organization for Migration) published in 2005. According to the latter, Moldovan citizens in 2000-2004, were exploited in 32 world countries. Sexual exploitation remains the main form of exploitation for these years (ranging from 74% to 89% of reported cases of trafficking). This report, also mentions that there have been cases of labour exploitation and that more and more victims from Moldova are trafficked for begging and delinquency. Minors were particularly heavily represented among victims trafficked for begging and delinquency (39.1% of reported cases in 2004).⁷⁰ In the majority of cases victims of trafficking in human beings were individuals. At the same time, there were cases when families – mothers with children – were trafficked. There is also internal trafficking in persons in Moldova.

According to research conducted by the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'*, poor young women from rural areas without professional qualifications or employment⁷¹ constitute the main social group of

⁶⁹ Available from: www.state.gov/g/tip/rls/tiprpt/2006

⁷⁰ Second Annual Report on Victims of Trafficking in SE Europe, 2005. Country Report, the Republic of Moldova. Geneva, 2005, p. 4.

⁷¹ 'Trafficking in Persons in Moldova. Comments, Tendencies, Recommendations'. International Centre for Women's Rights Protection and Promotion 'La Strada', Chisinau, 2005, p. 49.

victims of human trafficking in Moldova. Poverty and unemployment, as well as lack of job opportunities in the Moldovan labour market are the determinants that 'push' young people abroad and make them accept the dubious offers of traffickers. Domestic violence is also one of these factors. Various NGOs have carried out studies showing that more than 80% of victims of trafficking have been previously exposed to domestic violence. Offers of slave-traders are in great demand because along with unemployment in Moldova there are very few possibilities of legal employment abroad, obliging the majority of Moldovan migrants to work illegally. The age groups of trafficked people extent every year. If several years ago victims were mostly people between 18-25, today people above 25 and children (under 18 years old) also become victims. The ways of recruiting and transporting victims abroad, as well as the exploitation forms become more and more varied. The number of cases of recruiting people by Internet, as well as false marriage proposals is growing. There have also been cases of trafficking in persons in Moldova intended to extract organs and tissues.

Despite the fact that it is well known that trafficking in persons is widespread in Moldova, it is not possible to estimate accurately the exact dimensions of this phenomenon, first of all, because it is latent. Moreover, the data collection system in Moldova is not uniform. Each participant in the counteraction of trafficking in persons accumulates data according to an independently developed algorithm, and consequently, the data cannot be compared at a national level. However, taking into account the danger of this phenomenon, in the last years the Government has adopted a number of legislative, organizational, administrative and other measures against trafficking in human beings.

Comment

According to a survey carried out among specialists in combating trafficking in Moldova in 2005 by the *International Centre 'La Strada'*, the situation was stabilised in the two preceding years. Despite the fact that the main factors (poverty and unemployment) that generate the supply of human trafficking in the country continue to exist, the measures taken by the Government during the period 2001 – 2005, with the support of the civil society and the international community, made it possible to prevent the further spreading of the phenomenon of trafficking and the deterioration of the situation.

II. National Legal Framework

A. National law

Among the measures taken to improve the legislative and other normative and legal base for the counteraction to trafficking in human beings in the Republic of Moldova, it is worth mentioning the following:

a. Adoption of special legislative acts of the Republic of Moldova on the counteraction to trafficking in human beings

The Parliament of the Republic of Moldova has adopted a number of national laws against trafficking in human beings:

On 20.10.2005, the Parliament adopted the ***Law on Preventing and Combating Trafficking in Human Beings***.⁷² This law was drafted over a period of two years with the active participation of civil society and the support of the international community. International experts from the Council of Europe assisted in the drafting of the legal provisions in order to ensure their compliance with international standards. The law determined the institutional structure of the anti-trafficking policy of the country, the obligations of the agents involved, the rights of victims etc.

The Parliament of Moldova has also established strict penalties for trafficking in human beings. Article 165 of the ***Criminal Code*** of Moldova, stipulates imprisonment for up to 25 years for this crime.⁷³ It also includes a number of provisions that stipulate punishment for similar crimes, such as forced labour (Art. 168), slavery and practices similar to slavery (Art. 167), illegal transport of children out of the country (Art. 207) etc.

b. Court practice generalization

Taking into consideration the particular dangers of trafficking in human beings and the necessity to ensure correct and uniform application of the anti-trafficking legislation, the Supreme Court of Justice of the Republic of Moldova decided in November 2004 that all courts must apply the relevant legislation, according to Articles 165 and 206 of the Criminal Code and

⁷² Law of the Republic of Moldova on Preventing and Combating Trafficking in Human Beings No. 241-XVI of 20.10.2005 (Official Monitor of the Republic of Moldova, 2005, No. 164 -167, Art. 812).

⁷³ Criminal Code of the Republic of Moldova No. 985-XV of 18.04.2002 (Official Monitor of the Republic of Moldova, 2002, No. 128-129, art. 1012).

adopted the Decision *on Application of Legislative Provisions in Cases of Trafficking in Human Beings and Trafficking in Children*, in accordance with the norms of international law.⁷⁴ The Supreme Court analysed separately the definitions of all the terms included in articles 165 and 206 of the Criminal Code, the combination of which constitutes the crime of trafficking in human beings (e.g. 'recruitment', 'harbouring', 'mental violence', 'taking advantage of vulnerability condition', 'commercial sexual exploitation' etc.).

B. Bilateral agreements

a. International cooperation of law enforcement bodies

The Republic of Moldova has signed a number of bilateral agreements on combating trafficking in human beings. It has signed the following agreements:

- in 1998 – with CIS countries;
- in 1999 – with Turkey, Romania, and the Ukraine;
- in 2000 – with Estonia;
- in 2001 – with Uzbekistan;
- in 2002 – with Italy and Belarus;
- in 2003 – with Czech Republic, Israel and Lithuania.

