

National Committee for
Combating Trafficking in Persons

**2010 National Report
on preventing and combating trafficking in persons in Moldova**

I. Executive Summary

1. This report points out the analysis and synthesis of activities, progress and challenges made by the Government in cooperation with the concerned institutions and civil society, non-governmental and international organizations on preventing and combating trafficking in persons at the national level during the Referral period - 2010.

2. Under Article 8 of the Law no.241 of 10.20.2005 on the prevention and combating of trafficking in persons and point 18 of the Government Decision no. 472 of 03.26.2008, the National Committee for Combating Trafficking in Persons presents its annual report to the Government.

3. The structure of this report is based on a set of policy provisions and actions reinforced by laws, meant to guide and produce results with an impact on preventing human trafficking, combating TIP crimes, protect and assist victims and potential victims. The main acts are:

- Law no.241 of 10.20.2005 on the prevention and combating of TIP, which governs: 1) the assistance framework on preventing and combating TIP, on protecting and assisting victims of trafficking, 2) cooperation of local government authorities with non-governmental organizations and other representatives of civil society in preventing and combating trafficking, 3) cooperation with other countries, international organizations, and regional authorities in the field;
- Parliament Decision no. 257-XVI of 12.05. 2008 regarding the approval of the National Referral System Strategy for the protection and assistance of victims and potential victims of human trafficking and the Action Plan for the implementation of the National Referral System Strategy for the protection and assistance of victims and potential victims of TIP for 2009-2011;
- Regulation of the National Committee for Combating TIP, approved by Government Decision no. 472 of 2008;
- National Plan for Preventing and Combating TIP for the years 2010-2011, approved by Government Decision no. 835 from 09.13. 2010. Adoption and implementation of this Plan, in the spirit of continuity with the above mentioned (National Action Plan for combating TIP no. 1219 of 11.09. 2001 approved by Government and the National Plan to prevent and combat TIP 2008-2009 approved by Government Decision no. 472 of 03.26. 2008, etc.) proves the Government's continuing challenge to limit the incidence of this phenomenon and to continue expanding cooperation between governmental structures and civil society, creating opportunities to use the experience of law enforcement bodies in prevention campaigns, boosting cooperation between Moldova and international partners;

- Specific Additional Plan to the National Plan for Preventing and Combating TIP for the years 2010-2011, approved by Government Decision no. 1170 as of 12.21.2010. The Specific Plan provides for more concrete measures, with particular focus on intervention for immediate action, but with sustainable results, having as a primary goal to prove the guilt of state officials in TIP cases and to increase protection of children-victims of trafficking;

4. In the process of drafting this report the Government has focused on the actions implemented by state institutions in charge of preventing and combating TIP, non-governmental organizations focused on areas related to human rights, prevention of domestic violence, gender inequality, human trafficking, and international intergovernmental organizations in the field.

5. At the same time, the Government was open to the recommendations of the Report on human trafficking made by the U.S. State Department (2010) – fact, confirmed by increasing activities and focused efforts on sentencing and sanctioning of officials involved in TIP (this being one of the basic suggestions of the above-mentioned report). Also, this report highlights the progress and challenges in implementation of the recommendations put forward by the U.S. State Department, bringing new data and details regarding the progress on combating TIP.

6. Note that, the monitoring system of Council of Europe Convention on Action against Trafficking in Human Beings (CETS nr. 197) is composed of two levels: *the experts* – the experts group on prevention measures trafficking in human beings (GRETA) and political – the Committee of the Parties of CoE Convention on Action against Trafficking in Human Beings. From 6th December 2010, Chairman of Committee of the Parties of CoE was the Permanent Representative of Moldova to the CoE. This mandate was exercised during on 2010 year.

7. The circumstances, under which Republic of Moldova is perceived internationally as a country of origin and one with the highest rate of trafficking in women and children, prompted the Moldovan government to respond, articulating the need for innovative approaches to countering TIP, that would come to change the preconceptions distorting the realities in the country. In this context, the Government proposed to launch a national assessment of achievements and existing constraints facing the elimination of TIP, by involving the UN Special Rapporteur on TIP. An invitation to this effect has already been sent by the Foreign Ministry to the UN institutions. At the same time, this assessment will provide an opportunity to better inform the UN representative on the work of the National Committee for Combating TIP and the existence of political will for combating the phenomenon.

Preventing trafficking in persons

8. In 2010, more dynamic actions taken by the Government and the civil society, and a more pronounced cooperation and partnership between these two have been registered in terms of TIP prevention. Based on the actions reported by governmental and nongovernmental institutions, one can note an increase in the number of people informed, especially in schools and universities. In this context, it should be noted that public awareness and information on TIP

continued both in urban, and in rural areas. Also, pro-active actions continued through the National Referral System (NRS), by assisting potential victims - particularly vulnerable people who may become victims of human trafficking.

Investigation and prosecution of traffickers

9. Making a retrospective analysis of crime indicators, we find that the process of combating trafficking in Moldova has a clear recovery trend. Thus, in 2010, 140 criminal cases on TIP crimes were initiated. Compared with previous years (see Annex 1), it is confirmed that this phenomenon is decreasing, for instance the year 2007 - 245 crimes, in 2008 - 215 crimes, 2009 - 185. The same positive trend is seen in combating child trafficking: in 2006 there were 61 cases, in 2007-43, in 2008-31, in 2009-21 and in 2010-21 cases.

10. Improvements regarding the decrease in the number of TIP cases are a result of preventive actions taken by competent authorities to improve the quality of pro-active measures to combat this scourge, developing the skills of the specialists involved and the experience gained in national and international trainings.

11. In 2010, cases of child pornography on the Internet came to the front, including through the media. In order to prevent and combat child pornography and pedophilia (that are tangential to the phenomenon of child trafficking), relevant bodies (MOI / CCTIP) emphasized the need to create a special department to combat child pornography, technically endowed, and with the necessary expertise to tackle the phenomenon.

Protection and assistance of victims and potential victims of trafficking in persons

12. In the context of implementing the National Referral System Strategy (NRS) for the protection and assistance of victims and potential victims of TIP in 2010, the system was extended to five districts of the Republic of Moldova: Briceni, Basarabeasca, Drochia, Glodeni, and Orhei. An overall image of the NRS current evolution shows that the system comprises 31 administrative - territorial units, of which 28 raions, 2 municipalities, and 1 town.

13. Training of new multidisciplinary teams within the NRS has been diversified, with the introduction of new themes focused on different groups of disadvantaged beneficiaries (victims of domestic violence, people living with HIV/AIDS, children in need, etc.).

14. At the same time, the Ministry of Labor, Social Protection and Family (MLSPF) consistently worked in the following areas:

- Standards' development for the identification of victims and potential victims of trafficking;
- Piloting mechanism for monitoring the implementation of NRS strategy;
- Conducting trainings of multidisciplinary teams (MTDs) within the NRS at both the initial and

the capacity building stage.

- Assist and protect victims and potential victims of TIP within the NRS, at the Assistance and Protection Centre (APC) for victims and potential victims of TIP, and also within the assistance for reintegration of the beneficiaries into the communities they belong to, through multi-task teams.

Cooperation

15. In 2010 there was a continuation of the process of developing cooperation between relevant public institutions and the civil society. As a result, cooperation became more active, expressed in continuous capacity building programs which included training sessions, seminars, study visits and exchange of experience. These programs can be divided into three categories: programs aimed at improving skills in the field of victim assistance and protection, targeting police officers, prosecutors, judges, border guards, diplomatic officers, child protection agencies, social workers and psychologists; programs aimed at improving knowledge and skills on preventing and raising awareness about TIP, targeting teachers, educators, journalists, social workers, police officers, priests, etc., and finally, programs that aim to improve skills on incriminating TIP and law enforcement.

16. Cooperation of national institutions with law enforcement authorities from other countries is in itself an indispensable tool in dealing with transnational crime and TIP. Thus, during 2010, the national prosecution cooperated with their foreign counterparts in 5 operations.

17. Also note that on September 25, 2010, in the context of transnational cooperation, targeting also TIP, an agreement was signed between the Government of Moldova and the Federal Austrian Government on cooperation in combating crime and TIP, which represents a further step in strengthening capacities of relevant bodies of MD Government. In 2011, the Government of Moldova plans to sign new memoranda in order to strengthen relations with other countries.

18. Cooperation between public institutions and civil society resulted in joint services provided to assist and protect victims and potential victims of trafficking. Thus, it is remarkable that local governments are supporting the projects of UNDP, IOM, OSCE, etc., by co-financing them from the state budget, leading to accountability of local public administrations in the implementation of projects on human trafficking.

