



**GRETA**

GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

GRETA(2016)9

**Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by the Republic of Moldova**

**SECOND EVALUATION ROUND**

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) by the Republic of Moldova took place in 2010-2011. Following the receipt of the Republic of Moldova’s reply to GRETA’s first questionnaire on 3 September 2010, a country evaluation visit was organised from 10 to 13 May 2011. The draft report on the Republic of Moldova was examined at GRETA’s 11th meeting (20-23 September 2011) and the final report was adopted at GRETA’s 12th meeting (6-9 December 2011). Following the receipt of the Moldovan authorities’ comments, GRETA’s final report was published on 22 February 2012.<sup>1</sup>
2. In its first report, GRETA welcomed the efforts made to develop the institutional and legal framework for combating trafficking in human beings (THB), including the putting into place of a National Referral System for identification, assistance and protection of victims and potential victims of trafficking. GRETA commended the measures taken to raise public awareness, but urged the authorities to strengthen the aspect of prevention through economic and social empowerment measures for groups vulnerable to THB. Further, GRETA urged the authorities to take further measures to identify victims of trafficking, paying particular attention to vulnerable groups, such as women from socially disadvantaged families, women subjected to domestic violence, children left without parental care and children placed in state institutions. GRETA also underlined the importance of providing additional human and financial resources to the agencies involved in the provision of assistance measures to victims of trafficking. Moreover, GRETA urged the Moldovan authorities to set up a State compensation scheme accessible to victims of trafficking. As regards the application of criminal legislation, GRETA stressed that the investigations of trafficking offences should be improved to ensure that they lead to proportionate and dissuasive sanctions and that particular attention should be paid to cases of THB involving public officials.
3. On the basis of GRETA’s report, on 11 June 2012 the Committee of the Parties to the Convention adopted a recommendation to the Moldovan authorities, requesting them to report back on the measures taken to comply with this recommendation by 11 June 2014.<sup>2</sup> The report submitted by the Moldovan authorities was considered at the 14th meeting of the Committee of the Parties (7 July 2014). The Committee of the Parties decided to transmit the authorities’ report to GRETA for consideration and to make it public.<sup>3</sup>
4. On 3 September 2014, GRETA launched the second round of evaluation of the Convention in respect of the Republic of Moldova by sending the questionnaire for this round to the Moldovan authorities. The deadline for submitting the reply to the questionnaire was 3 February 2015. The Republic of Moldova submitted its reply on 11 February 2015.<sup>4</sup>

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova, GRETA(2011)25, available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc2f>

<sup>2</sup> Recommendation CP(2012)6 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova, adopted at the 8th meeting of the Committee of the Parties on 11 June 2012: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc2c>

<sup>3</sup> Report CP(2014)8 submitted by the Moldovan authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)6 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc2e>

<sup>4</sup> Reply from the Republic of Moldova to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc32>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Moldovan authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to the Republic of Moldova took place from 11 to 15 May 2015 in order to hold meetings with relevant actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Kateryna Levchenko, member of GRETA;
- Ms Gulnara Shahinian, member of GRETA;
- Mr Markus Lehner, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Ms Natalia Gherman, Deputy Prime Minister, Minister of Foreign Affairs and European Integration and Chairperson of the National Committee for Combating Trafficking in Human Beings, and Mr Nicolae Eșanu, Deputy Minister of Justice. Amongst the officials met by GRETA were Ms Ecaterina Berejan, Head of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings, and officials from relevant ministries and public bodies, including representatives of the General Prosecutors' Office, the Superior Council of Magistracy and the Chisinau Appeal Court. Further, GRETA met Members of Parliament, including its Deputy Speaker, Ms Liliana Palihovici.

7. In addition to meetings in Chisinau, the GRETA delegation travelled to Bălți and Sîngerei where it met representatives of the territorial commissions and multidisciplinary teams for combating trafficking in human beings, including representatives of law enforcement agencies and relevant local authorities.

8. Separate meetings were held with representatives non-governmental organisations (NGOs). The GRETA delegation also met officials from the local offices of the International Organization for Migration (IOM) and the Organization for Security and Co-operation in Europe (OSCE).

9. In the course of the visit, the GRETA delegation visited the State shelter for victims and potential victims of human trafficking in Chisinau, a family crisis centre and a temporary placement and rehabilitation centre for children in Bălți, and the premises of the child helpline in Chisinau.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the co-operation provided by the Moldovan authorities and in particular by the contact person appointed by the Moldovan authorities, Ms Ecaterina Berejan, Head of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings.

12. The draft version of the present report was approved by GRETA at its 24th meeting (16-20 November 2015) and was submitted to the Moldovan authorities for comments on 22 December 2015. The authorities' comments were received on 23 February 2016 and have been taken into account by GRETA when considering and adopting the final report at its 25th meeting (7-11 March 2016). The final report covers the situation up to 11 March 2016; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 41-45).

## **II. Main developments in the implementation of the Convention by the Republic of Moldova**

### **1. Emerging trends in trafficking in human beings**

13. The Republic of Moldova remains mainly a country of origin of victims of THB, some of whom are exploited within the country. There are also indications that the Republic of Moldova is becoming a country of transit, without there being data that can illustrate this trend.

14. According to official statistics, the number of identified victims of trafficking was 154 in 2011, 290 in 2012, 262 in 2013, 264 in 2014, and 310 in 2015. During the 2011-2015 period, 68% of the victims were female. Children represented 13% of the identified victims. From 2011 to 2014, only two foreign victims were identified, however, in 2015 a group of 15 foreign children was identified. Trafficking in human beings for the purpose of sexual exploitation has remained the prevalent form of exploitation (45% of the identified victims in 2015), but the number of identified victims of THB for the purpose of labour exploitation has been on the rise (44% of all identified victims in 2015, compared to 29% in 2011) and almost equalled that of victims of THB for sexual exploitation. Further, there has been an increase in the number of persons trafficked for the purpose of forced begging (9% in 2015). In 2014, the first four cases of THB for the purpose of forced criminality appeared in the official statistics.

15. There were 30 victims of internal trafficking in 2011, 25 in 2012, 34 in 2013, 33 in 2014, and 97 in 2015. Internal THB cases represented 17% of all cases in the period 2011-2015, mostly for the purpose of sexual exploitation.

16. The main countries of destination of people trafficked from the Republic of Moldova have been the Russian Federation, Turkey, the northern part of Cyprus, and the United Arab Emirates. In 2014, the majority of the Moldovan victims (134) were trafficked to the Russian Federation. Certain EU countries (e.g. the Czech Republic, France, Germany, Greece, Italy, Poland, Romania and Spain) have emerged as countries of destination for Moldovan victims of trafficking for the purpose of sexual exploitation, following the visa regime liberalisation with the Schengen area in 2014.<sup>5</sup>

### **2. Developments in the legal framework**

17. The Criminal Code (CC) was amended in November 2013 with a view to clarifying the distinction between forced labour and THB for the purpose of labour exploitation, as well as between pimping and THB for sexual exploitation (see paragraph 151). Further, the sanctions for trafficking in human beings and child trafficking were increased. Moreover, the use of services of a victim of THB, with the knowledge that the person has been trafficked, was criminalised (see paragraph 156). In 2014, an amendment to the Criminal Procedure Code (CPC) concerning the interviewing of children in Article 110-1 was adopted (see paragraph 181).

<sup>5</sup> National Committee for Combating Trafficking in Human Beings, National Report on preventing and combating trafficking in human beings 2014, p. 29, available at: <http://antitrafic.gov.md/lib.php?l=en&idc=30>.

18. By Government Decision No. 228 of 28 March 2014, the Regulation of the Territorial Multidisciplinary Teams' Activity in the National Referral System was introduced. More than 900 multidisciplinary teams exist at district<sup>6</sup> and local<sup>7</sup> level, consisting of professionals from public bodies and organisations involved in preventing and combating THB. The members of the multidisciplinary teams identify and refer to assistance victims of trafficking.

19. On 14 June 2013, Law No. 140 on the Special Protection of Children at Risk and Children Separated from Their Parents was adopted. To implement section 20 of this Law, Guidelines regarding the inter-institutional co-operation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and human trafficking were approved by Government Decision No. 270 of 4 August 2014.

