



CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION

Co-financed by the European Union

Preventing Human Trafficking: the Republic of Moldova

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CARIM-East Explanatory Note 13/32

Socio-Political Module

April, 2013



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The integration of the Republic of Moldova into international migration processes was accompanied by the development of human trafficking. Moldova, moreover, witnessed multiple forms of trafficking: for the purposes of labour exploitation, for sexual exploitation, trafficking of women and children for exploitation (for begging), and trafficking of human organs for sale.

Principal trends and the scope of trafficking

The chief shaping factor regarding trafficking in the Republic of Moldova was imposed by the difficult financial situation in the country and the deterioration of living standards. Human trafficking for forced labour, sexual or criminal exploitation developed in a situation, when the desire to go to work abroad in search of an adequate subsistence salary was hampered by the complexities of obtaining a visa. These processes exploded in number during the second half of the 1990s.

The main species of trafficking in this period was trafficking for labour exploitation. It developed in two directions: towards Western Europe (the European Union) and towards Russia. Trafficking of young women for the purpose of sexual exploitation was principally oriented towards the Balkan countries: Albania and the states that appeared upon the collapse of the Yugoslavia. The permeability of the borders between the newly emerged states, the consequences of the 1990s Yugoslav wars, the weakness in the post-Yugoslav governments, a poorly developed system of crime and trafficking prevention, the power of criminal groups and war commanders, the presence of multiple national and international military forces - all this contributed to the creation of an environment favourable to the growing demand for sexual services and, in consequence, to the flourishing of human trafficking for sexual exploitation.

Since the early 2000s, the primary significance of these directions declines due to the consolidation of new states in the Balkans and reinforced capacities for the fight against this form of modern slavery at both national and international levels. The reorientation of human trafficking towards the Middle East countries, Turkey, Russia and Western Europe takes place at this period.¹

As for the trends concerned, it should be noted that the inclusion of the Republic of Moldova into the process of international trafficking led to the complication in the forms of human trafficking and the diversification of its destinations.² A new trend appeared: the sexual abuse of children (of 3 year old and older) by relatives and foreigners who came to Moldova for this purpose. Foreign citizens use the Internet sex tourism services when searching for their victims.³

Remaining the main focus of human trafficking, at the beginning of the third millennium sexual exploitation started to assume some new guises. In addition to the international trafficking for sexual exploitation outside Moldova, the share of domestic Moldovan 'market' is increasing. This is due to the fact that internal trafficking is less dangerous for the 'dealers' because there is no need to take risks of crossing the state borders, to obtain or prepare documents, visas, or to bribe representatives of government agencies, etc.⁴ Because of this, commercial sex tourism is developing, with Turkey being the principal country, whose citizens come to Moldova in order to get sexual services for pay.

¹ Mosneaga V. The Republic of Moldova: the trafficking of 'human beings' and the measures for its prevention. In: Labour migration and the protection of the rights of 'gastarbeiters': the practice of the post-communist countries. [Мошняга В. Республика Молдова: трафик «живых существ» и меры противодействия. // Трудовая миграция и защита прав гастарбайтеров: практика посткоммунистических стран], Chisinau, 2003, p.136.

² Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

³ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf>, (accessed 9 February 2013), 2011. National Report on preventing and combating trafficking in human beings for 2011 [Raport național în domeniul prevenirii și combaterii traficului de ființe umane pentru anul 2011]. Chișinău, 2012, p.13.

⁴ Pop A. Moldova – Romania: Managing migration and combating trafficking in human beings at the EU Eastern border. Chișinău, IOM, 2007.

It is difficult to estimate the actual scope of human trafficking in Moldova. The organizers of trafficking are well aware of the criminal and immoral nature of their actions. For this reason, they are not inclined to publicize the actual scope of their activities. Most often one needs to follow expert estimates, i.e. data on the number of anti-trafficking measures.