In 2006, negotiations started on the signature of a bilateral agreement with the Government of the United Arab Emirates on preventing, combating, and punishing trafficking in human beings. Despite the above agreements promoting international cooperation on the fight against human trafficking, the work of law enforcement officers in Moldova is compromised by their limited linguistic skills, in particular their lack of knowledge of English.

Comment

It is necessary to take measures to teach criminal prosecution officers of the Republic of Moldova to speak English in order to better promote international coordination.

⁷⁴ Decision of the Plenum of the Supreme Court of Justice of the Republic of Moldova 'On Application of Legislative provisions in Cases of Trafficking in Human Beings and Trafficking in Children' No. 37 of 22.11.2004. Bulletin of the Supreme Court of Justice of the Republic of Moldova, 2005, No. 8, p. 4.

C. National Action Plan

The Government of the Republic of Moldova has adopted a number of normative acts in counteracting trafficking in human beings:

The Decision of the Government of the Republic of Moldova No. 1219, of 09.11.2001, **on Approval of Nominal Composition of the National Committee to Combat Trafficking in Human Beings** and the **National Plan to Prevent and Combat Trafficking in Human Beings** constitutes the first normative act of the Republic of Moldova in counteracting trafficking in human beings.⁷⁵ This Act launched the anti-trafficking strategy, determined the structure of the **National Anti-Trafficking Committee** and approved the first national anti-trafficking plan in the country. The Committee is an interdepartmental body that coordinates anti-trafficking activities.

In August 2005, the Government approved a new (the second) **National Plan to Prevent and Combat Trafficking in Human Beings**⁷⁶, developed in compliance with European standards against trafficking in human beings and by taking into account the best practices in this field. The Plan provided for the implementation of a great number of activities during the period 2005–2006.

In August 2005, the Government also approved the **Regulations of the National Anti-Trafficking Committee**⁷⁷, which determined the nominal structure, functions, and status of the Committee, the functions of the Chairman and the Secretary, the frequency of meetings etc. According to these Regulations, representatives of non-governmental and inter-governmental organizations, who actively participate in anti-trafficking activities, may participate in the meetings with a consultative vote. The latter is also evidence of the democratic reforms taking place in Moldova.

Comments

- At present, there is a normative and legal basis for counter-

⁷⁵ Official Monitor of the Republic of Moldova, 2001, No. 136-138, Art. 1274.

⁷⁶ Decision of the Government of the Republic of Moldova No. 903 from 25 August 2005 (Official Monitor of the Republic of Moldova, 2005, No. 119-122, Art. 987).

⁷⁷ Decision of the Government of the Republic of Moldova No. 775 from 01.01.2005 (Official Monitor of the Republic of Moldova, 2005, No. 107-109, Art. 865).

ing trafficking in human beings. Moldova has ratified the international conventions in this field and has adopted a special law regulating the relations between the agents involved in countering trafficking in human beings, provisions of the Criminal Code that stipulate strict punishments for traffickers, as well as normative acts of the Government ensuring the implementation of the above-mentioned legislative acts. However, there is still room for further development of the normative framework. This should be achieved by taking into account the experiences of law enforcement agents, carrying-out in-depth studies, as well as by adopting and implementing, when necessary, new approaches to overcome the problem of trafficking in human beings.

- A number of legal initiatives of the Government have been carried out with the direct participation of NGOs; this policy clearly shows that the Government increasingly recognises the role of NGOs in anti-trafficking efforts.

III. General Framework

A. Capacity building

Capacity building programmes are carried out on a permanent basis and include **training, seminars, exchange and study visits**, and **specialised methodological materials**. These programmes can be conditionally divided into three categories: those aimed at strengthening skills in the area of victims' assistance and protection, targeting police officers, prosecutors, judges, border guards, officers of diplomatic missions, child protection officers, social workers and psychologists; those aimed at strengthening knowledge and skills in the area of trafficking prevention and awareness, targeting teachers, peer educators, journalists, social staff, police officers, priests etc., and finally those aimed at strengthening skills in the area of prosecution and law enforcement.

These efforts were concluded with the inclusion of trafficking in the formal and/or recommended **training curricula** of some professional groups, such as police officers' and teachers' training courses. The programmes also included **training of trainees** (TOT) initiatives that allowed the formation of a **national group of experts**, able to further disseminate the knowledge and skills acquired.

These programmes are mainly carried out with the support and participation of intergovernmental organizations (IOM, OSCE, ILO, UNICEF) and non-governmental organizations of the Republic of Moldova.

Comments

- At present, the main groups of specialists, whose work is related to countering trafficking, have received minimum and/or standard training in this field. In addition to that, there are often changes/fluctuations/rotations in the personnel of competent/specialised agencies, generated by changes in the governmental structure, elections etc. This calls for further development of such programmes. This need is also emphasised by the rapidly changing nature of the trafficking phenomenon, the ever expanding legal framework and the large number of different institutions and actors involved.
- The standardization and institutionalization of training programmes for specialists should be further promoted.
- Capacity building programmes have developed from **awareness raising** to **professional education**, adjusting to new forms of trafficking (e.g. for the police, from general awareness to proactive investigation of trafficking cases; for social workers, from general trafficking awareness/profile and push factors to assistance to trafficked persons and referral mechanisms.) The quality of these programmes is improving, delivering deeper and more systematic knowledge.
- It is important to update the content of training programmes with the national legislation of Moldova and avoid focusing exclusively on international law and practice.
- There is a need to develop comprehensive training programmes for specialists who come into contact with potential victims of trafficking.

B. Analysis, research and monitoring mechanisms

The majority of research regarding the phenomenon of trafficking in Moldova has been carried out primarily with the support and participation of international organizations and to a lesser extent by local NGOs that possess first-hand information as a result of their field work.