20. At the time of GRETA's second visit, a draft Law on Rehabilitation of Victims of Crime was in preparation which would, *inter alia*, create a compensation scheme for victims of crime (see paragraph 139). **GRETA would like to be kept informed of further developments related to this law.**

21. The Moldovan authorities have informed GRETA of forthcoming amendments to Law No. 241 of 20 October 2005 on Preventing and Combating Trafficking in Human Beings (hereinafter "Anti-Trafficking Law") and the CC (see paragraph 155). The amendments to the Anti-Trafficking Law will place on a legal footing the National Referral System (NRS), which currently is included in the National Anti-Trafficking Strategy. Two key elements of the NRS, namely the territorial multidisciplinary teams and the National Co-ordination Unit (see paragraph 98), will also be covered by the Anti-Trafficking Law. Further, the terms "presumed victim of human trafficking" and "potential victim of human trafficking" will be defined. Moreover, the right of the Ombudsman to attend the meetings of the National Committee for combating trafficking in human beings will be laid down, and the roles of the Bureau for the Relations with Diaspora and the State Labour Inspectorate within the National Committee will be clarified. **GRETA welcomes the envisaged legislative amendments and would like to be kept updated on the legislative process.**

22. The 2014-2016 National Action Plan foresees amendments to the legal or regulatory framework as regards the standards for the work of the centres providing support and protection of THB victims, the functioning of centres for the assistance and protection of child victims of trafficking, procedures to repatriate children and adults, including victims of THB, and the exemption of victims of THB from paying for their ID cards. By Government Decision No. 898 of 30 December 2015, minimum standards to be observed by centres providing support and protection to victims of trafficking in human beings were approved. **GRETA would like to be kept informed of further legal developments.**

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<sup>6</sup> A multidisciplinary team at district level consists of representatives of the District's bodies for social assistance and family protection, education, health-care, Centre for Combating Trafficking in Persons, Civil status office, employment agency, state enterprise "Registru" of the Ministry of Information Technology and Communications (responsible for keeping record of the population and issuing identification papers), and public associations. The co-ordinator of the district multidisciplinary team is a representative of the social assistance and family protection unit of the District.

<sup>7</sup> A multidisciplinary team at local level consists of the mayor or deputy mayor, a social assistant, a police officer, a family doctor and other representatives of public authorities or civil society. The co-ordinator is the community social assistant.

### 3. Developments in the institutional framework

23. Since GRETA's first evaluation, there have been changes in the composition of the National Committee for Combating Trafficking in Human Beings (hereinafter "the National Committee") which coordinates the activities to prevent and combat THB and the co-operation of public authorities, international organisations, NGOs, and other institutions. Pursuant to Government Decision No. 484 of 26 June 2014, three bodies have been added to the National Committee: the General Police Inspectorate, the State Labour Inspectorate and the Bureau for Diaspora Relations, which is a subdivision of the State Chancellery.<sup>8</sup> Representatives of NGOs and international organisations involved in action against trafficking in human beings have the right to attend the meetings of the National Committee in an advisory capacity.

24. In its first report, GRETA recommended strengthening of the Permanent Secretariat of the National Committee to ensure its effective functioning. Since January 2014, the Permanent Secretariat has been placed within the State Chancellery. In order to improve co-operation and communication between stakeholders, a co-ordinating group was established under the Permanent Secretariat, composed of specialists from relevant institutions. There are currently four staff working in the Permanent Secretariat. **GRETA welcomes the establishment of a fully operational Permanent Secretariat.**

25. The Centre for Combating Human Trafficking (CCTP) within the General Police Inspectorate of the Ministry of the Interior is a highly specialised multidisciplinary unit which has recently been restructured in order to make it more operational (see paragraph 164). Further, within the General Prosecutor's Office, a new specialised THB unit has been set up, comprising seven prosecutors (see paragraph 165). Moreover, the Border Guard Service was renamed Border Police Department and was given additional competencies, including on combating THB (see paragraph 93).

26. In its first evaluation report, GRETA considered that a more effective participation of all public bodies involved in the implementation of anti-trafficking measures at the national and local level was necessary and that the co-ordination of their activities should be increased. The Permanent Secretariat organised in 2013 four regional workshops to strengthen the capacities of territorial commissions, and the current National Action Plan provides for further measures with this objective. However, GRETA was informed that the territorial commissions of some districts did not sufficiently implement the tasks assigned to them by the Anti-Trafficking Law. In 2015, the Permanent Secretariat continued its efforts by organising four more workshops for representatives of local governments. Emphasis was laid on Gagauzia, where a roundtable on co-ordination of the national anti-THB policy and a training seminar for members of the territorial commission were organised. **GRETA considers that the Moldovan authorities should continue building co-ordination and co-operation between the central government and the territorial commissions with a view to ensuring that all districts are integrated in the efforts to combat THB.**

27. During the evaluation visit, the impact of the ongoing decentralisation of services and competences to the district and local level on anti-trafficking action was raised. Some stakeholders were concerned that decentralisation might result in less attention and resources being given to anti-trafficking activities at district and local level. **GRETA considers that the Moldovan authorities should take all the necessary measures to ensure that the decentralisation process does not have a negative impact on the comprehensive and consistent approach in combating THB and assisting and protecting victims.**

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<sup>8</sup> The other bodies represented in the National Committee are: Ministry of Internal Affairs; Ministry of Justice; Ministry of Health; Ministry of Labour, Social Protection and Family; Ministry of Foreign Affairs and European Integration, Ministry of Education; Ministry of Information Technologies and Communications; Ministry of Culture; Ministry of Finance; Ministry of Youth and Sport; Licensing Chamber; General Prosecutors' Office; Information and Security Service; Administrative Territorial Unit of Gagauz-Yeri; Permanent Secretariat of the National Committee; Supreme Security Council; Centre for Combating Human Trafficking; Border Police.



## 4. National Action Plan

28. The sixth National Plan for combating THB for the period 2014-2016<sup>9</sup> was approved through Government Decision No. 484 of 26 June 2014. Unlike the previous action plans which had two-year terms, it covers a three-year period to align its expiry with that of the strategy of the National Referral System for the protection of, and assistance to, victims and potential victims of human trafficking (2009-2016).

29. The current National Action Plan comprises 120 activities under five chapters (general measures, prevention, assistance and social protection of victims and witnesses, investigation and prosecution, and international co-operation). A description of problems identified on the basis of the analysis and recommendations of GRETA, OSCE and UNODC is presented before the objectives and activities are formulated.

30. The Permanent Secretariat of the National Committee co-ordinates the development and implementation of the National Action Plan. The majority of the activities are implemented by NGOs and international organisations. An important number of activities is financed by external sources, in particular with regard to capacity building, information management, research, evaluation, awareness raising, and protection and rehabilitation of victims.

31. In its first report, GRETA invited the Moldovan authorities to commission an independent evaluation of the implementation of the National Action Plan. Following this, the Permanent Secretariat of the National Committee commissioned external evaluations of the 2010-11 and 2012-13 National Action Plans which were carried out by the NGO La Strada Moldova with funding from the OSCE.<sup>10</sup> **GRETA welcomes this independent evaluation.** The Permanent Secretariat also publishes annually an analytical report about the implementation of anti-trafficking policies in the Republic of Moldova, which also examines activities carried out on the basis of the National Action Plan.<sup>11</sup>

## 5. Training of relevant professionals

32. The National Plan for 2014-2016 provides for various capacity building measures for relevant professionals, including police and border police officers, medical personnel, members of multidisciplinary teams, employment agencies, psychologists, lawyers and teachers. Several ministries are responsible for conducting training in collaboration with international organisations and NGOs. It should be noted that the authorities rely mostly on external funding to finance these training programmes.

33. Most of the training courses that target judges, prosecutors and other legal professionals are organised on an annual basis by the National Institute of Justice, in partnership with international organisations such as IOM and OSCE, foreign donors and NGOs. From 2012 to 2014, the National Institute of Justice organised training courses for some 100 judges and 150 prosecutors, covering topics such as hearing of victims of THB, hearing of child victims of trafficking, legal classification and specificities of THB cases, investigation and prosecution of THB, protection of adult and child victims of trafficking, and THB for the purpose of labour exploitation. Some training courses were organised by the National Institute of Justice in collaboration with the General Prosecutor's Office and the General Police Inspectorate. The Ministry of Labour, Social Protection and Family, the Centre for Combating Human Trafficking (CCTP) and the Permanent Secretariat of the National Committee have also organised training courses for judges, prosecutors and legal professionals.

34. As regards the police, in 2012 the Police Academy "Stefan Cel Mare" organised a five-day training for 14 police officers specialised on THB. In 2013, the Permanent Secretariat of the National

<sup>9</sup> Available at <http://antitrafic.gov.md/slidepageview.php?!=en&idc=90>.

<sup>10</sup> Available at <http://antitrafic.gov.md/lib.php?!=en&idc=31>.

<sup>11</sup> Available at the website of the National Committee: <http://antitrafic.gov.md/lib.php?!=en&idc=30>.