The U.S. Department of State operates the following data on Moldova. The report for 2008 states that “no less than 1% of approximately 750,000 Moldovan labour migrants are victims of human trafficking.”⁵ The report for 2009 also noted that “according to the ILO and the National Bureau of Statistics of the Republic of Moldova, over 25 thousand people fell victims of trafficking for labour exploitation in 2008.”⁶

Indirect data on the number of people involved into human trafficking are provided by the statistics on trafficking victims who received various kinds of assistance, including that in repatriation. The International Organization for Migration, dedicated to protecting victims of trafficking, cites the following data on the number of trafficking victims in the Republic of Moldova. For the period 2000-2010, the IOM provided assistance to 2,741 victims of human trafficking. Among these: 2,623 females and 118 males. 2,498 are adults and 243 children. 2,498 people fell victims to international trafficking, and 119 fell victims to domestic trafficking (Moldova). By the type of exploitation, the victims are divided as follows: sexual exploitation - 2,274 people; human labour exploitation - 243; begging – 89; removal of organs - 9; combined type - 68 persons, and not identified - 58.⁷

One can reasonably assume that these data are incomplete. The actual numbers are likely to be higher, since an allowance should be made for the activities of governmental agencies and non-governmental organizations active in this field, which are not included into the IOM statistics.

Human trafficking prevention institutions

A working group on trafficking prevention and coordination of efforts against trafficking was organized in 1999. In 2000, a department for trafficking prevention was created within the Ministry of the Interior. In 2005, this department was disbanded, and the Centre for Human Trafficking prevention was established.

By the decision of the Government of the Republic of Moldova (№ 1136 of 26 May 2000), the National Working Group on Human Trafficking Prevention was established. In October 2001, the Group adopted the National Plan of Actions. Since 2004, the National Committee for Trafficking Prevention is in operation. It consists of 4 teams. The Committee develops national action plans for human trafficking prevention, as well as manages and coordinates government agencies in their activities in the field of human trafficking prevention. The committee’s activities repeatedly aroused criticism on behalf of international organizations (the issues of organization and efficiency).⁸ Since 2010, the work of the Committee became systematic, rapid and efficient. This is due to two reasons: the change of country's leadership attitudes to the problem, and the growth of the organizational and financial resources of the Committee. In order to strengthen the coordination and the process of evaluation of the policies related to prevention of human trafficking, the Permanent Secretariat of the National Committee for Trafficking prevention was established in the Republic of Moldova (according

⁵Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm> (accessed 9 February 2013).

⁶Trafficking in Persons Report 2009, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed 9 February 2013).

⁷Kontula A., Saaristo E. Countering trafficking in Moldova. Chişinău, IOM, 2009, p.15; Beneficiaries assisted by IOM Moldova, 2000-2010. Chişinău, 2011 (www.iom.md, accessed 10 February 2013).

⁸Trafficking in Persons Report 2006, <http://www.state.gov/j/tip/rls/tiprpt/2006/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2009, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed 9 February 2013).

to government's decree № 900 of 2 December 2011 on modifying and amending the Government's decree № 472 of 26 March 2008).⁹

Since 2007, the Republic of Moldova launched the National Reference System, which gradually spread all over the country (since 2012). Through the management of a National Reference System, the state significantly enhanced its efforts in informing the public. At the local level, trafficking prevention measures are carried out by 34 regional inter-disciplinary commissions, which include representatives of non-governmental organizations, the police and the public prosecution office, social and health workers, as well as representatives of local authorities. Since 2009, this work has become more palpable and efficient.¹⁰

Legislative and normative-regulatory framework

Back in 2001, legislation that would counteract human trafficking was absent. Therefore, at first, the offenses related to trafficking were classified on the basis of the Article 105 of the Criminal Code "Trading in Prostitution" (1998). In 2002, a new Criminal Code of the Republic of Moldova was adopted (the law № 985 of April 18, 2002), where a number of articles deals with trafficking prevention: Article № 165 (human trafficking), Article № 206 (trafficking of children); Article № 207 (illegal transport of children outside the country), Article № 208 (1) (child pornography), Article № 220 (trading in prostitution), Article № 362 (1) (evil actions); Article № 175 (1) (seduction of children for sexual purposes).