These studies reveal that the situation in trafficking in human beings evolves quickly. Traffickers react promptly to anti-trafficking measures by altering their ways of recruitment, their target groups, transit routes and countries of destination, as well as the ways of manipulating their victims and methods of exploitation.

In February 2006, the National Anti-Trafficking Committee decided to establish a single **system to monitor the implementation of the National Plan** on prevention and suppression of trafficking in persons. The National Committee has approved a report model on monitoring anti-trafficking activities, set the periodical submission of reports (twice a year – on 25 July and 30 January), and appointed the persons responsible for data collection and processing.

The measures taken are meant to ensure the collection of reliable information on trafficking in persons in the country, as well as the coordinated implementation of relevant anti-trafficking programmes.

Comments

Generally, the main problem in conducting research is the lack of a uniform system of data collection and management of information. Lack of such a system is a serious obstacle in conducting permanent in-depth analyses and in registering and responding to new trends.

It is absolutely necessary to continue such studies as they deliver data to help better understand the development of the phenomenon in the country, discover tendencies and ultimately develop proposals and recommendations on anti-trafficking strategy and tactics.

It is necessary to carry out an in-depth study on the various aspects of the trafficking phenomenon in Moldova, for example trafficking for labour exploitation. This, would help develop a system of indicators, on the basis of which it would be possible to identify similar cases of trafficking and ensure access of victims to assistance.

Available information on trafficking in human beings needs to be organised in a systematic way in order to facilitate analysis, and exchange among all relevant actors. The creation of a central body responsible for collecting and systematizing information would thus be vital. This body could also be responsible for disseminating the results of studies and other

important information to all stakeholders.

Regular monitoring and evaluation of applied measures allow the development of new proposals and adjustment of plans where necessary.

C. Cooperation and networking at the regional and national levels

The main measure against trafficking in human beings was the creation of a special advisory body to the Government of the Republic of Moldova in November 2001: the **National Anti-Trafficking Committee** (hereinafter referred to as the National Committee). The National Committee was created to coordinate anti-trafficking activities in Moldova.⁷⁸

a. The structure of the National Anti-Trafficking Committee

The National Committee is headed by its Chairman – the Deputy Prime Minister of the Republic of Moldova. Besides the Chairman, the National Committee comprises of the Deputy Chairman (Deputy Minister of Internal Affairs), the Secretary, and 14 members – chairmen of various ministries, departments, and other governmental agencies. Their work focuses on preventing trafficking in human beings, providing assistance and protection to victims, as well as prosecuting those accused of trafficking in human beings. The National Committee cooperates closely with the Ministries of Justice, Health and Social Protection, Foreign Affairs and European Integration, Internal Affairs, Education, Youth and Sports, Information Development, Culture and Tourism, Border Service, National Bureau for Migration, Licensing Chamber, the President’s Office of the Republic of Moldova, the General Prosecutor’s Office, the Information and Security Service, the Mayor’s Office of Chisinau Municipality.

The structure of the National Committee is approved by the Government.⁷⁹ Apart from representatives of governmental structures, the National Committee can also include representatives of non-governmental and intergovernmental organizations,

⁷⁸ The activities of the National Committee are regulated by the Law of the Republic of Moldova *on Prevention and Suppression of Trafficking in Human Beings* No. 241-XVI 20.11.2005, as well as the Regulations *on the National Anti-Trafficking Committee* approved by the Decision of the Government of the Republic of Moldova of 01.01.2005 No. 775.

⁷⁹ Art.8 of the Law of the Republic of Moldova *on Prevention and Suppression of Trafficking in Human Beings*.

who work actively on countering trafficking in human beings. Such representatives have only the right to a deliberative vote.

The Government has not yet approved the structure of the National Committee in terms of representatives of civil society and the international community. However, representatives of certain non-governmental and intergovernmental organizations, are usually invited to the meetings of the National Committee. Some of these organizations are:

b. International NGOs

- **International Centre for the Protection and Promotion of Women's Rights 'La Strada' (Moldova)** which manages a **National Helpline** and provides counselling on the risks of illegal migration and the dangers of trafficking, as well as counselling to trafficked persons. The Centre also carries out awareness and prevention campaigns, capacity building programmes for various professional groups, undertakes research, provides legal expertise to the Government, facilitates access of trafficked persons to assistance including rescue from places of exploitation and repatriation, and runs humanitarian and vocational training programmes.
- **CTPW (Moldova)** – the only NGO that provides legal assistance to victims of trafficking and represents them in court. It has 4 branches in Balti, Ungheni, Causeni and Cahul. CPTW also carries out awareness activities and offers opportunities to victims for starting small businesses.
- **Save the Children (Moldova)** (Salvati copii Moldov) – assists in the repatriation process, provides healthcare and psychological and humanitarian assistance to children-victims of trafficking, shelter and social escort, as well as assistance in vocational training.
- **Terre des Hommes** – French non-governmental organization which carries out activities on the assistance of trafficked minors including repatriation, social escort and humanitarian aid, healthcare and education; the programmes also support vulnerable children at risk of being trafficked.
- **Winrock International** – American NGO which implements programmes on preventing domestic violence and trafficking in women by carrying out awareness activities, counselling and offering business development opportunities.