Committee organised in collaboration with UNODC three training programmes for investigation officers, analysts of operative information, police officers and prosecutors. Further, the NGO La Strada Moldova trained 20 newly employed CCTP criminal prosecution officers. In 2013 employees of the General Police Inspectorate took part in a study visit to the UK organised by the UNODC in collaboration with the Permanent Secretariat of the National Committee where they became acquainted with different elements of the UK's criminal justice response to THB.<sup>12</sup> In 2014, 19 police officers attended some of the seminars of the National Institute of Justice mentioned above on labour exploitation and legal qualification of THB offences.

35. Training courses on THB have also been organised for border police officers. In 2013, for example, representatives of the Border Police Department participated in a training course on trafficking and migration organised by the EU border assistance mission to the Republic of Moldova and Ukraine (EUBAM). Further, 40 border police officers participated in a training seminar organised by the Ministry of Internal Affairs and the Border Police Department on identification of THB for the purpose of labour exploitation.

36. According to the Moldovan authorities, about 2650 professionals received training in 2015 concerning identification, assistance and protection of victims of THB and prosecution of THB offences in the framework of 118 training events. Among the trained officials were prosecutors, judges, lawyers, social workers, psychologists, directors of boarding schools, members of multidisciplinary teams, doctors, nurses, teachers, and representatives of embassies and consulates.

37. In 2013, the Ministry of Foreign Affairs and European Integration, together with IOM, La Strada Moldova and the Permanent Secretariat to the National Committee, organised two training programmes for staff of diplomatic and consular officials on the identification of victims of THB.

38. Members of multidisciplinary teams are mainly being trained by the Ministry of Labour, Social Protection and Family, with the support of international organisations, foreign donors and NGOs. The training courses and workshops aim at strengthening the multidisciplinary teams' capacity to provide assistance and protection to victims and potential victims of THB. In 2014, the Ministry of Labour, Social Protection and Family organised training sessions for 932 members of multidisciplinary teams. Some district councils are also organising training for their multidisciplinary team members. Further, in 2013, three round tables on co-operation of police officers with the district multidisciplinary team co-ordinators within the National Referral System were organised and attended by multidisciplinary team co-ordinators and officers of the CCTP. In 2014, 10 multidisciplinary team co-ordinators took part in workshops of the National Institute of Justice on the hearing of child victims.

39. Special training for health workers has been organised by the Ministry of Health with the support of EU, IOM, the Moldovan Red Cross and the NGO Doctors of the World. Between April 2011 and November 2012, 19 training sessions were organised and attended by 400 medical and paramedical professionals. In 2013, 433 medical professionals attended training courses on protection and assistance of victims of THB and domestic violence. Training courses for transplantation co-ordinators and managers of health-care institutions have also been organised in recent years (see paragraph 87). The Ministry of Health plans to conduct in 2016 training courses on adolescent health for health-care professionals working in primary health care, which are supposed to be attended by 1 185 family doctors. The courses will address the identification of potential cases of trafficking among children, adolescents and young adults.

40. With the support of UNICEF and the Ministry of Education, the NGO CIDCR organised training programmes for teachers on prevention, identification and referral of cases of abuse, neglect, exploitation and trafficking. With the support of USAID and the NGO Terre des Hommes, the Ministry of

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<sup>12</sup> The study visit took place in the framework of the 2010-2013 UNODC project "Improving criminal justice responses to trafficking in persons in South-Eastern Europe with special focus on Moldova", available at: <http://www.un.org/esa/devaccount/projects/2010/10-11N.html>.

Labour, Social Protection and Family organised training programmes related to children and aiming at providing assistance and capacity building to local administration bodies.

**41. While welcoming the steps taken in the area of training, GRETA invites the Moldovan authorities to pursue their efforts to train and sensitise relevant professionals on human trafficking and victims' rights, in particular police officers, border police officers, prosecutors, judges, health professionals, education professionals, labour inspectors, social workers and members of multidisciplinary teams. The training should be organised throughout the country and should aim to improve the identification of victims of THB and their rehabilitation, increase the number of successful prosecutions against traffickers, and guarantee effective access to compensation for victims of THB.**

## **6. Data collection and research**

42. In its first evaluation report, GRETA considered that the Moldovan authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings.

43. The Moldovan authorities have taken several steps in this regard. The Permanent Secretariat of the National Commission, with the support of IOM, took steps to harmonise the data collection procedure by developing monitoring forms which are to be completed by six different authorities: the General Prosecutors' Office, the CCTP, the Ministry of Labour, Social Protection and Family, the Ministry of Foreign Affairs and European Integration, the Information Technologies Service of the Ministry of Interior, and the Department of Penitentiary Institutions of the Ministry of Justice. The forms were updated in the course of 2015. Further, the CCTP analysed and adjusted the integrated information system of the Ministry of Internal Affairs to the needs identified for a disaggregated data collection of the THB phenomenon. As a result, the data provided to the Permanent Secretariat of the National Commission follows the same format as that collected by the Ministry of Labour, Social Protection and Family on assistance and protection of THB victims, allowing for their common processing.

44. In 2013, La Strada Moldova published an assessment report of the anti-trafficking data collection system. On the basis of this report, the Permanent Secretariat of the National Commission commissioned a needs assessment by independent experts. The 2014-2016 National Action Plan envisages the improvement of the software and data collection procedure. In parallel to the review of the above-mentioned forms, the statistics collection software was further developed in 2015, thus facilitating the collection, analysis, disaggregation and generation of anti-trafficking statistical data. The software enables relevant institutions to report to the Permanent Secretariat electronically.

**45. GRETA welcomes the steps taken by the Moldovan authorities to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings and considers that the Moldovan authorities should continue to improve and adjust the current system with a view to allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.**

46. The Moldovan Government does not allocate money for conducting research on THB. The government publishes annually comprehensive anti-trafficking reports in Romanian, English and Russian, thus making them accessible to experts, partners, donors and the general public.<sup>13</sup> The 2014-2016 National Action Plan envisages several research projects which are to be financed by foreign donors and implemented by NGOs.

<sup>13</sup> Available at: <http://antitrafic.gov.md/index.php?l=en>

47. In 2013 La Strada Moldova, with the financial support of the Danish Ministry for Foreign Affairs, published a report on the impact of the Republic of Moldova's anti-trafficking policy on trafficked persons' rights, in particular the right to assistance. The methodology was based on interviews with experts and victims of trafficking, i.e. on personal assessments on how the assistance system functions. The study made a range of recommendations. It proposed to precisely clarify in legislation the assistance measures victims of trafficking are entitled to, for instance by introducing a specific list of victims' rights. It was also suggested to involve victims of trafficking in the development of THB policies. Another recommendation was to involve national human rights institutions in monitoring the implementation of THB measures. Further, it was proposed to provide victims with information about their rights in a simpler way. The study also recommended to remove procedural barriers to the implementation of victims' rights and to strengthen the protection of witnesses.

48. On the initiative of the Permanent Secretariat of the National Commission and funded by the OSCE Mission to Moldova, an independent expert conducted a survey on "The role and capacity of the territorial commissions to implement policies related to prevention and combating trafficking in human beings and the involvement of NGOs in this process." The survey results were presented and discussed in a meeting with representatives of local multidisciplinary teams and secretaries of territorial commissions in October 2015.

49. In 2014, the CCTP published the report "Monitoring trafficking in human beings – analysis of status and dynamics of crimes in 2013" (see paragraphs 61 and 172). According to the authorities, the same analysis was conducted for the year 2014 and presented in October 2015.

50. **GRETA considers that the Moldovan authorities should continue to conduct and support research on THB-related issues as an evidence base for future policy measures, in particular as regards THB for the purpose of labour exploitation, internal THB, child trafficking, THB for the purpose of organ removal, and new trends in THB.**

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness of THB (Article 5)

51. In its first evaluation report, GRETA welcomed the efforts of the Moldovan authorities to raise awareness of the general public concerning THB and stressed that awareness raising, education and training should aim to promote gender equality and combat gender-based violence and the stigmatisation of victims of trafficking.

52. In 2013, the Moldovan authorities launched the website [www.antitrafic.gov.md](http://www.antitrafic.gov.md) with the aim of providing information and raising awareness on THB. The same year, several local authorities and La Strada Moldova organised an information campaign on access to legal protection in cases of trafficking and exploitation. In October 2013, the national TV channel Moldova 1 and the radio station Radio Moldova broadcast four short programmes developed by La Strada Moldova and IOM. Two of them publicised the National Hotline 0 800 77777. Also in 2013, the Moldovan authorities carried out information and communication activities on the EU visa liberalisation which covered issues related to THB.