Thereafter, several national laws and regulations governing trafficking prevention have been adopted: the law № 241 of 20 October 2005 "On Human Trafficking Prevention," the law № 105 of 16 May, 2008 "On the protection of witnesses and other participants of criminal proceedings"; the law № 1518 of 6 December 2002 "On Migration"; a governmental decree on the enactment of Regulations "On the procedure of repatriation of children and adult victims of human trafficking, illegal trafficking of migrants and children, unattended by adults" № 948 of 7 August 2008; and the National plan for Human Trafficking Prevention for 2012-2013.

In addition to legislation, one should also mention a number of documents, which set out the policy of the Moldovan state which is directly relevant to this area: the Justice Reform Strategy for 2011-2016 (enacted by the law № 231 of 25 November 2011); The National Strategy for organized crime prevention for 2011-2016 (enacted by governmental decree № 480 of 25 November 2011); the National Action Plan related to Human Rights for 2011-2014 (enacted by the decision of the Parliament № 90 of 12 May 2011), etc.

In the meantime, the Republic of Moldova is also guided in trafficking prevention by the following international agreements: the Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 25 October 2007), the Convention on the Elimination of All Forms of Discrimination against Women (New York City, 18 December 1979) the UN Convention on the Rights of the Child (New York, 20 November 1989); the United Nations Convention against Transnational organized Crime (New York, 15 November 2000); the Council of Europe Convention on Action against Trafficking in Human Beings (signed on 6 May 2005, Warsaw, and ratified 30 March 2006 (the Law № 67-XVI, in force since 1 February 2008 year)), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational organized Crime (Palermo, 15 November 2000), the

⁹ National Report on preventing and combating trafficking in human beings for 2011. [Raport național în domeniul prevenirii și combaterii traficului de ființe umane pentru anul 2011]. Chișinău, 2012, p.15.

¹⁰ Ibid, p.17.

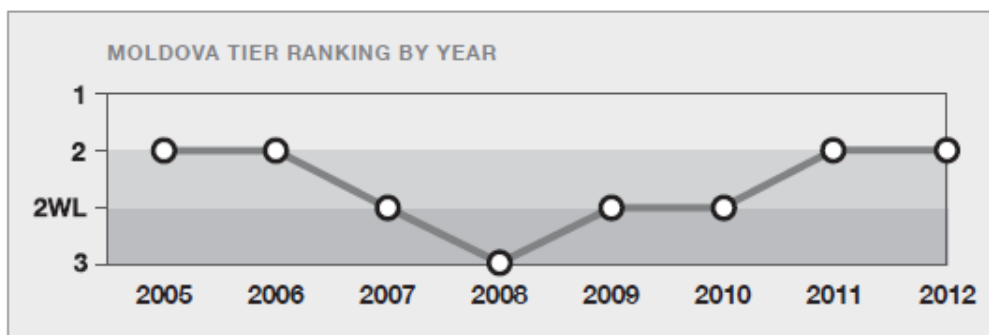
Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational organized Crime (Palermo, November 15, 2000), etc.¹¹

Moldova's anti-trafficking policies

Among the principal types of anti-trafficking activities in the Republic of Moldova, one can mention the prosecution of the organizers of trafficking; the protection of trafficking victims – trafficking prevention. Since 2012, the Republic of Moldova, while demonstrating its commitment to implement international practices and standards for human trafficking prevention, builds up its activities in this field in accordance with the international principles of **4Ps** – Prosecution, Protection, Prevention & Partnership.¹² The Republic of Moldova conducts anti-trafficking policies relying on institutional and legal frameworks and in collaboration with civil society and international organizations.

The Moldovan authorities have made and are making certain (sometimes 'significant,' according to the experts of the U.S. Department of State) efforts, but did not fully comply with the minimum standards for the elimination of trafficking.¹³ This assessment is characteristic of traditional approaches to characterizing Moldovan politics related to the prevention of human trafficking. Moldova's efforts did not always receive positive assessments on behalf of the international community, particularly the U.S. Department of State, which relies upon longstanding monitoring and comprehensive analysis of the situation with regard to human trafficking at global and national levels in its assessments. Thus, between 2000 and 2012 the Republic of Moldova was assessed as follows: level 2 (2000-2006); level 2WL (2007); level 3 (2008), level 2WL (2009-2010); and level 2 (2011-2012).