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- **Italian Consortium of Solidarity**—Italian non-governmental organization which implements programmes for victims of trafficking and for small business development.
 - **IREX** —American NGOs which runs programmes aimed at reducing vulnerability of high risk groups, mainly women, through community development.
 - **ABA-CEELI** -American NGO which carries out legal studies and provides expertise to the Government in the area of anti-trafficking.

c. Intergovernmental and other organizations

- **IOM Mission to Moldova** runs the only Shelter for trafficked persons, including minors, providing them with immediate and mid-term assistance. It also carries out capacity building programmes on law enforcement for professionals and develops and supports trafficking awareness programmes, as well as programmes on migration management.
- **OSCE Mission to Moldova** provides assistance to state bodies in developing the legal and institutional framework against trafficking in human beings. It supports the anti-trafficking efforts of NGOs, including those specialising on the protection and assistance of victims and on capacity building for law professionals. It hosts monthly meetings for all actors involved in anti-trafficking activities in Moldova with a view to coordinating their actions.
- **ILO-IPEC** (International Labour Organization–International Programme on the Elimination of Child Labour) conducts studies on child labour; supports the efforts of the government and civil society in preventing child labour and child trafficking and promoting the rehabilitation and reintegration of children-victims of trafficking.
- **ILO-Migrant** (International Labour Organization– International Migration Programme) provides assistance to the Government in developing an adequate migration policy and legislation; it takes measures for an efficient labour migration management and for the prevention of trafficking in persons. It supports programmes for the reduction of vulnerability and the development of small business opportunities for potential and actual victims of trafficking in persons.
- **United Nations Children’s Fund (UNICEF) and United Nations Development Programme (UNDP)** supports

educational programmes for children as well as child abuse prevention programmes; supports activities aimed at preventing unemployment and trafficking in children, as well as rehabilitation programmes for minors-victims of trafficking in persons.

- **US Embassy and USAID** also play an active role in the fight against trafficking in Moldova.

d. Functioning of the National Committee

The Regulations on the National Anti-Trafficking Committee⁸⁰ define the legal status of the Committee and authorise it to carry out its activities. According to the Regulations, the National Committee is a consultative body to the Government of Moldova and consequently its decisions are of a consultative nature. The decisions are taken by majority vote, with a 2/3 quorum. It has to be mentioned that article 17 of the Regulations stipulates that if the decision of the National Committee is signed by the Prime Minister it is compulsory for all public authorities and institutions. This norm has been criticised by many lawyers, and has not been applied in practice.

The National Committee aims to improve the efficiency of anti-trafficking efforts at the national level. Its main objective is to collect and analyse information on the situation of trafficking in persons in the country, as well as to develop proposals on counteracting this problem. The National Committee also monitors the implementation of the National Anti-Trafficking Plan and informs the Government and civil society institutions.

The National Committee does not have a permanent working group or secretariat to assist in its work.

Comments

- Among the deficiencies in the work of the National Committee is the lack of a permanent working group or secretariat. The duties of the Secretary of the Committee are currently performed by the **Chief Inspector of the Centre for Combating Trafficking in Human Beings**. This results in lack of coordination of activities and supervision of the enforcement of decisions.
- The exact status of the National Committee, as well as

⁸⁰ The Regulations are approved by the Decision of the Government of the Republic of Moldova No. 775 of 01.01.2005, Official Monitor of the Republic of Moldova, 2005, No. 107-109, p. 865.

that of other interdepartmental structures is not clearly defined. In practice, the decisions of the National Committee are not taken collectively, but by one person. Generally, the authority of the National Committee is determined by the high rank of its Chairman – Deputy Prime Minister of the Republic of Moldova.

- The exact structure of the National Committee –in particular the representatives of the civil society and of the international community- has not been defined yet. Moreover, there is no mechanism that would stipulate the action that local NGOs need to take in order to become members of the National Committee.
- It is not clear why non-governmental organizations–members of the National Committee have the right only to a deliberative vote in the decision-making process, since the National Committee itself is just a consultative body and its decisions are non-binding.

e. Regional coordination of activities

At the regional level, according to Article 10 of the Law of the Republic of Moldova on Prevention and Suppression of Trafficking in Human Beings, the organization and coordination of counteraction to trafficking in persons is carried out by ***regional-local commissions***. Local anti-trafficking commissions are responsible for the implementation of measures stipulated by the National Plan. They monitor the activities for preventing and suppressing trafficking in persons in their area and provide assistance to the organizations that deal with the issue.

However, in practice, the members of these commissions have only basic knowledge about the issues of trafficking and the possible ways of counteracting this phenomenon. In order to support the work of local commissions, the National Committee organises guest meetings in regional centres.

Comment

At the regional level, no attention is paid to the issue of trafficking in human beings in the Republic of Moldova. It is necessary to organise training for members of territorial commissions both on the issue of trafficking in persons and on anti-trafficking activities.

D. Mobilization of resources

Currently, the expenses necessary to implement action plans for countering trafficking in human beings are not included in the state budget. Generally speaking, anti-trafficking activities are financed through **international assistance**. State support is limited to the participation of state representatives in various anti-trafficking programmes.

The various Ministries of the Republic of Moldova, as well as the local public administration do not have the necessary resources to give grants to NGOs to implement anti-trafficking programmes.

Comment

The lack of state funding for anti-trafficking activities creates serious questions regarding the ability of NGOs to carry out their anti-trafficking activities once international assistance and support cease to exist.

IV. Implementation of Anti-Trafficking Laws

A. Prevention and awareness

Prevention of trafficking in persons is a top priority of anti-trafficking efforts in Moldova. Measures taken towards this direction can be divided into two groups:

- Awareness raising measures for trafficking in persons;
- Risk-reducing measures for socially-vulnerable groups.

a. Awareness raising

At present, it is mostly NGOs that undertake awareness raising activities, aimed at vulnerable groups and the general public. Educational activities aimed at high risk groups (schoolchildren, graduates of boarding schools, students, unemployed persons, single mothers, etc.) focus on understanding and recognising the dangers of trafficking. These activities also target mass media representatives, local public authority representatives, priests and teachers and use the training the trainers approach.

The Ministry of Education, Youth and Sports of the Republic of Moldova supports the activities of certain NGOs. The **Prevention of Trafficking in Women Methodological Guide** for high school teachers, developed in 2002 by the *International*

Centre for the Protection and Promotion of Women's Rights 'La Strada', was approved by the Ministry of Education⁸¹ and was recommended as a supplementary learning tool for the courses 'We and the Law' and 'Family Education'. Training courses for groups at risk are also taught by NGO activists and peer educators trained by NGOs. Documentaries and films on the issue of trafficking are used as a training tool.