53. On the occasion of the European Anti-Trafficking Day, from 16 to 23 October 2014 the authorities organised, in collaboration with NGOs, for the third consecutive year a week dedicated to combatting trafficking in human beings. The activities aimed at informing the general public and young people in particular on the risks of THB. A number of activities were organised such as art exhibitions, thematic workshops, debates and flash mobs.

54. Established in September 2001, the National Hotline is managed by the NGO La Strada Moldova and aims at informing the wide public about migration, the risks of trafficking in persons and the services and facilities that provide assistance to victims and potential victims of human trafficking. According to the 2014 activity report of La Strada Moldova,<sup>14</sup> out of 10 605 total calls received in that year, 260 were urgent calls related to situations of trafficking (215 calls concerning 92 cases of adults and 45 calls concerning 20 cases of children).

55. In 2013, higher education institutions carried out a series of activities aimed at preventing THB, such as information campaigns, workshops, meetings, round-tables with students, and annual meetings with parents. The Ministry of Education recommended to universities to include modules on preventing trafficking in university studies as part of the social sciences component. A course on prevention of human trafficking has been included in the curriculum of social work studies of four universities. Further, La Strada Moldova held 41 seminars on prevention of trafficking in children via the internet in secondary education institutions. District labour inspectors informed employees, in the framework of the anti-trafficking week, on how to proceed if they were dispossessed of their documents, deprived of their liberty, forced to work against their will, or if they were not paid for their work.

56. While welcoming the initiatives undertaken by the Moldovan authorities in collaboration with international organisations and NGOs, **GRETA considers that the authorities should further develop information and prevention campaigns in order to raise awareness among the general public on different forms of THB, including internal trafficking. Future awareness-raising measures should be designed in the light of the assessment of previous measures and be focused on the needs identified.**

#### **b. Measures to prevent THB for the purpose of labour exploitation (Article 5)**

57. Law No. 180 of 10 July 2008 regulates, *inter alia*, the activities of private employment agencies that facilitate the finding of employment abroad. These agencies must obtain a licence from the Licensing Chamber, subject to certain criteria: the conclusion of agreements with intermediaries or employers authorised by authorities of foreign countries stipulating credible employment offers, and access to reliable databases on the offer and demand of jobs abroad. The National Employment Agency monitors the operation of the temporary employment agencies. Licences are withdrawn where there is information that an agency is involved in THB or other illegal activities. According to the authorities, in 2012 nine decisions on licence withdrawal and 13 decisions on temporary suspension of licences of agencies offering employment abroad were issued. In 2014 the CCTP started criminal procedures against three employment agencies for organising illegal migration. According to the authorities, none of these procedures has resulted in prosecutions for THB.

58. The Republic of Moldova has signed bilateral agreements on labour migration and temporary employment with several countries of destination, including Italy in 2011 and Israel in 2012. The Moldovan authorities reported that they were about to start negotiating similar agreements with Poland and Qatar. With Turkey negotiations are ongoing and the agreement with the Russian Federation is ready for signature, but the Russian authorities reportedly intend to sign the agreement in a package with other intergovernmental agreements on combating irregular migration and readmission. GRETA was informed that safeguards against human trafficking are included in these agreements.

<sup>14</sup> Available at: <http://migratiesigura.lastrada.md/en/reports/>

59. The National Employment Agency provides information to people planning to work abroad via an information centre and a call centre. A unit for foreign employment which has been created within the National Employment Agency registers contracts of Moldovan nationals employed abroad.

60. Further, the National Employment Agency organises activities aimed at supporting unemployed persons with a view to preventing them falling victim to trafficking. In the context of the 2015 national campaign "Week for Combating Trafficking in Human Beings", the National Employment Agency organised together with local employment agencies 32 thematic seminars focussing on the prevention of trafficking in human beings. In 2015, 1 773 unemployed persons participated in a programme providing temporary employment in remunerated public works. Further, the offices of the National Employment Agency provide vocational training to unemployed persons. In 2015, 2 979 persons graduated from these training courses, with about 70% of them being young people aged 16-29 years. According to the authorities, employment was found for 77% of the graduates of these courses.

61. The Russian Federation is the main destination country for Moldovan victims of THB for the purpose of labour exploitation, in particular in the sectors of agriculture, construction and industry. In 2013, 95% of the identified victims of external THB for labour exploitation were trafficked there. Most victims come from rural areas and are recruited by using a combination of deceit and abuse of a position of vulnerability. In 92% of these cases, victims were recruited through personal contact with former labour migrants, sometimes from the same village, who facilitate the recruitment.<sup>15</sup>

62. While welcoming the action already taken, **GRETA considers that the Moldovan authorities should take further steps in the area of preventing trafficking for the purpose of labour exploitation, in particular:**

- **organise activities aimed at raising awareness on the risks of human trafficking for the purpose of labour exploitation, both abroad and within the country, in particular among vulnerable groups;**
- **strengthen the monitoring of recruitment and temporary work agencies;**
- **work closely with the private sector, in line with the Guiding Principles on Business and Human Rights.**<sup>16</sup>

**c. Measures to prevent trafficking in children (Article 5)**

63. In its first evaluation report, GRETA noted that children, in particular from Roma communities, children whose parents have migrated abroad, children in State care institutions and young persons discharged from such institutions are particularly vulnerable to THB. GRETA urged the Moldovan authorities to ensure the registration of all children at birth as a prevention measure against trafficking.

64. Birth registration is regulated by Law No. 100-XV of 26 April 2001 which stipulates that the registration of birth is compulsory and free of charge. GRETA was informed of a new programme which provides for an automatic birth registration procedure in medical institutions, without the requirement for parents to submit a birth certificate to the civil registration bodies. All authorities providing relevant public services will directly receive information about the birth of a child (civil registration bodies, the National Bureau of Statistics, the State Enterprise "Registru", the Ministry of Health and the social insurance territorial subdivisions). According to the authorities, the concept is expected to be implemented during 2016. **GRETA would like to be kept updated on the introduction of the new procedure.**

65. In partnership with international organisations and NGOs, the Moldovan authorities have conducted a series of activities to raise awareness on trafficking in children. One major issue addressed

<sup>15</sup> See Centre for Combating Trafficking in Persons, Monitoring trafficking in human beings – analysis of status and dynamics of crimes for 2013, pp 22-24.

<sup>16</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

by recent campaigns has been on-line security of children. From June to December 2013, the authorities in partnership with the UNODC and La Strada Moldova carried out a campaign on promoting safer internet for children, which aimed at informing children about the risks of being recruited for THB via the internet and encouraged reporting. In the framework of the campaign, La Strada Moldova launched an interactive portal<sup>17</sup> which contains practical advice for children, parents and teachers on the safe use of the internet. 86 seminars for 2 070 young people were organised in eight summer camps during July and August 2013. An impact assessment of the campaign was carried out. It concluded that most participants were able to identify several key messages and lessons from the seminars and many of them expected to make changes in their behaviour. Moreover, the assessment concluded that the fact that La Strada Moldova continued to implement campaign messages and activities during a period of several months contributed to the sustainability effects of the campaign because it provided an opportunity for national stakeholders to keep the issue high on the policy agenda.<sup>18</sup> The interactive portal was visited by 385 106 users, of which 6 047 were first time visitors. Further, the annual week dedicated to combating human trafficking paid particular attention to online recruitment methods and a number of activities targeted young people in this respect.

66. THB is part of the curricula of primary and secondary schools and awareness raising on the issue has reached an estimated 80 000 children. Information materials on THB have been developed and distributed (flyers, posters, brochures, wall newspapers). Parental associations have also been involved in organising thematic meetings on THB and the internet. Further, a campaign entitled "Keep my world!" was organised in order to encourage parents to be aware of their children's needs and get informed on how to ensure their children's protection, even when the parents live abroad. The campaign was part of the FACT project ("Transnational Action – Protection of Moldovan children at risk or victims of exploitation and/or trafficking in human beings in the Russian Federation and Ukraine"), implemented in the period 2008-2014 by Terre des Hommes, with the financial assistance of the Swiss Development and Co-operation Agency.

67. On 1 June 2014, a child helpline 116 111 was established. Its operation was delegated to La Strada Moldova. The hotline is free of charge and aims at providing assistance to children at risk. From June to December 2014, the helpline received 15 549 calls and registered 1 493 calls. The calls mostly concerned violence against children and to a smaller extent presumed child trafficking cases (only two calls) and children begging (11 calls).