Figure 1. The dynamics of the Moldovan human trafficking prevention policies in 2000-2012 (according to the U.S. Department of State)¹⁴



The Republic of Moldova started the fight against human trafficking without any prior practical experience, trained personnel, relevant legislative and institutional mechanisms or organizational and financial capacities. In many ways, the impulse to confront trafficking was obtained from outside, that is, from other countries (the Netherlands, the USA) and international organizations (IOM). First,

¹¹ National Report on preventing and combating trafficking in human beings for 2011. [Raport național în domeniul prevenirii și combaterii traficului de ființe umane pentru anul 2011]. Chișinău, 2012, p.6.

¹² Ibid, p.13.

¹³ In this context the 'minimum standards' are understood as defined by the experts of the US Department of State of, which compiles annual reports on human trafficking to assess the efforts of nation-states to prevent human trafficking. For details, see 'The Trafficking Victims Protection Act, Division A of Public Law 106-386, <http://www.state.gov/j/tip/rls/tiprpt/2002/10653.htm> (accessed 9 April 2013).

¹⁴ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

Moldovan anti-trafficking policy was largely reactive (2000-2007). It was conditioned by the influence of external factors, the monitoring carried out by the U.S. Department of State, as well as the pressure from the IOM and non-governmental organizations («La Strada», etc.). Since 2008, the state policy has been changing its character and becoming more pro-active. This development became particularly evident in 2009-2012.

Criminal prosecution

First, criminal prosecution and punishment of the organizers of trafficking is getting systematic. Thus, in the period between 2000 and 2012, over 2,700 crimes were registered according to four articles of the Criminal Code of the Republic of Moldova dealing with human trafficking. For some of these crimes, criminal cases were initiated (exact statistics are not available).¹⁵ Table 1 shows the dynamics of criminal prosecution for human trafficking according to the Articles 165 and 206 of the Criminal Code of the Republic of Moldova.

Table 1. The dynamics of human trafficking and trafficking of children (2006-2011), Articles 165 and 206 of the Criminal Code¹⁶

Year	Crimes registered	Directed to courts	Found guilty (persons)	Convicted to prison confinement
2006	243/61	141/52	62/7	67
2007	251/47	150/26	52/7	51
2008	215/31	96/12	63/5	58
2009	185/21	102/11	64/4	43
2010	140/21	45/10	48/5	31
2011	111/24	45/14	18/2	7/1

Second, crimes related to trafficking in human beings are regarded amongst the most serious criminal offenses. They are punishable by imprisonment from 7 years, including imprisonment for life.¹⁷ In May 2009, amendments were made to the Criminal Code in connection with the harmonization of the legislation of the Republic of Moldova with that of the European Union. As follows, the terms for these criminal offenses were reduced (from 5 to 20 years).¹⁸

Third, the quality of statistical data on criminal prosecution is improving, although “concerns exist as to the objectivity of this information.”¹⁹

Fourth, one should mention also the susceptibility of the judicial system of the Republic of Moldova to corruption, which results in an increased use of conditional sentences and fines. Often, crimes related to human trafficking are described by the prosecutors as “trading in prostitution” or “forced labour.” Corrupt judges act similarly and often change the article from that on trafficking to

¹⁵ Counted by the author on the basis of the U.S. State Department annual reports for 2001-2012.

¹⁶ National Report on preventing and combating trafficking in human beings for 2011. [Raport național în domeniul prevenirii și combaterii traficului de ființe umane pentru anul 2011]. Chișinău, 2012, p.7.

¹⁷ Trafficking in Persons Report 2007, <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm> (accessed 9 February 2013).

¹⁸ Trafficking in Persons Report 2010, <http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm> (accessed 9 February 2013).

¹⁹ Trafficking in Persons Report 2009, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed 9 February 2013).

another one, the penalty for which is much less strict.²⁰ The bribing of witnesses and poor investigation are also present.²¹ The OSCE calls attention to the facts of bribes or threats to lawyers.²²

Fifth, non-governmental and international organizations and the U.S. Department of State repeatedly signalled that the number of investigations on cases of human trafficking is limited due to pressure from senior state officials involved into corruption and trafficking. They focused their attention on the fact that the Moldovan authorities consistently came out with declarations on combating human trafficking, but have not taken real actions against corrupt officials. Amongst others, the director of the Centre for Trafficking Prevention of the Ministry of the Interior of the Republic of Moldova (2006), representatives of the police and other government agencies, as well as border guards, were involved into trafficking, including providing 'protection racket' to international organizers of trafficking. The requirements to **necessary** reveal and to punish corrupt officials are central in the U.S. Department of State reports.²³ Failure to do so was one of the reasons for downgrading the Republic of Moldova in the rating of the trafficking prevention list from position № 2 to positions № 2WL (WatchList) and №3.