19. Last but not least, this report is also a confirmation of cooperation between relevant public institutions and civil society representatives in the field of anti-trafficking.

II. Preventing and combating trafficking in persons in 2010

II.1 General characteristics of the TIP phenomenon in Moldova in 2010

20. The overall picture of the trafficking phenomenon in Moldova shows that only a small number of cases of human trafficking gets officially registered and dealt with (the ratio may range, according to various estimates, from 20 to 50%). The real number of victims of human trafficking at national level cannot be estimated accurately, because a number of victims do not contact relevant bodies. However, we can operate with data on the number of people who came into contact with the national anti-trafficking system, through specialized institutions – be it during criminal investigation, or through victim assistance programs. Under these circumstances, the analysis of the victim profile and of the TIP phenomenon is based largely on interviews with victims and potential victims assisted within the NRS.

21. However, referring to the TIP victim profile, according to reports issued by the competent institutions of the Republic of Moldova, and based on research conducted by NGOs in the country, poor women from rural areas, with no education or a profession from the main target group of persons trafficked from Moldova. Poverty, unemployment, and at the same time lack of jobs on the labor market are main reasons that force young people go abroad and accept dubious offers from traffickers. Family violence is also often one of the determinants of human trafficking.

22. Studies show that 80% of TIP victims have been exposed to domestic violence, and the recruitment age of victims is expanding, including cases where children become victims of human trafficking. Also, today there is a tendency to recruit victims through the Internet, especially children.

23. Sexual exploitation was and is the main goal of trafficking in Moldova. Major foreign destination countries of TIP for sexual exploitation are Turkey and the Russian Federation, Northern Cyprus and the United Arab Emirates.

24. Also, men are still trafficked for labor exploitation, particularly in construction and agriculture, the main destination being the Russian Federation. Cases of children trafficked for begging in neighbouring countries has also been identified. Thus, the main foreign destinations for labor exploitation and organization of illegal migration are the Russian Federation, Italy, followed by France, Greece and Spain.

25. More recently, there is a slight tendency for girls and young women to be trafficked within the country, especially from rural areas to Chisinau. Men - victims of internal trafficking are exploited mainly in agriculture. At the same time, there are indications that people from neighbouring countries are trafficked for forced labor to Moldova. Finally, we should mention that the separatist Transnistria region remains a source of exploitation (of origin and transit) for TIP victims.

26. The method of victims' recruitment in 80% of cases continues to be directly approaching the victims, talking them into accepting a seemingly advantageous offer, such as the promise of a better paid job abroad. What concerns the relationship with the recruiter, most victims have been

deceived by friends or people from their circles.

27. In conclusion:

- Lack of awareness of the situation of victims by the public authorities and people and the need to be assisted those victims.
- The subjectivism and critical attitude of some social actors to the beneficiaries make the victims or the potential victims to give up the assistance and protection services;
- The anti-trafficking system is still not that perfect, as to provide secure confidentiality, thereby discouraging victims to self-identify. At the same time, low self-identification is due to changes in trafficking trends, in particular in methods of recruitment / manipulation, creating the illusion of well-being for the victims, and later a sense of guilt.
- Economic, social and educational factors are generating TIP;
- Reform of the law enforcement, as a means of redressing the existing situation of trafficking is absolutely necessary;
- TIP phenomenon albeit a decreasing trend, remains topical in Moldova.

II.2. Preventing trafficking in persons in Moldova, 2010

28. Prevention of trafficking in Moldova is characterized by a mature approach of relevant central institutions, in partnership with NGOs and international organizations. The prevention mechanism continued in 2010 through awareness and information campaigns at both central and local level. Active involvement of stakeholders in anti-trafficking prevention activities targeted potential victims - vulnerable people at risk (low income, incomplete families, victims of domestic violence, people living with HIV / AIDS, persons with disabilities), in particular young women and children, but also victims of TIP - (for sexual exploitation, labor, begging) - in order to identify, refer for assistance and to prevent the re-trafficking of victims.

29. In this context, the Moldovan government continued to extend assistance programs for potential TIP victims to reduce their vulnerability to this phenomenon, and as a result to reduce the risk of trafficking /re-trafficking. These actions are told into the geographic expansion of the NRS and skills' development of MTDs in tenaciously identifying potential TIP victims. It is worth mentioning that Moldova is a pioneer in preventing human trafficking by expanding the quality of assistance to potential victims. The facts highlighting the pioneer status in this area are thoroughly described in the chapter "Protection and assistance of victims and potential victims of TIP in 2010."

30. In order to prevent potential trafficking and re-trafficking of TIP victims, there is a Call Center (CC) operating at the government level within the Ministry of Foreign Affairs and European Integration, for which preventing trafficking through advisory and emergency

consultancy services (including also TIP cases) is a priority. 2010 registered an increasing trend in the number of calls for consultation on migration and human trafficking risks, while the number of calls regarding crisis situations remained unchanged. This shows a noticeable increase in the degree of confidence, citizens have in Government.

31. Complementary to the government services (specifically the Call Centre), informative consultations by "La Strada" Hotline were offered in order to prevent trafficking and assist people at risk in the country and abroad. In 2010, the number of national calls from persons seeking emigration advice increased, while the number of calls from people abroad in difficulty remained unchanged.

32. Also, the types of tools used in 2010 to prevent trafficking varied, depending on the context in which the target groups have found themselves in - victims and potential victims of TIP. It is well known that young people represent one of the target groups – a target vulnerable to TIP, due to low employment and affirmation opportunities in the country, being attracted by appealing employment options in other countries. In order to correctly inform about the risks that the youth may be subject to, law enforcement officials, together with representatives of civil society in the field, organized informative seminars in the universities regarding: a) the risks of TIP - lack of information, total confidence in the recruiter / trafficker, lack of personal security in the face of forced recruitment, kidnapping, etc., b) illegal migration - illegal documents, crossing the border illegally. The impact of these seminars has been very positive and dynamic. At the same time, a number of young people perceived these risks in a direct and serious way, requesting additional information regarding the state institutions responsible for combating trafficking. A considerable number of students confirmed that they would monitor the situation to prevent human trafficking victimization. On the other hand, some students denied the risks they may face in case of victimization, which shows the need to continue these seminars.

33. By the same token, there is an imminent risk of trafficking of school age youth. Thus, central and local government authorities in partnership with civil society ("La Strada", "Terre des Hommes" etc.) with the help of a team of "peer to peer" trainers organized a wide range of workshops for young people (attended by 5800 young people) from secondary schools (12 districts). The subjects addressed the issue of TIP prevention, domestic violence prevention and promoting interpersonal relationships. The feedback received from the target group shows young people's motivation to be better informed about the risks of human trafficking and illegal migration, and ways of preventing trafficking / re-trafficking. The interest towards information and consultancy highlighted a growing desire to ensure their own safety and protection. Brochures and information booklets on the TIP phenomenon were also provided by civil society during the seminars.

34. Prevention of trafficking was also addressed from the perspective of reducing the determinant causes, such as domestic violence. In this sense, a national awareness campaign on domestic violence continued throughout 2010, which took place in two stages with different levels of intensity. The campaign goal was to promote awareness and zero tolerance to domestic violence, and to eliminate existing stereotypes about all forms of violence. As a result, the identification level (including self-identification) for victims of domestic violence by calling the HOTLINE for women has increased. A total of 1464 calls have been recorded in 2010.

35. With the same purpose, the second issue of the Family Festival in Moldova was organized in 2010. The event was arranged by the Ministry of Labor, Social Protection and Family, the Ministry of Education and Local governments from 10 districts, with support from UNFPA, IOM, OSCE, UNDP and UNICEF. The festival brought together about 70,000 participants nationwide. This increased the level of public awareness about family values, zero tolerance towards domestic violence, greater involvement of men in childcare tasks and households, equal opportunities for women and men, etc.

36. During the National Campaign "16 days of activism against gender-based violence," the IOM Mission to Moldova assisted the organization of the 4th edition of the National Day of Prayer - an initiative for public awareness on migrant issues, prevention of illegal migration and TIP phenomenon, urging religious communities in the country and every believer to offer a prayer for those away from home, for their children and families left behind, and for those who have been affected by human trafficking and domestic violence. In the context of the event, special information initiatives were organized in Chisinau and Orhei, with a visible interest in the event which has already become traditional.

37. In order to encourage young people to express their views on migration and diversity through the use of film, a National Video Contest for Youth 'PLURAL + Moldova 2010 issue' was organized by IOM and UNFPA in partnership with the Ministry of Youth and Sports, within the United Nations International Year of Youth. Bringing together over 120 guests, young people from across the country, representatives of civil society and embassies, the event brought into discussion the issue of migration and its negative consequences, including trafficking.