68. According to the fourth report on the Republic of Moldova by the European Commission against Racism and Intolerance (ECRI),<sup>19</sup> there is a large number of Roma children who do not attend pre-school and school education. According to a survey, the proportion of Roma children enrolled in pre-school education (age 3-6) is only 21% (compared with 79% of the population as a whole) and the enrolment rate of Roma children aged 6–15 in compulsory education is only 54% (compared with 90% of the population as a whole). This has lasting negative effects on the life prospects of Roma children. Increasing the enrolment of Roma children in pre-school and school education is part of the objectives of the National Action Plan for 2014-2016. In their comments on the draft GRETA report, the Moldovan authorities have referred to a series of measures taken to promote the enrolment of Roma children in schools and to prevent school drop-out, such as information and awareness campaign for parents, free transportation of children in districts densely populated by Roma, the introduction of an extended learning programme for Roma children to facilitate the preparation of homework, continuous training of teachers and managers of educational institutions on intercultural education, and financial support granted to Roma pupils and families. According to the authorities, the number of school dropouts of Roma children has decreased. Further, several activities to integrate Roma children in kindergartens were organised in some parts of the country.

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<sup>17</sup> [www.siguronline.md](http://www.siguronline.md)

<sup>18</sup> The impact assessment report is available at:  
<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bbde>.

<sup>19</sup> Available at: [http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Moldova/Moldova\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Moldova/Moldova_CBC_en.asp).

69. **GRETA welcomes the efforts made to prevent trafficking in children through improving the registration of children at birth awareness-raising in schools and promoting safe use of the internet. GRETA considers that the authorities should continue these efforts, paying particular attention to Roma children and their enrolment in school.**

**d. Social and economic initiatives for groups vulnerable to THB (Article 5)**

70. In its first report, GRETA urged the Moldovan authorities to take steps to design and implement preventive measures for groups vulnerable to trafficking, aimed at combating the root causes of THB, such as poverty and absence of employment opportunities.

71. The National Action Plan for 2014-2016 envisages several programmes creating conditions for economic empowerment of groups particularly vulnerable to THB such as women, young people and persons from rural areas by facilitating their access to training and employment, in collaboration with international organisations and civil society actors. In 2010-2013, the Organisation for Small and Medium Enterprises Development (OSME) organised in partnership with IOM two youth programmes, which included the provision of training to 750 young people on how to develop a business plan and the awarding of 147 technical grants. Further, the Ministry of Economy has developed training programmes on business management and economic empowerment, targeting young people from 18 to 30 years old, as well as the "PARE 1+1" pilot programme which included the funding of 370 business ideas from 2010 to 2014, for an amount of 3 200 000 euros. Between 2011 and 2013, with the support of the EU, the OSME opened six business development centres in rural areas which according to the authorities have led to the setting up of 85 companies and 371 jobs, including 197 for women. GRETA welcomes the initiatives described above

72. Based on Government Decision No. 661 of 30 August 2013 on joint information and services bureaus, such bureaus were established in three districts in 2014. They bring together several service providers (such as the Territorial Employment Agency, the Land Relations and Cadastre Service, the State Labour Inspection, the Territorial Social Security Agency, the District Council Directorate of Social Assistance and Family Protection, and the District Council Directorate of Economy) and aim at facilitating access to information for the wider public, including women and vulnerable groups. According to the authorities, joint information and services bureaus were opened in all 32 districts of the country by the end of 2015.

73. The Moldovan authorities have referred to a number of initiatives to promote the economic inclusion of women. By way of example, the programme "Women's Economic Empowerment through Increasing Employability in the Republic of Moldova", implemented by the Ministry of Labour, Social Protection and Family and the Ministry of Economy, in partnership with UN Women and with the financial support of the Swedish Government, aims at informing, empowering and enabling women from rural areas to enjoy their social and economic rights. The joint information and services bureaus support this programme and use their activities for the economic empowerment of women at the local level.

74. Victims of domestic violence have the status of potential victims of THB and access to the support measures under the National Referral System. In this way the National Referral System also serves to prevent and combat domestic violence and to support vulnerable categories such as women exposed to violence. The Moldovan authorities run several centres for psycho-social rehabilitation of domestic violence victims across the country. Further, the 2010-2015 National Plan on gender equality envisages measures with respect to violence and human trafficking. For example, it provides for strengthening the social programmes and the rehabilitation and re-socialisation measures for victims of violence and victims of THB.



75. The Roma communities are often affected by precarious living conditions, lack of access to work, education and services, which makes them especially vulnerable to THB.<sup>20</sup> In its 2013 report on the Republic of Moldova, ECRI recommended to the authorities to take positive measures to increase the employment rate among Roma, by facilitating their recruitment in the public sector, particularly of Roma women and young people.

76. In April 2013, a law on establishing community mediators (Law No. 69 of 5 April 2013) was adopted. Mediators are of Roma origin and their mission consists in providing mediation and improving communication between persons from Roma communities and public service providers. According to the authorities, 75 000 euros of the state budget for 2014 were allocated to the hiring of 48 community mediators in 44 localities inhabited by Roma. However, by the beginning of 2016, only 12 community mediators were employed. The budget decentralisation process raises concerns for the future of the mediation programme because local entities will from now on decide on the continuation of social programmes. According to the authorities, the further development of the service of community mediators will be a priority of the 2016-2020 Action Plan for supporting the Roma population.

77. The 2013 ECRI report also noted that there is still a considerable number of people belonging to ethnic minorities who have not obtained Moldovan nationality or identity documents proving their nationality although they would satisfy the statutory conditions for acquiring Moldovan nationality or being recognised as Moldovan citizens. In this regard, GRETA learnt that a campaign was launched by the Moldovan authorities to address the issue of statelessness. According to the UNHCR which supported the campaign. Between January 2013 and June 2015, a total of 212 000 people received new ID cards.<sup>21</sup> **GRETA welcomes this initiative and invites the Moldovan authorities to continue to pursue their efforts to reduce the number of stateless persons.**

78. **GRETA welcomes the above-mentioned activities which address the root causes of THB and have the potential of preventing trafficking of persons from vulnerable communities. GRETA considers that the Moldovan authorities should strengthen the prevention of THB through sustained social, economic and other measures to empower groups vulnerable to THB, especially women, young people and persons from rural areas, including by promoting access to the labour market, education and public services of persons from the Roma community. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB.**

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<sup>20</sup> According to a survey mentioned by the 2013 ECRI report on the Republic of Moldova (available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Moldova/MDA-CbC-IV-2013-038-ENG.pdf>).

<sup>21</sup> See <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=55d1e1504&skip=0&query=statelessness&coi=MDA&searchin=title&sort=date>.

### e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

79. GRETA notes that while human trafficking for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>22</sup> are two distinct crimes, they bear certain similarities and share similar root causes, e.g. shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>23</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

80. The regulatory framework regarding the transplantation of organs, tissues and cells in the Republic of Moldova is laid down in Law No. 42-XVI of 6 March 2008 on transplantation of human organs, tissues and cells (hereinafter: Transplantation Law) and implementing Government Decisions<sup>24</sup> and orders by the Ministry of Health.<sup>25</sup>

81. Pursuant to section 15 of the Transplantation Law, the removal of organs, tissues and cells from a living donor shall be allowed only if no compatible organs, tissues or cells from a non-living donor are available and strictly for the therapeutic benefit of the recipient. Human organs, tissues and cells can be removed from living adults provided that full legal capacity is ensured, and the consent of the person is given. Consent for donation shall be expressed in writing and shall be signed only after the donor has been informed by a medical doctor about the possible physical, mental, family and professional risks and consequences resulting from the act of removal. The donor may withdraw his/her consent. In case of removal of organs from a living donor it is mandatory to also have the approval of the Independent Authorising Commission. The mandate of the Commission is to verify the observance of patients' rights, to assess the necessity of the transplantation procedure, as well as the legality, motivation and ethical aspects of the donation procedure. It consists of seven members: two medical experts who are members of the Expert Council of the Ministry of Health, a psychologist, a psychiatrist, a representative of the National Ethics Committee, a representative of the Ministry of Internal Affairs specialised in combating trafficking in human beings, and a representative of the General Prosecutor's Office.

82. Section 27 of the Transplantation Law prohibits profit-making donations of human organs, tissues and cells and the Independent Authorising Commission is tasked to verify this aspect. The donor may, however, receive compensation to cover the expenses and loss of income or other justified expenses. Living donors are entitled to a health insurance financed from the State budget.

83. The role of organising, monitoring and supervising the transplant of organs, tissues and cells lies with the Transplant Agency under the Ministry of Health which functions on the basis of section 4 of the Transplantation Law and the regulations on the organisation and operation of the Transplant Agency.