Sixth, training and specialized training seminars for law enforcement officers in the field of combating trafficking. Employees are trained in techniques and methods of electronic surveillance and undercover operations. Since 2003, the Police Academy of the Republic of Moldova offers courses on anti-trafficking. Coordination, exchange of experience and cooperation in combating trafficking with international organizations and special services of other states are carried out. As a result of this cooperation, new trafficking routes were disclosed (2003-2005), as well as an international criminal network (composed of a number of citizens of Italy, Norway and the Republic of Moldova) that was engaged into deceptive recruitment of teenage boys (13 to 17 years) for the purpose of sexual exploitation (prostitution and pornography). An organizer of a pornographic site of homosexual content that provided services in sex tourism to foreign citizens was identified, etc.²⁴

Protection of victims of trafficking

First, the Moldovan authorities recognized the importance of combating trafficking and protecting victims of trafficking. In 2007-2008, they started to assist those victims, who suffered from human trafficking crimes. The government provided a building to house the Centre for temporary detention and rehabilitation of repatriated victims of trafficking. In cooperation with the IOM, starting from 2009 it funds and maintains the Centre for psychological, social support and legal support. Previously,

²⁰Trafficking in Persons Report 2005, <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm> (accessed 9 February 9, 2013); Trafficking in Persons Report 2006, <http://www.state.gov/j/tip/rls/tiprpt/2006/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2007, <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm> (accessed February 9, 2013).

²¹Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm> (accessed 9 February 2013).

²² Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

²³Trafficking in Persons Report 2005, <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2006, <http://www.state.gov/j/tip/rls/tiprpt/2006/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2007, <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2009, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed February 2013); Trafficking in Persons Report 2010, <http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm> (accessed February 2013); Trafficking in Persons Report 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm> (accessed February 2013); Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed February 2013).

²⁴ Trafficking in Persons Report 2003, <http://www.state.gov/j/tip/rls/tiprpt/2003/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013); National Report on preventing and combating trafficking in human beings for 2011. p.13.

such assistance had only been provided by non-governmental and international organizations.²⁵ In 2008, the Government of the Republic of Moldova adopted the Regulations that were designed to facilitate and finance the repatriation of victims of trafficking. An increase in funding for regional centres is taking place. The local authorities are allocating increasingly more funds for the implementation of such programs.²⁶

Second, in 2002-2003, it was announced that the victims of trafficking would not be liable for crimes committed during the period of trafficking (prostitution, illegal border crossings, etc.).²⁷ However, the practice has shown that this principle was often violated, and sometimes the law enforcing agencies prosecuted victims of trafficking.²⁸ This prosecution is often justified by the need to punish the organizers of trafficking, the necessity to force cooperation in the process of investigation and references to the Criminal Code of the Republic of Moldova (2002), which stipulates that “the victims are exempt from any liability if they cooperate with the investigation.”²⁹ The process of renouncing the practice of connecting punishment to any cooperation with the investigation is proceeding in a very uneasy manner: there are signals from non-governmental organizations highlighting the prosecution of trafficking victims for crimes committed during the period of trafficking in 2011.