Throughout 2001-2005, organizations like IOM, the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'* and *CPTW*, have developed **annual national awareness campaigns** including 'You Are Not a Merchandise', 'Stop Trafficking in Women', 'Lilia Forever-anti-trafficking campaign' among others. Multiple communication tools have been used including free screenings in national cinemas, educational training sessions and seminars, TV and radio talk-shows, posters, distribution of educational materials, mobile information groups of peer educators, etc. Various innovative techniques are also used and include drawing contests, essay contests, anti-trafficking discos and music caravans. These campaigns were also used to promote the Hot-Line as a source of information on trafficking and migration.

The **Moldovan National Toll Free Helpline -0800 77777-** is managed by the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'*. The helpline is a special non-stop multi-channel telephone line providing confidential advice or other assistance on various issues associated with migration and the prevention of trafficking. Calls made to the helpline are free of charge within the borders of the Republic of Moldova. This helpline is also accessible from abroad at any time (0037322) 23 33 09. In the beginning of 2006, IOM and *La Strada* supported the opening of a **Helpline in Transnistria region** on the left side of the Nistru River managed by the *Interaction NGO*.

In Moldova, a number of other NGOs, including: *Save the Children*, *International Research and Exchanges Board (IREX)* and *Winrock International*, have also undertaken trafficking **awareness and informational campaigns** in selected regions of the country. *Winrock International* has set up regional information lines and carries out empowerment training sessions for rural women. *Save the Children* has carried out campaigns

⁸¹ Resolution of the National Council for Curriculum and Assessment No. 04-12-3387 of 06.11.2002.

aimed at preventing trafficking in children. A number of (rural) NGOs are disseminating informational posters and booklets for high risk groups, publish magazines on the issue of trafficking and use their websites for publicising information on the issue.

Comments

- Generally, it can be concluded that these awareness raising efforts have achieved to a large extent their objective and the danger of trafficking is now well known in Moldova. According to a recent study⁸², 77.5% of young people aged 18-29 years and 80.6% of persons aged 30-39 years are aware of the human trafficking phenomenon and recognise that it as a very serious problem for Moldova.
- One of the most important sources of information is the mass media and particularly the television. A number of agencies screen national and international movies and documentaries on trafficking issues. However, due to the high costs, NGOs face problems in placing social advertisements in the mass media. At present, access to social advertising is problematic. It is necessary to develop state measures to support social advertising.

b. Vulnerability reduction

Vulnerability reduction work aimed at risk groups, especially girls and women from rural areas coming from 'problematic', disadvantaged and poor families is a priority. Programmes in this field should focus on providing access to vocational training and assistance in finding employment.

It should be mentioned that such programmes have started in Moldova only in the last two years. Examples of such programmes include: free access to vocational training, labour market orientation, assistance in finding employment, consultations and provision of grants for setting up small businesses, access to the general education system, technical and humanitarian aid. These programmes are mainly implemented by IOM, ILO-IPEC via its partners *International Centre for the Protection and Promotion of Women's Rights 'La Strada'*, *Centre for Busi-*

⁸² Research carried out by the Community Sociology and Gender Study Centre of Moldova on the impact of the Social Campaign 'I Care About', aimed at breaking the stigma towards trafficked persons and extending access of trafficked persons to assistance developed by the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'* during November 2005-May 2006. Report released in August 2006.

ness Consulting, Winrock International, Terre des Homes and UNDP.

The efforts of NGOs and the international community are supplemented by measures taken by the state and include *inter alia*, broadening the access of youth to free professional training and employment. The former system of free secondary professional education in Moldova has fallen into decay in the last years. Recently however, the Government has started to allocate budget resources to cover for free school meals and for providing a certain number of state funded places for professional training. However, the number of such places is still limited and these measures are obviously not adequate.

Comments

- There is a strong need for economic empowerment programmes aimed at graduates of boarding schools and orphanages since these persons are most vulnerable to trafficking.
- One of the obstacles in implementing such programmes is the lack of an adequate vocational training system in rural areas. Travelling to urban areas for the duration of a course causes various inconveniences to the participants, including additional costs; another obstacle is the lack of employment opportunities in rural areas, both in terms of limited number of jobs and low remuneration.
- It is necessary to take measures with a view of providing free access to professional training and developing the labour market in rural areas.
- In order to prevent trafficking in persons it is also necessary to fight domestic violence.

B. Protection and assistance

a. Identification of trafficking cases

At present, Moldovan victims of trafficking in persons are mainly identified by:

- The Police of foreign states, on the territory of which citizens of Moldova become victims of trafficking. In this case, victims of human trafficking are usually repatriated to the Republic of Moldova.

- The Police of the Republic of Moldova when processing the incoming information about crimes committed in the country.
- NGOs or organizations working directly with victims of trafficking or acting on information received by relatives of victims.

The study carried out by the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'* in 2005⁸³ revealed a number of problems in the field of identification of victims of trafficked persons including lack of an official definition of the notion of 'identification', of the procedure and the criteria for the identification of a victim. The study has also revealed that the system of identification of victims of trafficking is not adequately developed in Moldova. Many channels of information on possible cases of trafficking are not used effectively (border service, foreign diplomatic representative bodies of the Republic of Moldova, social service, etc.).

Comments

It is necessary:

- To elaborate a clear conception of identification of victims of trafficking based on the national legal regulations and adapted to the specific problems of Moldova;
- To develop a system for the identification of victims of trafficking based on the definition of trafficking in persons, available data on cases of human trafficking, psychological and sociological studies on the issue etc.
- To develop recommendations for the identification of victims of human trafficking for law enforcement bodies and NGOs based on national legislation.
- To further develop cooperation between police and NGOs in the area of identification of victims of trafficking because victims are often more willing to talk to representatives of NGOs.