<sup>22</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

<sup>23</sup> See "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs", Joint Council of Europe/United Nations Study (2009), in particular pages 55-56; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

<sup>24</sup> Government Decision No. 386 of 14 May 2010 on the establishment of the Transplant Agency; Government Decision No. 1207 of 27 December 2010 on the approval of the regulation for the organisation and functioning of the Independent Authorising Committee under the Ministry of Health and for establishment of criteria for authorising removal of organs and transplantation activities; Government Decision No. 756 of 09 October 2012 on the approval of the National Transplantation Programme for 2012-2016.

<sup>25</sup> Order No. 725 of 1 November 2010 on the approval of the regulation of the Advisory Council under the Transplant Agency; Order No. 234 of 24 March 2011 on the organisation and performance of removal and transplantation of human tissues, organs and cells; Order No. 885 of 18 November 2011 on the approval of the Independent Authorising Committee's documents regarding the acceptance or refusal of the removal of organs, tissues or cells from a living donor.

84. Section 9 of the Transplantation Law stipulates that the removal and transplantation of organs, tissues and cells shall be performed exclusively within authorised public health-care institutions by doctors authorised by the Ministry of Health. However, the removal, preservation and transplantation of tissues and cells can also be performed within authorised private health-care institutions. The authorisations are granted by the Ministry of Health, on the proposal of the Transplant Agency.

85. Organs, tissues and cells are allocated to patients based on waiting lists, in line with the rules approved by an Order of the Minister of Health. The enrolment of a potential recipient into the waiting list is made by the Transplant Agency after the proposal of an authorised medico-surgical transplantation team.

86. According to the statistics submitted by the Moldovan authorities, one victim of THB for the purpose of organ removal was identified in 2012 and another one in 2013. Both cases were followed by the instigation of criminal proceedings. According to the authorities, the case filed in 2012 was discontinued because it was considered that no offence had been committed. The case filed in 2013 was sent to court, with two people being accused, and is currently pending. **GRETA would like to be kept updated on developments in this case.**

87. The Moldovan authorities have referred to trainings organised for transplantation co-ordinators and managers of authorised health-care institutions in the framework of a twinning project with the participation of specialists from France, Spain and Romania. The courses addressed ethical aspects of donation and transplantation and procedures for preventing trafficking in human organs, tissues and cells. The Moldovan Transplant Agency has concluded agreements with its counterparts in France and Romania which provide for training programmes for Moldovan doctors and transplant co-ordinators. Further, in 2014 the Permanent Secretariat of the National Committee, in co-operation with the General Prosecutor's Office and the Transplant Agency, organised a public lecture for future surgeons about their role in the prevention of THB and organ trafficking. **GRETA invites the Moldovan authorities to continue ensuring that medical and other relevant staff are sensitised and trained in order to identify potential cases of THB for the purpose of organ removal.**

#### **f. Measures to discourage demand (Article 6)**

88. As noted in paragraph 15, internal THB is a growing trend in the Republic of Moldova. As internal trafficking is triggered by demand from within the country, it is crucial that the Moldovan authorities address this phenomenon.

89. Activities related to raising awareness on gender equality are of particular relevance when it comes to discouraging demand for services of victims of human trafficking. The National Plan on gender equality for 2010-2015 provides for the development of educational programmes, training modules, studies, and organisation of information campaigns on gender-based violence and human trafficking. A Council on the Prevention and Elimination of Discrimination and Ensuring Equality was created following the adoption of the Law on Equal Opportunities in 2012. In February-March 2015, it implemented an awareness-raising campaign with the slogan "Together against discrimination", mainly by way of short TV and radio broadcasts. GRETA stresses that measures to discourage demand should tackle discrimination as it leads to the acceptance of the violation of rights of other groups and encourages in this sense indifference towards THB.

90. The previously mentioned awareness-raising measures for the general public have the potential of discouraging demand. For instance, events such as the annual week for combatting trafficking in human beings, TV broadcasts and activities organised in schools and universities give the right signals to potential users of services provided by victims of THB.

91. The 2013 amendments to the CC introduced the criminalisation of the use of products or services of victims of trafficking in human beings, with the knowledge that the person has been trafficked (see paragraphs 156).

92. **GRETA considers that the Moldovan authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector.**

**g. Border measures (Article 7)**

93. By Law No. 283 of 28 December 2011, the Border Guard Service was reorganised and renamed Border Police Department. Additional duties were assigned to it related to investigation and prosecution of cross-border crimes and it was given additional powers in its specific area of activity, including special investigative powers. In the following, Government Decision No. 434 of 19 June 2012 established special investigation and prosecution subdivisions within the Border Police Department, with powers to investigate crimes related to irregular migration and THB and, respectively, prosecution of THB cases.. In parallel, new training modules addressing THB were developed and integrated in the curriculum of the National College of Border Police (see paragraph 35).

94. The Border Police Department and the CCTP have signed a co-operation agreement aimed at identifying cases of THB through joint border operations. Further, to support the work of the Border Police in detecting criminal activities including THB, a Directorate for risk assessment was established within the Border Police Department whose task is to develop analytical documents such as risk alerts, risk notes and risk profiles. According to the Border Police, five persons were detected and handed over to the CCTP in relation to THB during 2014, four of whom were suspects and one a victim whose exploitation was prevented. **GRETA invites the Moldovan authorities to continue to strengthen their efforts to identify cases of THB at borders.**

## **2. Measures to protect and promote the rights of victims, guaranteeing gender equality**

**a. Identification of victims of THB (Article 10)**

95. In its first report, GRETA acknowledged the efforts made by the Moldovan authorities to improve the identification of victims of THB, but concluded that the identification system was not sufficiently effective. GRETA urged the Moldovan authorities to improve the identification of victims of trafficking among vulnerable groups, to enhance the identification of victims of internal trafficking, and to ensure that the multidisciplinary teams, police officers and other relevant actors adopt a more proactive approach to identification.

96. Article 15 of the Anti-Trafficking Law stipulates that the identification of victims of THB shall be carried out by the competent public authorities with the support of NGOs or by NGOs that have reasonable grounds to believe that a person is a victim of trafficking. GRETA's first report referred to a draft inter-departmental regulation regarding the identification of victims and potential victims of THB. This document was finally approved by Order No. 33 of 20 February 2012 of the Ministry of Labour, Social Protection and Family in the form of Guidelines on Identification of Victims and Potential Victims of THB. These guidelines were developed with the support of IOM and La Strada Moldova and are an operational tool establishing the steps to be taken by central and local authorities, NGOs and service providers during the identification process. They provide the methodology on how to identify victims and potential victims of THB and the inter-institutional co-operation procedures. The guidelines have two annexes containing questionnaires for identifying victims and potential victims of THB. An updated version of these annexes has been included in the 2014 Regulation of the operation of territorial multidisciplinary teams.

97. Further, in 2014 the Ministry of Internal Affairs approved guidelines on investigating THB offences, which include rules of identifying THB victims and risk profiles for the most frequently identified categories of victims (sexual exploitation, labour exploitation, forced begging).

98. As explained in GRETA's first report, a National Referral System has been set up for the identification of victims of THB. The National Co-ordination Unit of the National Referral System is placed within the Ministry of Labour, Social Protection and Family. It consists of one staff member whose salary is paid by IOM.

99. Several free telephone hotlines for victims of THB are in place, some managed by state institutions, others by NGOs.<sup>26</sup> Callers are informed of how they can benefit from assistance and protection from law enforcement bodies, social protection bodies, social workers, NGOs or other specialised entities. La Strada Moldova runs a hotline which provides counselling, information and referral to other competent services to trafficked persons, their relatives or anybody who wants to report or needs support.

100. In July 2013, the CCTP signed an agreement of co-operation with the State Labour Inspectorate on prevention and early identification of THB for labour exploitation and forced labour. It foresees joint operations and exchange of data. The Labour Inspectorate informed GRETA that a legal amendment had abolished the possibility for labour inspections without prior notification to the employer, which affected the Labour Inspectorate's ability to detect irregularities, including possible cases of THB. In their comments on the draft report, the Moldovan authorities referred to plans to amend once again the relevant legislation, Law No. 131 of 8 June 2012 on State Control over Business Activity. **GRETA would like to be kept informed of new developments in this area.**

101. The establishment of a network of community mediators (see paragraph 76) provides the potential to identify potential victims of trafficking who can be referred to assistance measures in order to avoid them being trafficked. However, GRETA was informed that trafficking was not included in the training of community mediators.

102. GRETA notes with satisfaction that the National Referral System has been established across the Republic of Moldova, with multidisciplinary teams at all administrative levels, and that significant efforts have been made to train the multidisciplinary team members. Nevertheless, GRETA was informed that the referral of victims was not always functioning as foreseen in the guidelines and that problems were caused by the turnover of multidisciplinary team members.