Third, the protection of witnesses. Practice has shown that victims are often reluctant to cooperate in a criminal investigation of cases of human trafficking due to fear of retaliation by the traffickers.³⁰ The reason is that the state is unable to provide comprehensive victim protection measures and, in fact, does not abide by the law “On the Protection of Witnesses” (1998), although it does sometimes provide external security for the victims’ homes.³¹ Since 2009, a special unit for the mental and physical protection of victims and witnesses operates within the Centre for Trafficking Prevention. A new law on witness protection was adopted in 2008.³² As a result, a number of trafficking victims who are willing to cooperate and testify in court against the organizers of trafficking is growing.³³

Fourth, compensations to the victims of human trafficking. Experience has shown that the Moldovan authorities have a great unrealized potential in this field. In June 2005, the Parliament amended the law on social protection and employment. According to these amendments, representatives of socially vulnerable groups and victims of human trafficking are eligible to receive government allowances. However, the victims of trafficking were not informed about this.³⁴ The U.S. Department of State notes that these allowances have been granted to the victims of human trafficking since 2012.³⁵

²⁵Trafficking in Persons Report 2007, <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm> (accessed 9 February 2013).

²⁶Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

²⁷Trafficking in Persons Report 2003, <http://www.state.gov/j/tip/rls/tiprpt/2003/index.htm> (accessed 9 February 2013).

²⁸ Trafficking in Persons Report 2007, <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm> (accessed 9 February 2013).

²⁹Trafficking in Persons Report 2004, <http://www.state.gov/j/tip/rls/tiprpt/2004/index.htm> (accessed 9 February 2013).

³⁰Trafficking in Persons Report 2004, <http://www.state.gov/j/tip/rls/tiprpt/2004/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2005, <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm> (accessed 9 February 2013).

³¹Trafficking in Persons Report 2005, <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2006, <http://www.state.gov/j/tip/rls/tiprpt/2006/index.htm> (accessed 9 February 2013).

³² Trafficking in Persons Report 2009, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed 9 February 2013).

³³ Trafficking in Persons Report 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

³⁴Trafficking in Persons Report 2006, <http://www.state.gov/j/tip/rls/tiprpt/2006/index.htm> (accessed 9 February 2013).

³⁵Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

Fifth, foreign nationals are sometimes also identified among the victims of trafficking. The Republic of Moldova did not provide such victims with legal alternatives in the form of a temporary residence permit in the Republic of Moldova to motivate them to cooperate in investigations with criminal justice authorities,³⁶ despite the fact that revenge awaits them at their home countries.³⁷ In 2010-2011, some positive developments could be observed: foreign victims of trafficking were provided with a legal alternative in the form of a residence permit for the required duration.³⁸ However, the amendments to the Law on Foreigners (2012) require that foreign victims of human trafficking participate in criminal prosecution and cooperate with investigation agencies as a precondition for obtaining a residence permit.³⁹

Sixth, work with specific groups of victims of human trafficking. Non-governmental organizations drew attention to the fact that the police lacked experience of working with children as a special group of victims: children were interrogated continuously for several hours a day.⁴⁰ Special regulations for the protection of child victims of trafficking were thus developed. The police began to work with children more professionally. It started to take into account the specificity of child psychology, as well as to use non-governmental organizations and child psychologists.

A similar pattern is observed with regard to the victims of human trafficking with disabilities. With the help from the IOM, 11 victims of trafficking with physical and mental disabilities were provided various kinds of services and assistance.⁴¹

Seventh, training and education are provided to employees of state structures authorized to provide aid and assistance to actual and potential victims of trafficking. For this purpose, in 2006, the government, together with the IOM, initiated a program to develop the capacity of consular services abroad to help actual and potential victims of trafficking.⁴² A similar program designed to identify actual and potential victims of human trafficking has been carried out in relation to border guards/border police. As a result of this training, in 2011-2012, the border guards identified more than 110 potential victims of human trafficking.⁴³

Human trafficking prevention

In this respect there are some positive developments. Previously (from 2000 to 2008), the government acknowledged the danger of human trafficking, but the fight against trafficking was not identified as a priority area. The government has collaborated with NGOs and international organizations, but most of the activities to inform the public about the dangers of trafficking were initiated and financed by international agencies and non-governmental organizations without the government's help.

Among the activities carried out directly by the state agencies one can mention the licensing of travel agencies by the State Migration Service. The Ministry of Labour implemented community-based training of 60 instructors, who are authorized to work with women in preventing instances of human trafficking (2003). A special TV programme dedicated to the fight against human trafficking

³⁶ Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed 9 February 2013).

³⁷ Trafficking in Persons Report 2009, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm> (accessed 9 February 2013).