38. Plays with themes of sexual exploitation and forced labor are also an innovative and publicly accessible tool. From November 8 to December 6, 2010, the documentary show "HOUSE OF M" was staged nationwide – it is based on true stories of violence and TIP victims in rehabilitation centers and prisons. The project was initiated and supported by the OSCE Mission to Moldova. The plays have had an impact on the general public because of the possibility to analyze and debate 'case studies' presented. The audience could directly interact with the actors and their experiences. The qualitative approach used has led to increasing public awareness about domestic violence and trafficking in persons.

39. In order to raise awareness and inform the society about the dangers and risks of human trafficking and the actual cases solved, more than 150 relevant information pieces, widely publicized among the population, have been placed on the web pages of law enforcement institutions, nongovernmental and international organizations. There have also been organized press conferences and interviews for local and international journalists. "La Strada", in cooperation with law enforcement and other institutions responsible for identifying and assisting victims, released a tool accessible to target groups' counseling via Skype, which facilitated and increased the number of counseling sessions. At the same time, in order to ensure transparency regarding the risks of trafficking, relevant central government institutions and civil society representatives increased the number of contacts with the press, which led to more extensive information on the phenomenon of TIP and its risks.

40. Note that as a prevention measure, during the last six years, with the help of UNDP Moldova a network of 10 Social Reintegration Centre (SRC) for the following categories of beneficiaries were created and funded: young people - graduates of boarding schools, mothers with newborn children at risk or in crisis, victims of domestic violence and TIP victims. Of the 10 SRCs created, three maternity centers in Drochia, Cahul and Causeni concurrently assist mothers with children at risk or in crisis, TiP victims and victims of domestic violence. During 2010, a total of 60 persons, especially young women, mothers at risk, and pregnant women were assisted with financial support from the UNDP and through local partner NGOs.

41. An innovative aspect is to assist potential victims of trafficking. Thus, the whole package of social, psychological and legal assistance and protection is made available and applied to beneficiaries that meet the social profile of victim before trafficking experience. Thus, the system directs national efforts to eliminate the vulnerability factors that eventually determine the person to accept dubious offers. Only in 2010, there were 341 beneficiaries including: victims of violence, migrants in distress, children without parental care, etc., who were assisted within the NRS and with the support of the IOM. This approach was seen as a success, as it allows for a precise identification of those at risk. On the other hand, the use of this method is limited in a country where factors like poverty, domestic violence, gender inequality, unemployment are rampant. Therefore, combining "prevention through assistance" with extensive information and awareness campaigns, and also well-structured identification actions appear to be the appropriate modus operandi.

42. Generalizing actions that took place during 2010 in terms of awareness, prevention and informing the public on the phenomenon of trafficking in Moldova, the Government, in partnership with civil society and international organizations acted both qualitatively and quantitatively. Compared with previous years, public awareness measures have been stronger in 2010. Methods and tools used have been more innovative and aimed more at involving the communities in decision making and investing them with powers to prevent human trafficking. All these prevention and awareness actions directly influenced the field of combating human trafficking, by increasing law enforcement responsiveness and apparent decrease in the number of crimes. Also, informing the public about the risks of human trafficking, led to reduction in the number of victims trafficked / re-trafficked. Assistance and protection services have been extended to several groups of vulnerable people, potentially TIP victims. However, what concerns the organizational aspect; central and local authorities are faced with certain constraints of limited financial resources allocated for this segment. Only a small part of the LPAs have developed strategic skills to raise funds for this purpose, therefore these factors are slightly stalling prevention measures in rural areas of the country.

II.3. Investigation and prosecution of traffickers in 2010

43. **161** penal cases on trafficking in persons and child trafficking have been initiated in 2010, including:

- **Trafficking in persons** (Art.165, Criminal Code) – **140 penal cases**, or 24.3% less, as compared with the same period of 2009 (185 cases);

- **Child trafficking** (Art.206, Criminal Code) - **21 penal cases**, unchanged from 2009 (21 cases);

44. At the same time, offences referred as trafficking in persons are reflected as follows:

- **illicit child smuggling** (Art.207, Criminal Code) - 13 criminal cases, or 38.1% less, as compared with the same period of 2009 (21 cases);
- **procuring** (Art.220, Criminal Code) - 133 criminal cases, or 12.5% less, as compared with the same period of 2009 (152 cases);
- **organization of illegal migration** (Art.362¹ Criminal Code) –116 criminal cases, or 15.3% less, as compared with the same period of 2009 (137 cases).

45. When doing an analysis of the phenomenon trend, one can note that 140 criminal cases on TIP had been initiated in 2010, which proves an overall trend of the TIP phenomenon diminishing. Thus, 245 such offences have been registered in 2007, 215 - in 2008, and in 185 – in 2009.

46. The same downward trend can be seen in the case of child trafficking. This is partly due to the efforts to improve the legislative framework¹ in the area of child protection (children left without parental care as a result of migration; children for adoption, etc.), but also due to the enhanced prevention efforts. Starting with 2006, the child trafficking phenomenon has known a steady decrease: 61 cases have been registered in 2006, 43 cases - in 2007, 31 cases - in 2008, 21 cases – in 2009, and 21 cases - in 2010.

47. The Government of the Republic of Moldova has been responsive to the recommendations of the US State Department TIP Report² (2010 issue), boosting activities of investigation and prosecution of high level officials involved in TIP or related offences at national level, as well as in terms of international cooperation. An increased focus of law enforcement in the identification and monitoring of TIP cases with involvement of high officials (suspected, accused or convicted for committing TIP offences, corruption or related offences for facilitating or concealing TIP infringements), represents a mature approach to combat TIP. Thus, in 2010, the fight against state officials involved in TIP offences continued, and resulted in setting up a data base, coordinated with the PGO, with names of all high officials involved in TIP offences.

48. The analysis of the judicial practice in 2010 reveals the following situation in terms of judgment of criminal cases on TIP:

¹ *Government Decision no. 290 as of 04.15.2009 regarding the approval of the Rules for the issuance of the certificate for the registration of children, whose parents/guardians (citizens of the Republic of Moldova) left the country for temporary employment abroad*

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331326>

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331326>

² US State Department TIP Report (p. 236) - <http://www.state.gov/documents/organization/143187.pdf>

Law courts examined 38 criminal cases on TIP and child trafficking against 52 accused during the Referral period, including:

- 35 TIP criminal cases with pronouncing of the judgment on 48 accused (53 cases/66 persons in 2009);
- 4 child trafficking criminal cases with pronouncing of the judgment on 5 persons (4 cases/4 persons in 2009);

At the same time, cases classed as human trafficking are reflected as follows:

- 6 criminal cases with pronouncing of the judgment on child smuggling against 9 persons (7 cases/10 persons in 2009);
- 68 criminal cases with pronouncing of the judgment on procuring against 73 persons (91 cases/108 persons in 2009);
- 46 cases with pronouncing of the judgment on organizing illegal migration against 61 persons (39 cases/51 persons in 2009);
- 1 case with pronouncing of the judgment on organizing begging against 2 defendants (3 cases/3 persons in 2009).

49. From the 197 persons that judgment was pronounced on, 32 were sentenced to imprisonment terms (Art.165 CC - 29 persons, Art.206 CC - 4 persons), 37 persons got suspended prison sentences (Art.165 CC - 11 persons, Art.206 CC - 1 person), 90 persons were fined (Art.165 CC - 3 persons, Art.206 CC - 0 persons), the case has been taken out of the roll on 28 persons, and 10 persons have been acquitted (Art.165 CC - 5 pers., Art.206 CC - 0 pers.).

50. What concerns convictions for human trafficking, there are 133 persons serving detention terms in Moldovan penitentiaries for trafficking in persons (Art.165) and for child trafficking (Art. 206), Criminal Code. From the total number, 117 detainees have been convicted pursuant to Art. 165 (48 men and 69 women), and 16 persons – pursuant to Art. 206 (10 men and 6 women).