It has to be mentioned that cooperation between state bodies and NGOs in identifying victims of human trafficking and their further referral for assistance and protection is the main

⁸³ 'Identification of Victims of Trafficking in Persons' in *Thematic issue La Strada Express*, No.2., 2006, edited by *International Centre for the Protection and Promotion of Women's Rights 'La Strada'*.

element of the **National Referral Mechanism** (NRM)⁸⁴, a new European strategy to counteract trafficking in persons. NRM helps to solve the problems of identification and assistance to victims of human trafficking, as well as to improve the whole system of counteraction of the crime in the country.

Comment

It is necessary to create a cooperation system within NRM to refer victims of trafficking to places where they will receive the necessary assistance.

b. Repatriation assistance and risks assessment

Currently, the two major bodies involved in the repatriation of trafficked persons in Moldova are the diplomatic representations of Moldova and IOM. Usually, victims do not possess identification documents so the Moldovan consulate authorities proceed with the identification of the victims and issue them with travel documents.

According to Article 19 of the Law of Moldova *on Prevention and Suppression of Trafficking in Human Beings*, the Ministry of Foreign Affairs and European Integration, in collaboration with the Ministry of Internal Affairs and the Ministry of Information Development, shall elaborate and approve the Regulations **on the repatriation procedure of victims of trafficking in human beings**. At present, this document is in its final stage of drafting.

Repatriation of victims of trafficking often presents certain problems. Victims face the same problems they had before they left, i.e. lack of permanent source of living, debts, family problems, etc. They also have to deal with additional problems, such as health problems, psychological trauma and fear of social discrimination if their past is known. If a victim testifies to the police in the country of destination, she/he also fears for reprisals from its traffickers.

The **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, supplementing the United Nations Organization Convention against Transnational Organised Crime stipulates in Article 18 (1):

⁸⁴ 'Mechanisms of referring the victims of trafficking in human beings at the national level. Uniting the forces to protect rights of victims of trafficking in persons.' Practical Manual. OSCE/BDIHR, Warsaw, 2004.

*When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.*⁸⁵

In reality, the risk of repatriation is not always assessed. Some of the victims, after being returned to Moldova, continue facing problems and start searching for new employment opportunities abroad. IOM statistics show that in 2001-2004 on average 8 % of victims (from 12% in 2001 to 4.3% in 2004) were repeatedly trafficked.⁸⁶ The representatives of official structures in countries of destination shall assess the risk of repatriation of victims of trafficking and, if necessary, search for alternatives to such repatriation.

Comment

The Republic of Moldova has the obligation to protect the interests of its citizens who have become victims of trafficking. It is, thus, necessary to sign bilateral agreements with countries of destination, providing for the obligation of these countries to assess the risk of repatriation of victims of trafficking and search for alternatives to such repatriation.

c. Shelters, healthcare, psychological and humanitarian assistance

Since 2001, a ***specialised shelter*** for victims of trafficking is carrying out its activity in the Republic of Moldova under the management of the IOM Mission to Moldova. It is situated in Chisinau, the capital of the Republic of Moldova. In 2004 UNICEF assisted in opening and equipping a separate wing for children-victims of trafficking. The shelter which is funded by the international community instead of the government, offers free immediate and mid-term rehabilitation assistance on a vol-

⁸⁵ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Organization Convention against Transnational Organised Crime, 2000. Available from : <http://www.un.org/russian/document/convents/orgcrime.pdf>

⁸⁶ Second Annual Report on Victims of Trafficking in Human Beings in SE Europe, 2005. Country Report: Republic of Moldova. IOM, Geneva, 2005, p. 24.

untary basis. Victims of trafficking receive the necessary **healthcare assistance** directly in the shelter where they are usually referred immediately after their return to Moldova. Problems in providing healthcare assistance appear when there is a need for serious intervention, such as surgery. Moldova has introduced a state health insurance system and free healthcare assistance is provided only to those who have health insurance policy.

Generally, the specialised shelter of IOM gives the beneficiaries an opportunity to remain there for up to three months which, normally, is enough to recover. However, in practice, there are cases when a victim requires a longer rehabilitation period –one year or more. Sometimes, provisional stay for a longer period is crucial for those who have no relatives, have been marginalised by their families, are single mothers or receive professional training in a location different from their place of residence. In these cases there is a problem of providing long-term assistance.

Recently there have been efforts to develop a network of services that would assist victims at their place of residence. UNDP has already helped to open three shelters in different districts of Moldova. There is a plan for the opening of five more shelters. Very often victims of trafficking need humanitarian aid, such as clothing, hygiene remedies etc. The *International Centre for the Protection and Promotion of Women's Rights 'La Strada'* (Moldova) provides such assistance.

Comment

It is necessary to establish long-term assistance shelters/services where victims of trafficking could stay and receive the necessary assistance for at least a year.

d. Access to professional education- employment and small business development-social reintegration of victims

According to international standards, victims of trafficking in human beings have the right to professional education. At present, mainly the IOM Mission in Moldova, the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'* and *CPTW* provide such assistance under agreements with the National Employment Agency of the Ministry of Economy and Trade. Victims who do not have a profession or have a profession for which there is lack of demand in the labour mar-

ket, are generally trained in hairdressing, cooking, tailoring or other professions in demand in the local labour market. Former students of Higher Educational Institutions are assisted in their reintegration and their tuition fees are covered. This programme has been implemented since 2002 by the *International Centre for the Protection and Promotion of Women's Rights 'La Strada'* Moldova with the help of the OSCE Mission in Moldova.

Victims are also assisted in finding employment through local departments of the National Employment Agency, the Ministry of Economy and Trade. This however proves difficult due to high level of unemployment and the low remuneration provided. IOM Mission in Moldova and *CPTW* offer the possibility to victims to start small businesses. Persons selected for funding are assisted in elaborating a business plan and are given small grants to buy the necessary equipment, materials etc.