³⁸ Trafficking in Persons Report 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm> (accessed 9 February 2013); Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

³⁹ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

⁴⁰ Trafficking in Persons Report 2010, <http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm> (accessed 9 February 2013).

⁴¹ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

⁴² Trafficking in Persons Report 2006, <http://www.state.gov/j/tip/rls/tiprpt/2006/index.htm> (accessed 9 February 2013).

⁴³ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

was broadcasted on a state channel. In 2005, the Ministry of the Interiors withdrew licenses from a number of travel and employment agencies known to have been involved in human trafficking.

One of the means of trafficking prevention is informational activities conducted with at-risk groups: school and university students, girls and young women, especially in rural areas. To this end, meetings are held in schools and institutions of higher education in rural areas. Seminars and workshops with opinion leaders are held: priests, doctors, teachers, and representatives of the local administration. On the whole, however, as has been pointed out by international organizations, the Government's efforts remain insufficient.

After the new government came to power (in 2009), the situation has changed for the better. The activities of the Centre for Trafficking Prevention in informing the public (interviews on radio and television, workshops in schools and universities) became much more visible. The National Committee for Trafficking Prevention is likewise more active in its coordination efforts. There is also a positive trend of working with non-governmental and international organizations: public information campaigns are carried out in close co-operation between the government agencies and civil society. The Ministry of Economy and Commerce organizes free training programmes for returned trafficking victims (jointly with IOM). The Ministry of Foreign Affairs and European Integration (MFAEI) is continuing the project of training the consular staff for working with the victims of trafficking.

One should also note the role of the MFAEI information centre in informing the public about the procedures of travelling abroad, employment and state assistance provided to its citizens abroad. At the local level campaigns are carried out to inform people of the dangers and risks of human trafficking and domestic violence within the framework of the "16 Days of Activism against gender-based violence" programme, entitled "From peace in the home to peace in the world." Meetings with the employees of the local administration are held regularly.⁴⁴

In 2011, the Ministry of Labour conducted training programmes involving 185 members of the regional commissions of the National Reference System. Work on verifying the results of their activities has been rather inconsistent: in 2010, 16 districts were tested; in 2011, none.⁴⁵ Since March 2012, Moldova has begun the application of the code of conduct for tourism businesses, with the goal of informing foreign tourists of the provisions of the Law of the Republic of Moldova against the sexual exploitation of children.⁴⁶

At the same time, experts from international and non-governmental organizations point out that there is a need to strengthen prophylactic and information activities aimed at reducing the demand for commercial sex and forced labour in the country.⁴⁷

International cooperation

On February 28, 2011 at a conference in Ljubljana, Slovenia and the Republic of Moldova signed a memorandum on consolidated cross-border measures against trafficking by forming common investigation teams and creating a new mechanism to combat human trafficking, which will help to improve trafficking prevention at regional level.⁴⁸

⁴⁴ National Report on preventing and combating trafficking in human beings for 2011, p.16.

⁴⁵ Trafficking in Persons Report 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm> (accessed 9 February 2013).

⁴⁶ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

⁴⁷ Trafficking in Persons Report 2010, <http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm>, (accessed 9 February 2013); Trafficking in Persons Report 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm>, (accessed 9 February 2013); Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

⁴⁸ National Report on preventing and combating trafficking in human beings for 2011, p.6.

In the framework of international cooperation, monitoring by the U.S. Department of State has been in effect since 2000. The USA provides a lot of help and support in training Moldovan specialists for trafficking prevention. In the period from 2001 to 2007, there have been several projects in this area executed with the help of the USA. Since 2010, the monitoring has also been carried out by the European Union: the GRETA group of experts is active here.⁴⁹

The EUBAM Mission plays a significant role in the implementation of partnership and cooperation programmes. Under its auspices two phases of international operations “Ackermann-2011” and “Interception-2011” were organized and implemented. The purpose of these operations was to develop joint activities in trafficking prevention.⁵⁰ In 2011, 14 anti-trafficking applications from international commissions were taken for execution.

The Republic of Moldova is actively cooperating with the relevant structures of many of the EU countries, Russia and the CIS. In 2011, within the framework of experience exchange, training took place with representatives of Belarus, Tajikistan and Afghanistan.