51. For clearer arguments that come to support the positive trend of reduction of the TIP phenomenon in 2010, we'd like to mention the actions that have been directly monitored by the Government regarding the cases with high officials' involvement in TIP or related offences. The big cases (Vulpe Vasile and Bejan Ion) mentioned in the US State Department TIP Report have determined law enforcement representatives to pay greater attention to this phenomenon. Thus, in the context of monitoring all cases involving state officials (under criminal investigation, sent to court and convicted for involvement in trafficking or criminal activities (involvement, protection, corruption, delay, etc.), as a result of a task force (comprising competent institutions, such as the Ministry of Interior/CCTIP, CCECC, PGO, SIS, Ministry of Justice), a data base with all the cases involving high officials has been created. The data base will be updated and monitored by the Prosecutor General's Office at the beginning of each month. Currently, the data base includes 25 cases: 9 cases with conviction sentences (criminal and administrative), 4 cases – under investigation, 2 cases – termination of criminal investigation, 6 cases – under examination in law courts, 4 cases - acquitted.

52. The case - Vulpe Vasile, deputy chairman of the Cahul law court, deliberately and illegally determined a sentence, two thirds smaller than the minimum required punishment for the offence in the case of two women accused of TIP. Under these circumstances, judge Vulpe Vasile has illegally imposed suspended sentence, and established a probation term of one and three years respectively. In this situation, the Superior Council of Magistrates (SCM) has recently adopted a decision – as per due competence and procedure – regarding the dismissal of Vulpe Vasile from the position of judge and deputy chairman of the Cahul law court. The SCM sent the materials on the case to the Acting President of the Republic of Moldova for a final decision. On March 29, 2011, the Criminal Justice College of the SCM was set to meet in extended format for the examination of the prosecutor's appeal.

53. The second case - Bejan Ion (ex-deputy director of the CCTIP of the Ministry of Interior) – accused of protecting the trafficker Covali Alexandru („Salun”/Shalun case), sentenced to 17 years imprisonment. In 2010, it was decided to terminate the criminal investigation of the accused, as the action did not meet all the elements of the offence. However, the criminal investigation has been resumed on March 4th, 2011 after new facts on the case had been disclosed, and namely disclosures on the convict's (Covali Alexandru) electronic address³ of his blog. One of the statements posted on the blog served as a ground to resume the criminal investigation. According to his blog⁴, the convict Covali Alexandru stated that Ministry of Interior employees had requested 'unreal' sums of money from Covali Alexandru, who administered a night club. Taking into consideration the fact that the one-year term after the termination of the criminal investigation has not elapsed, it was ordered to resume the criminal investigation for verification of the convict's (Covali Alexandru) statements, and in case of acceptance, his interrogation. Investigative measures to determine all objective circumstances connected with the respective criminal investigation are currently under way. A special criminal investigation task force, made up of prosecutors from the Anti-Corruption Prosecutor's Office, criminal investigators from the General Criminal Investigation Directorate within the CCECC has been set up for this case. After all the evidence is collected, it will be assessed for relevance, conclusiveness, usefulness and truthfulness, and will be used for taking a legal decision.

54. In conclusion, we can state that important actions in fighting TIP in 2010, as per Government Decision no. 835 from September 13, 2010⁵, covered more than half of the plan for 2010-2011.

The elements that served as a basis for countering the TIP phenomenon in the Republic of Moldova are: a functional normative and legislative framework, approaching the restorative

³ *Electronic address of the detainee's (Covali Alexandru) blog – sentenced to 17 years imprisonment for committing TIP offence* www.printmail.narod2.ru

⁴ *The blog of the convict Covali Alexandru (Salun case)* - http://www.printmail.narod2.ru/victim_a_regimului_comunistna_moldavskom/

⁵ *Government Decision no. 835 as of 09.13.2010 on the approval of amendments to Government Decision no. 472 as of March 26, 2008* - <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=336088>

paradigm on the TIP phenomenon, continuous training of law enforcement in combating TIP and related crimes, as well as the results achieved⁶ upon following the State Departments' recommendations in the TIP Report. At the same time, the Government's commitment for the country's European integration has been put into actions to reform the Ministry of Interior. The goals of the reform are: to eradicate corruption within the ministry, improve professional capacities, and demilitarize the institution. The reform process also includes the implementation of the recommendations included in the Road Map on the Ministry of Interior reform, drawn up jointly with high level EU advisors working with the Ministry of Interior, as well as other foreign experts (EUBAM, Council of Europe, Norway etc). The reform is based on the following normative acts:

1) The activity program of the Moldovan Government: European Integration – freedom, democracy, wellbeing 2011-2014⁷;

2) Plan of Institutional Development of the Ministry of Interior for 2009-2011: The concept of the Ministry of Interior reform, as adopted by the Government, and the Action Plan for its implementation⁸.

The reform will be continued during the following two years, with a view to strengthening the capacities of cooperation within ministries/institutions in order to provide quality services to victims and potential victims of TIP. Thus, from a TIP perspective, the essence of the reform and improvement actions is the protection of TIP victims, through a professional approach, based on TIP cases' confidentiality.

With the MOI reform it is absolute necessary to strengthening the institutional capacity of CCTIP through internal assessment of CCTIP staff and leaders, where was identified lack of leadership in combating of human trafficking actions. And one of the solutions required are related to the improvement of investigation capacities of personnel and development the leadership capacity of CCTIP manager.

II.4. Protection and assistance of victims and potential victims of trafficking in persons in 2010

55. Assistance and protection services aimed at strengthening the inclusion capacity for TIP victims and potential victims have been provided at the country level through the National Referral System (NRS) – special framework for coordination and cooperation efforts of state institutions in strategic partnership with the civil society, to ensure the protection of human rights.

⁶ Specific additional plan to the National Plan for Combating TIP 2010-2011 - <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=337203>

⁷ The MD Government Activity Program 2011-2014 <http://www.gov.md/lib.php?l=ro&idc=445>

⁸ The plan of institutional development of the Ministry of Interior http://www.mai.md/planul_inst

56. Since its launch in 2006 and up to 2010, the NRS⁹ reports 1333 assisted beneficiaries, 423 of whom are TIP victims and 910 – potential victims. Through the NRS, and with help from international and nongovernmental organizations, the Government provided assistance to 461 beneficiaries – TIP victims and potential victims in 2010 (133 TIP victims and 328 cases of TIP prevention).¹⁰

57. The analysis of statistical data provided by the IOM Mission to Moldova proves a positive trend in addressing the TIP phenomenon in Moldova, confirmed by a reduction of the number of victims, and namely: 2006 – 295 victims; 2007 – 273 victims; 2008 – 158 victims; 2009 – 159 victims; 2010 – 139 victims.

58. The exact number of the NRS's beneficiaries, based on current data and their distribution by regions will be known, starting with March 30, 2011, upon issuance of the 2010 Report on the implementation of the NRS Strategy provisions for the protection and assistance of TIP victims and potential victims.

59. Within the NRS, in most cases, the Center for the assistance and protection of victims and potential victims of TIP (CAP)¹¹ (approved by Government Decision no. 847 as of 07.11.2008, co-financed by the state budget and the IOM Mission to Moldova), located in Chisinau, is basically the first point of contact for a victim that returned to the Republic of Moldova. The CAP provides shelter and emergency assistance to the victims and potential victims, repatriated from abroad or identified at local level.

60. Thus, 355 persons benefited from rehabilitation/crisis intervention services provided by the CAP, as follows:

- 325 beneficiaries (160 new registered cases and 165 cases of continuous assistance) benefited of psychological assistance in 2010, including 1512 private counselling sessions, 66 counselled families and 57 phone counselling sessions;
- 182 beneficiaries received medical care;
- 238 beneficiaries have been safely accommodated at the CAP;
- All 355 beneficiaries benefited of initial social assistance.

⁹ NRS. *The framework of collaboration between public authorities and the civil society in preventing and combating TIP* - http://iom.md/attachments/110_Final%20Brochure%20RO.pdf

¹⁰ According to IOM data, through the NRS and with support from international and nongovernmental organizations, in 2010, the Government assisted 890 beneficiaries – victims and potential victims of TIP (including: 139 TIP victims, among them 109 women and 30 men, 127 adults and 12 minors; 78 TIP victims' children; 341 TIP prevention cases; 36 migrants in difficulty; 219 family violence victims; 54 unattended minors; 23 children left without parental care. From the total number, 250 cases are from Transnistria.

¹¹ The Center for the Assistance and Protection of TIP Victims and Potential Victims – is a high standard rehabilitation center subordinated to the Government (Ministry of Labor, Social Protection and Family) in partnership with the IOM.

61. At the same time, they have also benefited of legal assistance within the NRS:

- initial legal assessment on 365 new cases (150 cases within the CAP and 215 relegated cases from within the NRS);
- 500 repeated legal consultations provided to 175 beneficiaries;
- 8 beneficiaries have been represented in court in criminal trials;
- 11 new cases initiated in connection with law suits and 12 earlier initiated cases - closed;
- 49 beneficiaries received legal assistance in law courts, depending on the individual inclusion plans. All of them received assistance in getting IDs.