The main goal of the above-mentioned activities is to ensure the social reintegration of victims and to prevent them from falling victims of trafficking in the future. Notably, social reintegration of victims of trafficking, exploited for one year or more, is a slow and difficult process. Very often their psychological state does not allow them to concentrate on a certain activity for a long period of time and work effectively. For this reason, NGOs providing assistance to victims undertake long-term monitoring of their progress and assist them in overcoming psychological problems.

Comment

It is necessary to carry out long-term monitoring of the progress of victims of trafficking in human beings in order to deter them from any potential involvement in similar situations.

e. Legal assistance

Victims of trafficking in human beings are assisted in re-issuing lost documents and are provided with legal advice on family, housing, and other issues. Assistance is provided by a specialised NGO *Centre for Prevention of Trafficking in Women (CPTW)*.

f. Access to civil legal proceedings and compensation

Victims of trafficking have the right to reparation for the damage caused to them.⁸⁷ Compensation for damages is very important for trafficking victims, as an expression of justice. Compensation may *have a restorative, as well as preventive effect, as it gives victims the opportunity to start a new life when returning to their country of origin and prevents them from falling in the hands of traffickers in human beings again.*⁸⁸

Victims of trafficking may demand compensation for moral and/or material loss by bringing a civil suit against its traffickers.⁸⁹

Comments

- *CPTW* is the only NGO rendering legal assistance to victims of trafficking in persons and representing their interests in court. The employees of this organization help the victims to obtain compensation. According to them it is practically impossible to obtain compensation for victims of trafficking in human beings. Although judicial authorities decide on the compensation to be paid to the victim, unfortunately the criminals manage to escape from their obligation by not registering any property in their names.
- It is important that victims are informed promptly about their right to compensation and that they are legally assisted in bringing a civil suit against the perpetrators of the crime.

D. Prosecution

a. Criminal prosecution and conviction of criminals

According to Article 56 of the Criminal Procedure Code of Moldova⁹⁰, there are the following criminal prosecution bodies:

- Ministry of Internal Affairs;
- Information and Security Service of the Republic of Moldova;

⁸⁷ According to part (2) of Article 23 of the Law of the Republic of Moldova *on Prevention and Suppression of Trafficking in Human Beings*.

⁸⁸ 'National Trafficking Victim Referral Mechanisms. Uniting Forces to Protect the Rights of Victims of Trafficking in Persons'. Practical Guide. OSCE/ODIHR, Warsaw, 2004, p. 97.

⁸⁹ The rules of bringing such suits are regulated by Chapter I of section VII of the Criminal Procedure Code of the Republic of Moldova.

⁹⁰ No. 122-XV.

- Customs Department;
- Centre for Combating Economic Crimes and Corruption.

Under the Ministry of Internal Affairs of the Republic of Moldova there is a special anti-trafficking sub-division, the **Centre for Combating Trafficking in Human Beings**. This is the only specialised subdivision of internal affairs bodies to combat trafficking in the CIS countries. Creation of such specialised body was decided upon the fact that trafficking in human beings increased significantly in the last years. In 2005, 344 cases of trafficking in human being were registered including 240 criminal cases under Art. 165 of the Criminal Code (Trafficking in Human Beings) and 104 criminal cases under Art. 206 (Trafficking in Children).

However, criminal prosecution officers do not always manage to gather enough evidence for a case to be heard in court. According to information from the General Prosecutor's Office, in 2005 222 criminal cases of trafficking were transferred to courts (192 under Art. 165 of the Criminal Code and 30 under Art. 206 of the Criminal Code). Moreover, the analysis of court practice shows that the majority of the above-mentioned cases were re-prosecuted on the basis of Art. 220 of the Criminal Code (Pimping). Despite the significant number of criminal cases brought to court, only 36 persons were convicted under Art. 165 of the Criminal Code and 19 persons under Art. 206 of the Criminal Code.

The Supreme Court of Justice of Moldova analysed the criminal cases of trafficking in human beings, (including illegal transfer of children out of the country and pimping), examined by courts in 2004 and the first nine months of 2005.⁹¹ This analysis revealed a number of shortcomings and violations. The data of the Supreme Court of Justice confirmed that in more than 50% of the analysed cases the actions of convicts were re-prosecuted under Art. 220 and other articles of the Criminal Code instead under Art. 165.

The following violations were identified:

- Unfounded acquittals of defendants;

⁹¹ 'Information on Generalised Court Practice in Cases of Trafficking in Human Beings, Trafficking in Children, Illegal Taking of Children Out of the Country, and Pimping'. Bulletin of the Supreme Court of the Republic of Moldova 2006, No. 5, p. 34.

- Public hearing of cases despite the need to protect the privacy of the victims;
- Acquittal of defendants based on the voluntary agreement of victims to exploitation, which under international law, does not influence the criminal and legal assessment of trafficking in human beings;
- Mistaken re-prosecution of cases with further exemption from punishment due to amnesty;
- Mistaken perception of recruitment as an attempt of crime, despite the fact that recruitment constitutes a separate crime of trafficking in human beings.
- Interrogation of victims in the presence of their relatives and/or the defendants.

In the opinion of the Supreme Court *'these violations are caused by the fact that certain judges have insufficient knowledge of the relative legislation, court practice is not sufficiently developed and the application of anti-trafficking legislation is not fully justified'*.