103. **GRETA considers that the Moldovan authorities should take further steps to improve the identification of victims of THB, and in particular to:**

- **ensure that the National Referral System is effectively implemented in practice, by periodically training all relevant professionals on the National Referral System and by taking measures to reduce the impact of staff turnover in the multidisciplinary teams;**
- **increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the role and training of labour inspectors;**
- **provide specific training to community mediators to enable them to identify victims and potential victims of trafficking in Roma communities;**
- **pay increased attention to detecting victims of internal trafficking.**

<sup>26</sup> Hotlines are run by the Ministry of Foreign Affairs and European Integration, the Centre for Combating Trafficking in Persons, the National Co-ordination Unit of the Ministry of Labour, Social Protection and Family, La Strada Moldova, the Russian NGO Centre for Integration "Migration and Law" (for Moldovan migrants and Moldovan children who are in and around Moscow), and by the Transnistrian NGO "Interaction"; see <http://antitrafic.gov.md>.

## **b. Assistance measures (Article 12)**

104. In its first report, GRETA urged the Moldovan authorities to ensure that the multidisciplinary teams and public bodies involved in victim assistance and protection have the necessary resources to ensure their effective functioning. Further, GRETA urged the authorities to ensure effective participation of the local authorities in the operation of the National Referral System, including in facilitating provision of assistance to victims of trafficking.

105. As explained in GRETA's first report, the provision of assistance to victims of THB is regulated by section 20 of the Anti-Trafficking Law. By Government Decision No. 898 of 30 December 2015, minimum quality standards were approved for services responsible for the support and protection of victims of trafficking in human beings. The Regulation on operation of the territorial multidisciplinary teams within the National Referral System (Government Decision No. 228 of 28 March 2014) clarified the roles of responsibilities of the entities participating in these teams with regard to victim assistance. According to the statistics provided to GRETA, 109 victims received assistance in 2011, 189 in 2012, 131 in 2013 and 80 in 2014.

106. Victim assistance is provided by specialised state-run centres. There are seven centres for assistance and protection of victims and potential victims of human trafficking, with a total of 146 places, which is about twice as many places as at the time of the first evaluation (72 places in five shelters). The centre in Chisinau is directly funded from the State budget, while the remaining six centres receive State funding through the administrative-territorial entities. In 2014, about 6.8 million MDL (about 340 000 euros) were spent for the running of these centres. **GRETA welcomes the increase in funding and the accommodation capacity of the centres.** However, GRETA is concerned by information that the State funding is only sufficient to cover staff salaries and maintenance and running costs of the centres. The daily allowances paid per assisted person are very low and do not cover the actual costs. Therefore, the centres have to be supported by external donors. The Chisinau Centre, for example, is supported by IOM.

107. The GRETA delegation visited the Chisinau Centre for assistance and protection of victims and potential victims of human trafficking, which is subordinated to the Ministry of Labour, Social Protection and Family. The centre has 24 places, and on the day of the visit 12 persons were accommodated in it, including five children. The centre originally received only women and their children, but for the last several years it has also occasionally accommodated men. The centre offers temporary placement for up to 30 days which can be extended to six months under certain conditions, as well as social, legal and medical assistance and psychological counselling. The centre employs 21 staff. Social workers are present around the clock. The GRETA delegation also visited an extension of the centre under construction, which would provide 10 more places for unaccompanied children. At the time of the visit, the extension was almost finalised. In their comments on the draft report, the Moldovan authorities informed GRETA that the works had been completed, but it was still necessary to carry out the registration of the extension before it could become operational.

108. Since 2009, the Chisinau Centre has assisted between 312 and 424 victims and potential victims of trafficking per year. In 2014, 411 persons were supported, 81 of whom were identified victims of trafficking (55 women, 14 men, eight girls and seven boys) and the remainder were potential victims of THB. The main forms of exploitation were sexual exploitation (42), labour exploitation (21), and forced begging (15).

109. The GRETA delegation also visited the Family Crisis Centre Sotis in Balti. It has 19 places for women and children. At the time of the visit, 10 persons were accommodated there (seven women and three children), but none of them were victims of trafficking. According to the centre's staff, two victims of trafficking were assisted in 2014. The centre has 13.5 full-time staff posts, and social workers are present during the night as well. The centre is equipped with alarms which are connected to the police.

110. As regards medical assistance for victims of trafficking, there is uncertainty about the extent of assistance measures to which presumed victims of trafficking are entitled, as Section 20, paragraph 2, of the Anti-Trafficking Law stipulates that they shall benefit "from the minimum package of social and medical assistance". GRETA was informed that the Ministry of Health appears to interpret the right of trafficked persons to free medical assistance as a right to a primary free consultation with a family doctor, and considers that the provision of other medical services should be the responsibility of the local authorities. However, the local authorities lack the resources to cover such services. A similar problem was raised in relation to psychological counselling. Problems also arise if victims of trafficking who have no medical insurance have to be hospitalised. In their comments on the draft GRETA report, the Moldovan authorities have affirmed that victims of THB without health insurance can be covered from the compulsory health care insurance funds, according to a list established by the Ministry of Health.

111. GRETA was informed that the reintegration of and long-term assistance to victims pose problems in practice. There is no social housing available, and victims go back to live with their family even if this is not a good solution. There are difficulties in particular in reintegrating victims without families or with disabilities. In this context, GRETA notes that the UN Committee on the Elimination of Discrimination against Women in 2013 expressed concern about the insufficiency of rehabilitation and reintegration services for women and girls who are victims of trafficking.<sup>27</sup>

112. The municipality of Chisinau with the support of IOM runs a centre for orientation, vocational training and social reintegration that offers services to victims and potential victims of THB. The centre provides access to education and professional orientation and vocational training for a variety of job profiles. According to the authorities, in the period 2004-2015, 255 victims of trafficking found employment.

113. **GRETA urges the Moldovan authorities to strengthen their efforts to comply with their obligations under Article 12 of the Convention and ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs. This should include measures to:**

- **provide adequate funding to the centres for assistance and protection of victims and potential victims of human trafficking, including by using confiscated proceeds of THB offences, as foreseen in Article 15, paragraph 4, of the Convention;**
- **ensure that all victims of THB are guaranteed effective access to public health care;**
- **ensure adequate long-term assistance to victims of THB and facilitate their reintegration into society.**

**c. Identification and assistance of child victims of THB (Articles 10 and 12)**

114. In its first report, GRETA urged the Moldovan authorities to improve the identification of victims and potential victims of THB among children left without parental care, orphan children placed in institutions and any other categories of children vulnerable to trafficking.

<sup>27</sup>

See Document CEDAW/C/MDA/CO/4-5 of 29 October 2013, paragraph 21.

115. The Anti-Trafficking Law contains in Sections 25 to 29 provisions on preventing and combating child trafficking, along with the protection and assistance of child victims. Several other legal acts and implementing regulations that have been adopted since the first evaluation by GRETA address the identification and assistance of child victims of trafficking. In particular, the 2013 Law on the Special Protection of Children at Risk and Children Separated from their Parents establishes procedures for the identification, evaluation, support, referral, monitoring and recording of children at risk and children separated from their parents, and determines the authorities that are responsible for the implementation of these procedures. The Law introduces the obligation of co-operation between the relevant public bodies in the child protection area, notably as regards the guardianship authorities and the central, district and local authorities responsible for social assistance, education, health care and law enforcement. Further, the Law describes the conditions under which children are assigned the status of children temporarily left without parental care or children without parental care and regulates the emergency and planned placement of children.

116. Section 29, paragraph 1, of the Anti-Trafficking Law stipulates that children have access to the full package of services for THB victims from the moment there are grounds to believe that a child is a victim of trafficking until the child's integration and recovery, irrespectively of their co-operation with the authorities. This includes, *inter alia*, access to comprehensive health-care services and state-guaranteed legal assistance.

117. In addition, the 2014 Regulation of the Territorial Multidisciplinary Teams' Activity in the National Referral System (see paragraph 18) sets out the steps that a multidisciplinary team has to take when its members identify and refer victims of trafficking, including children. According to item 16 of the Regulation, once a child is identified as a victim or potential victim of trafficking, the multidisciplinary team has to ensure that the child is taken care of by the guardianship authority, that his/her identity and nationality are established, and that the child benefits from protection and assistance measures as envisaged by the Law on the Special Protection of Children at Risk.