62. The beneficiaries have been provided with social assistance and allowance for professional inclusion/rehabilitation:

38 TIP victims benefited of inclusion or professional rehabilitation. The respective allowance is a fixed non-taxable sum, amounting to 15% from the average wage in the economy for the previous year and is paid over a period of up to 9 months.

63. An ever increasing focus is placed on assisting children - victims, who benefited of the following services:¹²

- Social assessment – needs' identification and cases' relegation to the Rehabilitation/Assistance Centers for medical, social, educational services – 7 children;
- Assessment of the child's psychological condition, assessment of the risks of the child's participation in his capacity of a victim or witness in the criminal investigation – 14 children;
- Legal assistance for the victims during the criminal investigation process, including the preparation for and participation in legal proceedings – 14 children;
- Representing the child's interests for the duration of the criminal investigation and in court - 14 children;
- Primary psychological counselling for the child and his/her relatives – 14 children.

64. At the same time, the TIP victims have been assisted within the system of governmental social assistance: home care; social assistance canteens; support from community social workers; specialized services in day care centers; family services; placement in institutions for the disabled, etc.

65. One of the protection components of the TIP victims and potential victims is the repatriation. Citizens of the Republic of Moldova identified as being in difficulty abroad can benefit of repatriation to their homeland. The national repatriation procedure for children and adults – victims of trafficking in persons, illegal migration, as well as unattended children is regulated by Government Decision no. 948 as of 08.07.2008. According to it, the body responsible for the initiation of the repatriation procedure is the Ministry of Labor, Social Protection and Family

¹² With support from the International Center „La Strada”

(MLSPF). The repatriation of the adults – TIP victims, as well as of the migrants in difficulty is organized with support from the IOM, while the repatriation missions of identified children with no legal guardians on the territory of other countries are organized with the help of the IOM and/or Terre des Hommes.

66. On March 12, 2009, the Ministry of Labor, Social Protection and Family signed a tripartite collaboration agreement with the Mission of the International Organization for Migration in the Republic of Moldova and the Swiss Foundation Terre des Hommes in the Republic of Moldova, with a view to prevent and protect victims and potential TIP victims. As a result, 20 repatriation missions have been organized in 2009, a total number of 42 children being repatriated. Among them: 25 children from the Russian Federation (9 missions), 8 children from Ukraine (5 missions), 8 children from Romania (5 missions) and 1 child from Sweden. 45 adults have been repatriated in 2009 (40 TIP victims – 37 women and 3 men) and 5 migrants in difficulty (2 women and 3 men).

67. During the Referral period – 2010, 27 repatriation missions for 67 children were conducted. Among them: 33 children from the Russian Federation (10 missions), 30 children – from Ukraine (12 missions), 2 children from Romania (2 missions), 1 child from Belgium and 1 child from Italy. 70 adults have been repatriated in 2010 (55 TIP victims – 13 men and 42 women) and 15 migrants in difficulty – (8 men and 7 women), the repatriation including the identification, ID issuance, accompanying the victims, covering costs for air or land transportation to the destination point in the Republic of Moldova.

68. The expansion of the NRS in 2010 in 5 raions (Briceni, Orhei, Drochia, Basarabeasca, Glodeni) allowed the training of 124 specialists (social assistants, psychologists, police workers, family doctors, teachers, school directors, NGO representatives). The training seminars provided the beneficiaries with basic knowledge and necessary skills for working with TIP victims and potential victims (including case management by members of multidisciplinary team (MTD) from raions). At the same time, MTDs from other raions benefited of additional training. 280 specialists took part in the respective trainings. All those trainings had a considerable impact on preventing and protecting TIP victims at local level.

69. To conclude the above-mentioned, and with a view to summarize the achievements reached in 2010, the NRS's expansion in the Republic of Moldova proves a continuous development, aimed at improving the services provided to TIP victims and potential victims on the one hand, and points to difficulties on the other hand (given the fact that the NRS does not only comprise the system of state social assistance provided by the MLSPF, but also the interaction between various areas, sectors of the national economy, as well as with the civil society). A priority of the NRS strategy is to strengthen the referral process for the target group, with the goal of having priority access to high quality services and ensure transparency within MTDs in the process of assisting TIP victims and potential victims.

70. In terms of perspectives of the anti-trafficking actions, the Government, with assistance from the World Bank, is currently setting up an integrated automated system for data collection on social assistance. The system is perceived to be centered on the person, and to be providing data for each vulnerability type, including for categories of family violence, TIP (adults and children).

II.5. Cooperation and partnership

II.5.1 Cooperation with the civil society

71. Representatives of governmental competent bodies working in the area of preventing and combating TIP benefited of a number of training courses on anti-trafficking cooperation, supported by NGOs and intergovernmental missions to the Republic of Moldova.

72. With support from the OSCE Mission to Moldova, the National Justice Institute, UNODC, and the Center of Legal Career Women there have been organized:

- 12 training seminars for prosecutors, policemen and employees of social assistance centers on TIP offences and the identification of TIP victims;
- 6 seminars for mixed professional groups (teaching staff, LPAs, law enforcement representatives) on the prevention and identification of cases of commercial sexual exploitation of children, including child trafficking. A total of 139 specialists from 6 raions from the Republic of Moldova took part in the seminars.
- Training sessions aimed at strengthening law enforcement representatives' capacities in hearing of children - victims of TIP, sexual exploitation. 162 specialists (inspectors for minors) learned about modern practices and national and international legislative regulations for hearing children – victims or witnesses.
- A training seminar titled 'Techniques of proactive investigation of TIP cases: national and international practice' for police officers has been organized between November 8 – 12, 2010 and November 29 – December 3, 2010. The course strengthened the capacities in using best ways and basic techniques in pro-active investigations and victims' identification. The participants also explored techniques of witnesses' and victims' hearing;
- In order to strengthen the prosecutors' and judges' capacities in the investigation and prosecution of TIP cases, the prosecutors acted as trainers within the seminar „Trafficking in persons as an offence and the victims' rights”, organized by the National Justice Institute, UNODC, and the OSCE Mission to Moldova.
- A conference on „Best practices and challenges in combating labor trafficking” was organized August 24 - 25, 2010 with the participation of law enforcement representatives from Ashgabat, Turkmenistan.

73. With support from the International Center „La Strada”:

- Law enforcement representatives (inspectors for minors, criminal investigators and prosecutors) took part in 18 working sessions focused on suspicious cases of child trafficking and other forms of commercial sexual exploitation of children, aiming at

establishing ways of collaboration on the respective cases. The sessions were organized in 10 raions of the Republic of Moldova, with the participation of about 54 specialists;

- There has been organized a study visit for law enforcement and NGO representatives involved in combating TIP to the International Center „La Strada”, Italy;
- A study visit and training in Lithuania focused on child hearing techniques, approaches in an investigative hearing as part of the criminal investigation, elements of an efficient investigative interview, by respecting the child's interests;
- Collaboration with the MLSPF and IOM to improve the normative framework of the NRS Strategy's implementation. Thus, the curriculum for continuous training in preventing and combating TIP for social assistants was drawn up and approved, as ordered by the Minister of Labor, Social Protection and Family. The methodology for monitoring the NRS has been improved by introducing an amended form. The Ministry has been assisted in working out the Rules for multi-task teams. The International Center „La Strada” has also contributed to the UN Campaign ”16 days – stop violence against women” by releasing the anti-violence spot;
- In the context of the prevailing role of the Church in decision-taking (as a result of confessions and sermons), the International Center „La Strada”, in partnership with the UNFPA, organized 2 seminars (6 hours each) for 25 priests from 4 raions from the Republic of Moldova. Among the topics discussed: prevention of family violence and trafficking in persons.

74. An overall picture of the training and capacities' strengthening activities in 2010 for the players involved in TIP prevention and combating through the project “Protection and empowering of victims and potential victims of TIP and family violence in Moldova”, financed by the Japanese Government through the U.N. Trust Fund for Human Security, *implemented by the UNDP, UNFPA, OSCE, IOM*, can be summarized as follows:

- 31 target communities have been identified and mobilized to organize the process of strategic planning, including the TIP prevention and combating component. This was due to continuous training with anti-trafficking players.
- 465 anti-trafficking players from 31 target communities (LPA representatives) have been trained in the area of TIP prevention and family violence issues. Main aspects touched upon included: strategic planning, attracting funds, mobilizing resources for countering TIP, and providing assistance from own budgets and protection to TIP victims.