Cooperation with non-governmental organizations

The Moldovan authorities have carried out close cooperation in human trafficking prevention with international organizations (IOM, OSCE) and non-governmental organizations («La Strada», «Medicine du Monde», «Stimul», «Terre des Hommes», CNPAC, etc.), whose freedom to act is ensured by the law №241 of 21 October 2005.

To strengthen cooperation, the practice of signing agreements (“Memorandums”) with non-governmental organizations is widely used. Back in 2005, in the absence of a national reference system, agreements were signed in the field of statistics with two major non-governmental organizations that have assisted hundreds of victims of human trafficking.⁵¹ In 2008, the Ministry of the Interior signed an agreement with IOM on the unimpeded repatriation of the victims of trafficking.⁵² In 2011-2013, the Centre for Trafficking Prevention signed agreements on cooperation with the NGO “National Centre for Prevention of Child Abuse”; with the Agency for Transplantations of the Health Ministry on cooperation in the field of protection of the physical integrity of citizens and the prevention of illegal transplantation of organs, tissues and cells; with the Center of Journalist Investigations⁵³; with the international centre «La Strada»,⁵⁴ etc.

Civil society and non-governmental organizations carry out diverse and multifaceted activities in trafficking prevention and the protection of witnesses. A great work on informing the population is carried out by the international centre «La Strada»: a hotline, dispensing assistance and legal counseling and information, is in constant operation, etc.⁵⁵

With the help of international and non-governmental organizations (IOM Moldova, the international centre «La Strada», OSCE in Moldova, «Medicine du Monde», the Swiss fund «Terre des Hommes») and the U.S. Embassy in the Republic of Moldova, several national and international seminars for professionals in the field of human trafficking prevention have been organized. Training activities are also supplemented by practical guides, and methodological and didactic materials. In this

⁴⁹ Ibid, p.6.

⁵⁰ Ibid, p.14.

⁵¹ Trafficking in Persons Report 2005, <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm>(accessed 9 February 2013).

⁵² Trafficking in Persons Report 2008, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm>(access 9 February 2013).

⁵³ National Report on preventing and combating trafficking in human beings for 2011, p.15.

⁵⁴ <http://www.mai.gov.md/content/21950>

⁵⁵ http://www.lastrada.md/programe/cdr/linia_fierbinte, (accessed 9 February 2013).

regard the activities of «La Strada», which conducts advocacy and methodical work against child abuse for commercial purposes related to sex industry, are exemplary.⁵⁶

Multiple kinds of assistance to the National Committee and its permanent secretariat for trafficking prevention are provided by the IOM and OSCE.

For the third year in a row, the IOM and the “Alliance of Civilizations” jointly held the video/photo contest “PLURAL + MOLDOVA 2011” - «Migrație și Diversitate». The National Centre for preventing violence against children carries out an extensive information campaign to prevent and combat the trafficking of children - «Atingere indecentă» (indecent touching).⁵⁷

The Swiss Foundation «Terre des Hommes» is actively involved in the protection of victims of trafficking and is implementing several large and important projects in the field of human trafficking prevention. For example, in 2011, the Ministry of Labour, Social Protection and Family of the Republic of Moldova repatriated 26 Moldovan children from abroad. The repatriation of 15 children from the Russian Foundation has been carried out by the Fund on its own. This organization provided information and social-psychological assistance to 2,150 children and 800 parents.⁵⁸

A new trend is visible in the activities of non-governmental organizations, namely that of taking part in the investigation of human trafficking together with governmental agencies.⁵⁹ In general, one should note the positive nature of the relationship and cooperation between the state and civil society in the Republic of Moldova in their fight against human trafficking.

⁵⁶ http://lastrada.md/publicatii/ebook/Audierea_copiilor, (accessed 10 February 2013).

⁵⁷ <http://www.youtube.com/watch?v=2tiHYg5DTZI> (accessed 10 February 2013).

⁵⁸ National Report on preventing and combating trafficking in human beings for 2011, p. 21.

⁵⁹ Trafficking in Persons Report 2012, <http://www.state.gov/documents/organization/192587.pdf> (accessed 9 February 2013).

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