Comments

- It is necessary to organise training sessions for judges and prosecutors.
- It is necessary to consolidate the material base of law enforcement bodies and to develop the normative basis for the criminal prosecution of trafficking in human beings and pimping in order to clearly differentiate these crimes.
- It is also necessary to develop special legal procedures for the prosecution of traffickers and the protection of victims.

b. Protection of witnesses

The Law of the Republic of Moldova ***on State Protection of Victims, Witnesses, and Other Persons Participating in Legal Proceedings***⁹² adopts measures for the protection of life, health, property, legal rights and interests of persons participating in legal proceedings, as well as of members of their families and other close relations. Depending on the specific circumstances, the law provides for two types of measures: ordi-

⁹² No. 71458-XIII, of 28.01.1998.

nary and extraordinary. Ordinary measures include the following:

- Bodyguard, house and property guard;
- Issue of special individual protection, communication, and danger notification means;
- Temporary placement in a safe place;
- Non-disclosure of information about the person under protection.
- Extraordinary measures:
 - Change of place of work (service) or study;
 - Change of residence and provision of new accommodation (house, flat);
 - Issuance of identity card under a different name and change of appearance;
- Closed court hearings.

Comments

- In most instances, lack of means prohibits the implementation of this Law. Only in some occasions, the Ministry of Interior, in cooperation with IOM and *CPTW*, provided victims with some basic protection.
- It is necessary to develop a system of witness protection and apply the measures stipulated therein by legislation to protect witnesses.

In 2000, Moldova became a ***member of the Southeast European Cooperative Initiative (SECI)*** - a regional inter-governmental organization of 12 countries of SE Europe. This organization coordinates the actions of law enforcement bodies of states parties with a view to combating transnational crime. The main objective of the headquarters of this organization, located in Bucharest, is to ensure fast and effective exchange of information on different crimes, including trafficking in human beings. Such exchange is ensured by special communication officers – representatives of state parties, placed at the headquarters. Moreover, SECI provides assistance in releasing and repatriating victims of crimes on the territory of other states parties, in prosecuting criminals etc. In 2005, the first testimony in court given by video conference in another country was organised with the support of SECI. At that conference, a citizen of Moldova, victim of trafficking on the territory of the Former

Yugoslav Republic of Macedonia, testified by means of visual communication in that country. The support of SECI is of great value to the work of law enforcement bodies of Moldova, which often lack the necessary financial resources to combat transnational organised crime.

V. BEST PRACTICES

Best practices of the Moldovan counter-trafficking system can be found throughout this report, in the respective chapters.

VI. DEFICIENCIES

Deficiencies of the Moldovan counter-trafficking system can be found throughout this report, in the respective chapters.

VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below

RECOMMENDATIONS

In order to improve the anti-trafficking system in the country it is recommended to adopt the following measures:

1. **Capacity Building:** There is a need for well organised training programmes in order to train specialists, who come in contact with potential victims of trafficking.
2. **Research and Information Management:** It is necessary to systematise the collection of information on human trafficking, i.e. organise collection, analysis, and exchange of information among all the participants in counteraction trafficking in persons. There is a need for the establishment of a central body responsible for the collection and systematization of information, as well as for the dissemination of this information to all agents/institutions involved in the fight against trafficking. Prior to establishing the procedure of collecting, systematizing, and exchanging of information, it is necessary to determine what sort of information the participants need.
3. **Coordination of actions:**
 - The National Anti-Trafficking Committee does not have a permanent secretariat. It is also necessary to form a

special governmental sub-division (1-2 units) responsible for combating trafficking in persons.

- Representatives of civil society and intergovernmental structures are not officially approved by the Government. It is necessary to include representatives of NGOs actively working in this field in the official structure of the National Committee.
- The Republic of Moldova does not pay enough attention to the problem of trafficking in persons at a regional level. It is necessary to organise training sessions for members of regional commissions both on the issue of trafficking in persons and on its counteraction.

4. **Mobilization of Resources:** At present, activities on counteracting trafficking in persons in Moldova are financed mainly by international aid. The state should also allocate resources to support programmes and activities against trafficking.

5. **Prevention of Trafficking in Persons:**

- It is necessary to adopt measures to support public information campaigns by NGOs.
- In order to support vulnerable groups, it is necessary to take measures to ensure free access to professional training for the poorest.
- In order to combat trafficking in persons, it is necessary to fight domestic violence.

6. **Assistance and Protection of Victims of Trafficking in Persons:**

It is necessary:

- To develop a clear definition of victims of trafficking based on national legal regulations and oriented towards solving problems specific to the country.
- To develop a system for the identification of victims of crimes relating to trafficking, based on the definition of trafficking, collected data and psychological and social studies on this issue.
- To develop recommendations to law enforcement bodies and NGOs based on the national legislation for the identification of victims of trafficking in persons.

- To create a cooperation system within NRM to refer victims of trafficking to places where they will receive the necessary assistance.
- To sign bilateral agreements with countries of destination, stipulating the obligation of these countries to assess the risk of repatriation for victims of trafficking and look for alternatives to such repatriation.
- To open long-term shelters where victims could stay and receive the necessary assistance for at least one year.
- To carry out long-term monitoring of the reintegration of victims in order to offer support and prevent their involvement in similar situations.
- To develop the system of witness protection and apply the provisions stipulated by the legislation.
- To ensure that victims of trafficking are informed promptly about their right to compensation and are legally assisted in lodging civil suits against their traffickers.

7. ***Prosecution of people guilty of Trafficking of human beings:***

- It is necessary to organise training sessions for prosecutors and judges. It is necessary to consolidate the material base of law enforcement bodies.
- It is necessary to develop the normative basis of criminal prosecution for trafficking in persons and pimping in order to clearly differentiate these crimes.
- It is necessary to take measures to offer English courses to the officers of criminal prosecution bodies of the Republic of Moldova, in order to promote better communication and understanding.
- It is also necessary to develop special legal procedures for the prosecution of traffickers.

LIST OF ABBREVIATIONS

CIS	Commonwealth of Independent States
CPTW	Centre for Prevention of Trafficking in Women
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme for the Elimination of Child Labour
IREX	International Research and Exchanges Board
NRM	National Referral Mechanism
OSCE	Organization for Security and Cooperation in Europe
SECI	Southeast European Cooperative Initiative
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development