75. At the same time, the MLSPF organized a number of activities aimed at ensuring an efficient implementation of the National Referral System Strategy for the protection and assistance of TIP victims and potential victims, in collaboration with the following NGOs:

76. NGO „Gender - Centru” - capacities of national specialists in the area of protection and assistance of TIP victims and potential victims have been strengthened. Continuous training seminars for members of the multi-task teams on the „Protection and assistance of victims of TIP and family violence within the National Referral System of the Republic of Moldova” have been

organized. There has also been monitored the activity of community MTDs from Vulcanesti, Rezina and Soldanesti that implement the Program „Protection and rehabilitation of the victims of trafficking in persons and family violence”. This Program is supported by the UNDP, UNFPA, the IOM Mission to Moldova, and the OSCE Mission to Moldova.

77. NGO "ARTEMIDA" from Drochia – has proved to be one of the most active players of the NRS and provided assistance to TIP victims and potential victims through the Maternal Center „Ariadna”, with support from the USAID and the UNDP Project „Better opportunities for youth and women”. At the same time, the NGO „ARTEMIDA” contributed to drawing up the normative framework for services provided for aggressors' rehabilitation: the draft regulation for the Regional Assistance and Counseling Center for men (family aggressors).

78. Swiss Foundation „Terre des Hommes” – 28 workshops organized for mayoralities from Soroca and Ungheni raions, as well as from Chisinau. The participants have been trained on the child protection system at local level and the role of local council members in the protection of children' rights, and on basic elements of case management of the children-victims or facing the risk of abuse, neglect, exploitation or trafficking – 174 local council members.

79. Other active players within the NRS are: 1) *Maternal Center „Pro Familia” (Causeni)* provides temporary shelter and counseling services (psychological, social, and legal) to couples mother-child, victims of family violence and TIP. 2) *Center of Social Inclusion for TIP victims* that provides assistance to the TIP victims from the Transnistrian region. Both centers are managed by the NGO „Psychologists' Association „Tighina” in partnership with the Raion Council Causeni and opened with financial support from the USAID and the UNDP Project „Better opportunities for youth and women”; 3) *Center for Family Crisis “SOTIS” (Balti)* provides assistance (psychological, legal, social and medical) to family violence and TIP victims; 3) *The National Center for the Prevention of Child Abuse* – provides counseling to abused children - victims; 4) *Maternal Center from Cahul*, also opened with financial support from the USAID, and the UNDP/OBTF project – provides temporary shelter and psychological, social and legal counseling to couples mother-child-victims of family violence and TIP.

80. The cooperation between competent institutions with civil society organizations is noteworthy at the local level as well, where, through projects supported by the UNDP one can note a better cooperation and strengthening of accountability of the authorities, which constitutes a guarantee of these projects' sustainability. Thus, among the 10 opened centers, there are 3 maternal centers in Drochia, Cahul and Causeni raions, assisting mothers and children at risk or in crisis situations, TIP and family violence victims. There is also an Assistance and Social Inclusion Center for TIP victims from the Transnistrian region, located in Causeni. 8 out of the 10 social inclusion centers are co-financed from either the local, or the state budget.

81. Another aspect of cooperation between state institutions with civil society is expressed in study visits of foreign delegations to the Republic of Moldova. The visits' goal is to learn good

practices from the Republic of Moldova in preventing and combating trafficking in persons. Thus, in 2010, there have been organized 3 study visits of delegations from Afghanistan, Belorussia and Tajikistan, represented by both governmental and non-governmental structures.

82. Another good example is the CAP - center institutionalized starting with 2008, by Government Decision no. 847 as of 07.11.2008 regarding the opening of the public institution. The center is currently co-financed from the state budget.

83. The Government's cooperation through competent bodies with independent investigative centers – “Ziarul de Garda” newspaper being a relevant example - represents a model of cooperation that is necessary for the Republic of Moldova, due to the reports, information, and objective investigations on TIP cases. These centers' activity is, on the one hand, an information and public awareness-raising tool, and on the other hand, an equidistant tool for mutual cooperation between mass-media and relevant competent institutions in the field.

II.5. 2 Partnerships and international cooperation

84. What concerns international collaboration, the MLSPF, being the body responsible for initiating the repatriation procedure for adults and children identified abroad, cooperates with governmental and interstate structures from other countries for the duration of the identification and preparation of the repatriation (according to the Regulation regarding the procedure of repatriation of adults and children – victims of trafficking in persons, illegal trafficking of migrants, as well as of the unattended children approved through Government Decision no. 948 as of 08.07.2008).

85. The Draft Agreement between the Government of the Republic of Moldova and the Russian Federal Government on cooperation in repatriation of the victims of trafficking in persons, child trafficking, illegal migration, as well as trafficking of unattended children has been approved through Government Decision no. 926 as of 12.31.2009. It has been afterwards sent to the counterparts from the Russian Federation for comments. A third round of negotiations will take place in the first half of 2011.

86. At the same time, representatives from the MLSPF, IOM and „Terre des Hommes” Foundation took part in two meetings organized in Kiev in May and June, 2010, together with representatives from the Ukrainian Ministry of Family, Youth and Sports, OSCE Mission and NGO „Veritas” from Odessa. The goal of the meetings was to launch negotiations with competent authorities from Ukraine and draw up and approve a bilateral agreement between the Moldovan and Ukrainian Governments regarding cooperation in assisting and repatriating victims of TIP, child trafficking, illegal migration, and trafficking of unattended children and migrants in difficulty.

87. Moreover, other two meetings of competent Moldovan and Ukrainian authorities (central and local from Odessa) have been organized in Odessa in October and December 2010 to discuss

about the responsibilities and future steps in working out the bilateral agreement. It has been decided to form working groups at national and regional level. The groups are to meet in working sessions and draw up a draft project, taking into consideration the specifics of the problem, the international normative framework, and the legislation in force from both countries, as well as the experience in solving identification cases.

88. On February 28, 2011, at the Conference in Ljubljana, Republic of Moldova became co-signatory of the Memorandum of understanding on strengthening anti-trafficking efforts in South-Eastern Europe. The Memorandum provides for strengthening trans-border anti-trafficking efforts as a result of setting up Joint Investigation Teams and creating a new mechanism for investigating TIP cases, which will improve the anti-trafficking efforts at regional level. At the same time, the Memorandum is an expression of the political will. The memorandum will facilitate the investigation of Moldovan high ranking officials involved in trafficking in persons (especially those with double citizenship), as well as will reinforce regional and international tools of bilateral and multilateral cooperation, by harmonizing the national legislation with EU standards, by implementing best practices and exchange experience in anti-trafficking strategies, and by making joint efforts in combating and eradicating the TIP phenomenon.

89. The Moldovan Government, through competent bodies and *in partnership with the IOM Mission to the Republic of Moldova*, hosted and assisted representatives of other governments, who came to Moldova to exchange experience and good practices in combating TIP, to share knowledge and expertise. The most important international visits are as follows:

- February 16 – 19, 2010 – study visit of Russian law enforcement. The Russian delegation has a bilateral cooperation with the Moldovan counterparts in combating trafficking in persons;
- May 13, 2010 – exchange visit for social and psychological assistants from Tashkent, Uzbekistan. CAP and MLSPF representatives shared information and experience in the area of TIP victims' and potential victims' protection;
- August 1 – 7, 2010 – exchange visit of a delegation from Afghanistan to Moldova with a view to learn best practices in assisting, protecting and providing shelters to victims and potential victims of TIP;
- October 4 – 7, 2010 - exchange of experience within the visit of law enforcement representatives from Tajikistan to the Republic of Moldova. The visit was hosted by the IOM Mission to Moldova, in partnership with the CCTIP and MLSPF;
- October 5 – 6, 2010 – regional workshop “Protection and assistance of men – victims of TIP” in Kiev, Ukraine. Representatives of Moldovan authorities and civil society shared experience and good practices with their Ukrainian counterparts;
- October 26-27, 2010 – International Conference in combating trafficking in persons in Belorussia, Minsk. Participants included representatives from the CCTIP and the Secretariat of the National Committee for combating trafficking in persons.

90. What regards the intensification and deepening of internal legal assistance in matters of criminal investigation of TIP offences and the implementation of internal policies on cooperation and coordination of authorities investigating TIP cases, 5 international task forces on combating TIP and similar offences have been organized in 2010, with active collaboration with law enforcement representatives from Slovenia and Ukraine, through SECI/GUAM and CIS member-states, as follows:

1) The joint operation of Moldovan and Ukrainian law enforcement. This operation was conducted in cooperation with law enforcement representatives and counterparts from Odessa, Ukraine (where a network of organized illegal migration has been unveiled). Members of the network were both Ukrainian and Moldovan citizens. The network organized the illegal access and stay of the victims in Italy, by transiting Ukraine and Poland. A criminal investigation has been initiated on the case, pursuant to Art. 362/1 Criminal Code (organization of illegal migration).

2) The joint mission of Moldovan and Slovenian law enforcement. As a result of the meeting of the joint Moldovan-Slovenian working group (which goal was to uncover through joint efforts trans-border networks organizing illegal migration of Moldovan citizens to the Schengen area, with transit through Slovenia) 2 criminal networks have been annihilated in 2010. CCTIP initiated 6 criminal investigations on the case, pursuant to Art. 207 Criminal Code (illegal trafficking of children), Art.362 CC (illegal crossing of the state border), and Art.362/1 CC (organization of illegal migration).

3) „TYRA” operation. This operation was conducted under the aegis of the EUBAM Mission, with dislocation of the leading group at the Mission headquarters in Odessa, Ukraine in two stages. Moldovan and Ukrainian law enforcement representatives took part in the operation. In the context of a larger collaboration and to ensure a successful operation, law enforcement from Romania, Poland, Lithuania, „Europol” and the „Frontex” Service has also been involved. The goal of the operation was information exchange between law enforcement from participating states, and joint investigation of specialized criminal groups. The course of action in the joint working plan was: investigation and prosecution of organization of Moldovan citizens' illegal migration to the Schengen states, by transiting Ukraine, with fake or illegally obtained visas; trafficking in persons for sexual exploitation or other offences. As a result, 21 cases of organized illegal migration, including 2 TIP cases have been identified; 4 criminal groups specialized in organizing illegal migration and TIP have been investigated. 165 persons suspected of committing this type of offences have been identified.

4) „PEREHVAT” (Interception) Operation. A joint operation of GUAM member states was conducted in Moldova in 2010 in the context of combating TIP and illegal migration. The operation aimed at unfolding activities of prevention and detection of TIP, illegal migration, procuring, ID forgery, illegal border crossing, and other related offences, as well as minor offences, such as prostitution, production, sale, distribution or promotion of pornographic

materials, breaching of residence rules of the Republic of Moldova, infringement of employment rules for foreign citizens and the stateless, etc. As a result, more victims trafficked in previous years have been identified, and investigators initiated criminal investigation on 6 TIP cases (Art.165 Criminal Code), 3 – on child trafficking (Art.206 Criminal Code), 1 – on illegal child smuggling (Art.207 Criminal Code), 7 – on procuring (Art.220 Criminal Code), 46 – on illegal crossing of the state border (Art.362 Criminal Code), 8 – on organization of illegal migration (Art.362/1 Criminal Code).

5) „*NELEGAL*” (*Illegal*) *Operation*. In conformity with the Action Plan of specific preventive measures to combat criminal activities in the area of illegal migration, December 1-30, 2010, the international operation „*NELEGAL*” has been conducted in Moldova. Concurrently, the operation has been conducted in CIS member-states. The operation's goal was to counter activities related to illegal migration, as well as tracking down and investigating TIP related offences. As a result, there have been initiated 7 TIP cases, 2 child trafficking cases, and 10 cases on organizing illegal migration.

91. Additionally, the Moldovan Government provided support to the Police Department of the Lithuanian Ministry of Interior in verifying information and obtaining additional data on a group of Lithuanian and Moldovan citizens, specialized in recruiting females for prostitution in Western countries. In 2010, specialized partner services from Romania, Ukraine and other CIS countries exchanged intelligence on trafficking in persons and illegal migration.

92. The insufficient use of the international legal assistance mechanism tells on the counter-TIP results – only the most insignificant traffickers (instigators and abettors), the recruiters, the hosts or the ones who transfer the victims bear criminal liability. At the same time, because of the passiveness of international collaboration between competent bodies, the actual exploiters of the victims (authors) are rarely convicted, and almost never – those persons (organizers) who, although not directly involved in exploiting the victim, lead TIP criminal activity and get the main profits out of it.

93. Under these circumstances, TIP, as a flagrant breach of the fundamental human rights, registers an extensive increase at international level, with deep social and economic repercussions. Due to the extensive mobility and intensity of persons' and goods' circulation abroad, TIP infringements imply the internationalization of the criminal network. In such a way, besides being a problem at national level, TIP is also an international problem that hits directly the regional or even global security.

94. As a result, competent institutions are urgently getting involved in drawing up strategies and coherent policies regarding Trans-Border Cooperation in Combating Trafficking in Persons, illegal migration and drug smuggling. Based on these, national law enforcement and law courts will jointly and consistently implement the normative framework regarding international legal assistance in criminal matters; will work with their counterparts from other states, on territory of

which infraction activity takes place. They will also cooperate with international structures, such as Interpol, Europol, and SECI in preventing and combating transnational crimes (trafficking of persons, child trafficking, smuggling of narcotic drugs, psychotropic substances and analog drugs, smuggling and illegal migration).

III. Conclusions

95. Extensive awareness and information campaigns on the risks of human trafficking, based on the consequences of TIP, ways of preventing TIP, illegal migration risks, etc. have been conducted in Moldova in 2010. However, prevention activities are mainly concentrated in district centers, leading to lower message intensity in communities where the number of vulnerable people exposed to trafficking risks is higher. In this respect, messages need to reach the most vulnerable target groups and those who are mostly exposed to the risk of trafficking. This requires a continuous flow of information from the central to local level and vice versa. Communication and interaction must take place both vertically, and horizontally. The tools used for informing and awareness' raising should be diverse, so that the message could reach directly TIP target groups. It is also necessary to diversify target groups based on the TIP profile, where children with disabilities, children in boarding schools, persons infected with TBC, HIV / AIDS can become a source of both internal and external recruitment for victimization.

96. In the context of combating trafficking in Moldova, this report illustrates the evolution of the phenomenon over the years (apparent from the data provided by relevant institutions). Data show that the trafficking phenomenon shows a downward trend. However, further strengthening of efforts is needed to ensure the ability of authorities, with responsibilities in preventing and combating trafficking, to address situations when people in high offices are involved in TIP cases. In terms of a legal framework, this implies the initiation of a series of actions designed to strengthen and streamline the criminal prosecution system / Referral / cooperation / communication / inter-departmental and inter-agency among law enforcement bodies. The purpose of these actions is to further ensure the elimination of cases, where state officials are involved in crimes directly or tangentially related to TIP.

97. The system of protection and assistance of victims of human trafficking continues to strengthen, expand and develop, and as a result the basis of an automated information system on social assistance has been set up (which both victims and potential victims of trafficking will be part of). Similarly, NRS - through tools and services provided to protect and assist TIP victims - requires a continuous improvement of the victims' referral process from local to central level.

98. The MLSPF faced some difficulties in implementing the NRS strategy. First, this is because the action of the strategy involves not only the state welfare system, which is the responsibility of the MLSPF, but also the interaction between different areas, sectors of the national economy, as well as the activity of the civil society and international structures. The MLSPF has no experience in solving such tasks. During the reporting period, there were delays in implementing some aspects of the NRS strategy related to the development of the legal framework, issues related to gathering and sharing information on cases of trafficking were not resolved, and as an outcome - there are deficiencies in the operating system that coordinates activities.

99. Challenges. In the process of anti-trafficking activities' implementation, the following issues have been identified:

A). On the investigation and prosecution of trafficking cases:

- The hidden nature of these crimes persists and not all TIP cases are detected;
- Pro-active actions are often limited and insufficient to combat TIP;
- Low trust of TIP victims in law enforcement, due to lack of empathy towards the victim;
- Most often, decisions indicating the name and location of victims of human trafficking are made public, which leads to pressure / dual condemnation of victims in the community;
- Society's perception of law enforcement being corrupt persists in cases of trafficking;
- Often, in cases of trafficking, attention is not directed towards victims of trafficking, but the focus is entirely on the offender, thereby omitting the needs and status of the victims;
- Delays and non-completeness of international legal assistance in criminal matters in relation to some of the countries of destination;
- Transnistrian region remains uncontrolled, which creates obstacles in carrying out criminal actions on that territory, conducting criminal procedural measures with witnesses and victims of human trafficking and controlling the entry and exit from the country on this segment of the border;
- Inconsistency of the national legislation with the international one: actions of benefiting from trafficking victim's services are not considered criminal.

B). The NRS operation support (resources, normative basis, and management):

- Cases where NRS teams:
 - Are not sufficiently trained to carry out professional assistance;
 - Are not endowed with all the necessary equipment and office supplies;
 - MTD coordinators are overburdened with many other activities within the division;
- The need for a well-defined mechanism of cases at local level (community - district);
- In some cases, at the district level, LPA does not understand the core of the TIP problem and does not pay the necessary attention and support to the MTDs.

C). On the victims' access to assistance and protection needed:

- Fear to request protection or participate in solving the cases, lack of confidence;
- Lack of financial resources for long-term service delivery, specifically to categories at risk;
- At the local and district level, there is lack of specialized psychological services (individual, group and family counselling, support groups), psychotherapy, etc.
- There are very few jobs that might employ victims of trafficking. Not everyone accepts the job proposed by the state.

D). Concerning assistance to potential victims of trafficking:

- Lack of services for victims of domestic violence;
- Lack of alternative services at district level;
- The risk of addiction to services provided to beneficiaries by the state.

100. **Recommendations.** In the context of the above-mentioned, a number of measures or directions of activity are required:

1. The investigation and prosecution of trafficking cases, including:

- Strengthening effective administrative and management activities in prosecuting trafficking cases, especially within the CCTIP;
- Internal assessment of the CCTIP staff and leaders;
- Continue efforts to combat corruption and monitor legal structures at various stages;
- Monitor the income statements of law enforcement officials (ex. CCTIP) and former heads of institutions, regardless of their activity in other institutions / departments or retirement;
- Improve the investigative process (collecting evidence) in cases of TIP for labor exploitation purposes;
- Further strengthen law enforcement cooperation with public institutions and NGOs, active in assisting victims and potential victims of trafficking;
- A further increase of pro-active measures to detect trafficking crimes;
- A review of interaction mechanisms in the field of international legal assistance in criminal matters to exclude formality that slows down information and data exchange;
- Revise the amount of funds distributed to institutions responsible for combating trafficking, specifically to the international cooperation departments (translations, information exchanges, travels etc.);
- Strengthen common border management cooperation with competent authorities from Ukraine;
- Monitor and track progress regarding the persons wanted internationally.

2. NRS operational support (resources, regulatory framework, management, etc.), including:

- Experts' accountability, training and monitoring performance according to job descriptions and legislation;
- Provide MTDs with equipment to ensure appropriate conditions to perform duties, in line with the standards in the field;
- Develop a referral mechanism for local cases in order to coordinate effective services;
- Improve the screening procedure of (potential) TIP victims within case management;
- Active involvement of law enforcement in applying the mechanisms of protection of witnesses and their families;
- Ensure the functioning and financing of state witness protection programs for victims of trafficking;
- Capacity building at territorial institutions in charge of identifying victims of all forms of trafficking;
- Continuous allocation of resources for services provided to TIP victims;

- Identify victims among deported persons upon their arrival, with the participation of specialized agencies;

3. Providing trafficking victims with access to assistance and protection, including:

- Establish social apartments or sign agreements with various state institutions in order to provide housing to NRS beneficiaries, if necessary;
- Encourage specialized NGOs to develop psychological counselling services at local / regional level (individual, group and family counselling and also support groups);

4. Assisting potential victims of trafficking, including:

- Develop services targeting subjects of domestic violence;
- Develop mechanisms that would encourage beneficiaries' responsiveness and their active involvement in the rehabilitation / reintegration process, in order to avoid dependence on the services provided;
- Facilitate TIP victims' access to appropriate compensation - through the establishment of a fund consisting of assets seized from traffickers, as well as donations.

101. The implementation of the NRS strategy requires political will and understanding of the importance of human rights issues by all organizations participating in the NRS; strengthening the mechanisms; systemic, cross sector approach, and cooperation of governmental and civil society organizations.

102. Analysis of cases relating to criminal offenses under Article 165 of the Criminal Code - trafficking in persons, art 206 - trafficking in children, art 207 – illegal child smuggling, art 220 - procuring, and art 362 / 1 - organizing illegal migration, highlighted the fragmented nature and mode of interpretation and application of those laws in criminal court cases. In this context, in some cases, as a result of changing statements by the victim, or incorrect assessment of evidence, the facts no longer fall under the art. 165, but under art. 220 of the Criminal Code. Thus, it is imperative that relevant institutions ensure victims' protection and support as a priority, and the criminal offence is classified in consistency with the elements of the TIP crime, and not associated with tangential ones (procuring or illegal migration, etc.).

103. In this context, the Supreme Court has set the following objectives: a) generalization of jurisprudence for the period 01/01/2010 to 01/01/2011 relating to criminal offenses regarding trafficking, child trafficking, illegal child smuggling, procuring, organizing illegal migration, and developing the necessary conclusions and proposals, particularly on the individualization of sanctions against the guilty party, b) examination of national jurisprudence in the light of ECHR jurisprudence, respectively, improving Supreme Court Decisions on issues arising in criminal law, pertaining to crimes under Articles 165, 206, 207, 220 and 362/1; c) boosting methodical assistance to judges on applying the laws on TIP cases, child trafficking, illegal child smuggling, procuring, organizing illegal migration;

104. Looking at the legal practice in criminal cases on TIP crimes, the current legal framework

concerning international legal assistance in matters such as the criminal prosecution is not given full effectiveness by law enforcement bodies or the court, as well as by relevant bodies abroad. Thus, the rogatory letters are not properly addressed, search and extradition of offenders, summoning people residing abroad to be present during the prosecution or court trial for the hearing or confrontation or other actions provided for by law are not duly ensured. One needs to ensure a more effective international interaction that would help effectively prosecute the entire chain of traffickers, but not only limit to recruiters from the country of origin.

105. Although the official number of TIP victims decreases, this phenomenon continues to be present in the Republic of Moldova, and is topical for intergovernmental organizations involved in combating this scourge. For these reasons, the issue of trafficking was included in the list of national priorities¹³, translated into policies that require improvement and efforts for institutional capacity building to prevent, combat and prosecute TIP and related crimes in Moldova.

¹³ Excerpt from the Government Activity Program „European Integration: Freedom, Democracy and Well-being”, 2011-2014: *„elimination of trafficking in persons and family violence; modernization of the mechanism of investigation of torture and ill-treatment cases, as well as of trafficking in persons; ensuring a secured control of migration flows, goods traffic, combating trafficking in persons; expansion and strengthening of the National Referral System for the assistance and protection of victims and potential victims of TIP etc.* - <http://gov.md/lib.php?l=ro&idc=445>

**Statistics of TIP criminal cases (art.165 Criminal Code) and trafficking in children
(art. 206 Criminal Code) during 2007-2010**

	<i>art.165 CP Trafficking in persons / art.206 CP trafficking in children</i>			
	2007	2008	2009	2010
Number of criminal investigations initiated	288 (245/43)	246 (215/31)	206 (185/21)	161 (140/21)
Number of cases sent to court	176 (150/26)	108 (96/12)	113 (102/11)	55 (45/10)
Number of convicted persons	59 (52/7)	68 (63/5)	70 (66/4)	53 (48/5)
Number of acquitted persons	3	5	5	5
Number of persons convicted to prison sentence	51	58	43	33

Year	Estimated Number of Victims, IOM	Criminal Investigations (TIP / Trafficking in Children/TIC)	Cases Sent to Trial (prosecutions)	Convictions (cases)	Convictions (persons)	Persons sentenced to imprisonment
2006	295	245/59	141/52		62/7	67
2007	273	245/43	150/26		52/7	51
2008	158	215/31	96/12	48/4	63/5	58
2009	159	185/21	102/11	53/4	64/4	43
2010	139	140/21	45/10	32/4	42/5	31

By comparing certain ratios year-to-year instead of looking at raw numbers, we measure quality rather than quantity:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
Convictions as % of Prosecution:	50% TIP	51% TIP	71% TIP
	33% TIC	36% TIC	40% TIC
	48% over all	50% over all	65% overall
Sentences as % of Convictions	85%	63%	66%
Prosecutions as % of Investigations	44% TIP	55% TIP	32% TIP
	39% TIC	52% TIC	47% TIC
	44% over all	54% over all	34% over all

In other words, the conviction rate (convictions as a percentage of prosecutions) shows a steady rise from 2008 to 2010: 48% to 50% to 65% in overall percentages.

Although sentences as a percent of convictions dropped from 2008 to 2009, they have begun to move upward in 2010 (66% compared to 63% in 2009).

After a rise, prosecutions as a percentage of investigations have dropped (34% in 2008, 54% in 2009, 34% in 2010). This could indicate that prosecutors are choosing their cases more carefully, as shown in the rising convictions-to-prosecutions ratio.

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