118. Based on the Law on the Special Protection of Children at Risk, guidelines for inter-institutional co-operation were adopted in 2014 (see paragraph 19). The guidelines cover the identification, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking, and provide for inter-institutional procedures in these fields. The relevant authorities have to register any notifications of suspected cases of violence, neglect, exploitation or child trafficking and immediately inform the local guardianship authority by phone and within 24 hours in writing. To this end, in 2014 a uniform notification form was approved by a Joint Inter-ministerial Order in by the Ministry of Labour, Social Protection and Family, the Ministry of Health, the Ministry of Education and the Ministry of Internal Affairs. The form is used by all public bodies involved in the identification process, as well as by the child helpline.

119. If a child victim of THB is deprived of parental care, Section 29, paragraph 4, of the Anti-Trafficking Law states that the guardianship authorities shall appoint a legal guardian. When it is decided not to place a child with his/her family, placement under guardianship into the extended family shall have priority over other types of placement, and where this is not possible, placement under family-type services (family-type children's home, foster care) shall have priority over placement in residential services. Child victims of trafficking can be accommodated in centres for protection and assistance of victims of THB for up to six months or for the duration of the legal proceedings.

120. The number of identified child victims of THB in the Republic of Moldova was 23 in 2011, 24 in 2012, 29 in 2013, 26 in 2014, and 68 in 2015 (the youngest child was 5 years old). The most frequent country of destination was the Russian Federation. Trafficked children often come from socially and economically vulnerable families, deprived of parental care and left to survive on their own.<sup>28</sup>

<sup>28</sup> See Centre for Combating Trafficking in Persons, Monitoring trafficking in human beings – analysis of status and dynamics of crimes for 2013, p. 29.



121. For the purpose of preventing cases of child trafficking, potential victims of THB can be placed in the temporary placement and rehabilitation centres for children in Chisinau and Balti. The GRETA delegation visited the centre in Balti, which is a medical and pedagogic institution for children aged up to 10. The centre can accommodate up to 150 children in different sections, depending on their needs. It receives children with mental problems, children without parental care or from vulnerable families, as well as children who are at risk of falling victim to THB. However, the Centre has not accommodated children formally identified as victims of trafficking. A total of 128 employees work at the centre, including nine medical doctors, five speech therapists, four psychologists, 45 nurses, five social workers, 31 caregivers and 29 support staff. The staff of the centre has not received specific training on THB.

122. The National Action Plan 2014-2016 provides for the adoption of a framework regulation on the functioning of centres for the assistance and protection of victims and potential victims of trafficking in children. Its adoption is foreseen for 2016. GRETA **would like to be kept informed of developments in this regard.**

123. There is no early warning system on missing children in the Republic of Moldova, and the harmonised European telephone number for missing children is not available. When there is information about missing children having crossed the border, the search for them is conducted through INTERPOL.

124. Section 27 of the Anti-Trafficking Law stipulates that if there are reasons to believe that a victim of THB has not reached the age of 18, he/she is presumed to be a child until age determination has been carried out. Age determination is performed by a forensic examination based on anatomical and physiological characteristics and an X-ray of the bones. GRETA notes that this method of age assessment does not take into account psychological, cognitive or behavioural factors. **GRETA considers that the Moldovan authorities should review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.**<sup>29</sup>

125. **While welcoming the measures taken by the Moldovan authorities to improve the identification and assistance of child victims of trafficking, GRETA urges the authorities to strengthen their efforts, in particular by:**

- **ensuring that the relevant actors take a proactive approach and increase their outreach work to identify child victims of THB;**
- **providing adequate support and services to child victims of trafficking, including appropriate accommodation;**
- **ensuring long-term monitoring of the reintegration of child victims of trafficking;**
- **assessing the efficiency of the co-operation of stakeholders provided for by law, in particular at the local level.**

**d. Protection of private life (Article 11)**

126. The Anti-Trafficking Law stipulates the confidentiality of victims' personal data and that disclosure of such data is punishable under relevant criminal and administrative legislation.<sup>30</sup> Law No. 133 of 8 July 2011 on Personal Data Protection regulates the processing and protection of personal data and contains provisions on the protection of personal information relating to family and private life. It also covers the activities carried out by NGOs working in the anti-trafficking field, for example when

<sup>29</sup> General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

<sup>30</sup> See sections 11, paragraph 3, 21, paragraph 6, and 29, paragraph 8, of the Anti-Trafficking Law.

they provide assistance to victims in the framework of the National Referral System. According to the authorities, no cases of non-compliance of NGOs with the provisions on data protection have been recorded. Further, Law No. 30 of 7 March 2013 on the Protection of Children against the Negative Impact of Information prohibits, *inter alia*, the disclosure of the identity of children in mass media.

127. According to point 37 of the Regulation of the Territorial Multidisciplinary Teams' Activity, each member of a multidisciplinary team shall respect the confidentiality of the information he/she has acquired on the private life and identity of the beneficiaries of the National Referral System. Personal data is processed, stored and used in conformity with the Law on Personal Data Protection. Law enforcement personnel who have direct access to personal data in the framework of investigations are informed about their obligations under this law.

128. Further, the legal acts and implementing regulations applicable to health-care professionals provide for the confidentiality of personal data. One exception is when there are grounds to believe that the damage caused to a person's health is a result of illegal or criminal actions. In such a case, the competent law enforcement bodies have to be informed. The Minister of Health has issued an internal order instructing managers of public health-care providers to enhance the vigilance of medical staff with a view to identifying possible victims of THB while respecting the confidentiality of personal information.

#### **e. Recovery and reflection period (Article 13)**

129. The legal framework for the recovery and reflection period has not changed since GRETA's first evaluation. Section 20, paragraph 3, of the Anti-Trafficking Law, which applies both to Moldovan and foreign citizens, stipulates that victims of THB are offered a reflection period of 30 days. Section 2, paragraph 14, of the Anti-Trafficking Law defines the purpose of the reflection period, which is to recover, escape the influence of traffickers and take a decision on whether to co-operate or not with law enforcement bodies.

130. According to the Moldovan authorities, there are no figures on the number of victims of THB granted a recovery and reflection period. The authorities have affirmed that victims who are identified by members of multidisciplinary teams and victims who receive assistance from centres for support and protection of THB victims benefit from the recovery and reflection period. This includes victims who returned to the Republic of Moldova after having been exploited abroad. At the same time, the authorities acknowledge that law enforcement bodies do not always respect the recovery and reflection period and seek to secure evidence from victims as quickly as possible.

**131. GRETA considers that law enforcement bodies should be issued with clear instructions on victims' rights during the recovery and reflection period, in compliance with the obligations of Article 13 of the Convention, and stressing that the recovery and reflection period is not conditional on the victim's co-operation with the law enforcement authorities.**

#### **f. Residence permits (Article 14)**

132. As noted in the first evaluation report, Section 24, paragraph 6, of the Anti-Trafficking Law stipulates that foreign citizens and stateless persons who are victims of THB and are placed in centres for protection and assistance, or participate in criminal proceedings against traffickers, shall benefit from a temporary residence permit of a duration of up to six months, which may be prolonged further.

133. The Law on Aliens provides both for a temporary residence permit for victims of THB due to their personal situation and for the purpose of co-operating with the law enforcement bodies. Section 31, paragraph 2, alinea e-1, of the Law of Aliens provides that a temporary residence permit can be granted to protect victims of THB. Further, Section 42-1 of the Law on Aliens stipulates that a foreign national who is or was a victim of THB may be granted a renewable residence permit of six months on the following conditions: the person concerned co-operates with the relevant authorities in identifying and prosecuting the perpetrators, does not have any contact with them, his/her presence in the Republic of Moldova is necessary for the criminal proceedings, and he/she does not pose any threat to national security and/or public order. So far, no residence permits have been issued for victims of THB. According to the authorities, this is mainly due to the fact that there have been very few foreign victims of THB in the Republic of Moldova.

134. **GRETA welcomes the fact that a temporary residence permit can be granted to victims of trafficking both for personal reasons and for the purpose of co-operation with law enforcement authorities.**

**g. Compensation and legal remedies (Article 15)**

135. In its first report, GRETA urged the Moldovan authorities to inform victims of THB about their right to compensation and ways to access it, and to ensure that victims have effective access to legal aid in this respect. GRETA also urged the Moldovan authorities to set up a State compensation scheme accessible to victims of THB.

136. Victims of trafficking are entitled to legal assistance, pursuant to Sections 16 and 17 of the Anti-Trafficking Law. According to the Moldovan authorities, victims in general are informed about their rights, including the possibility to claim compensation. Pursuant to Section 20, paragraph 5, of the Anti-Trafficking Law, this has to be done by the competent authorities. During criminal proceedings, the prosecutor who qualifies a THB victim as an injured party under the CPC is supposed to explain to the injured party his/her rights, including the right to file a civil case.

137. A civil action to claim compensation may be started as part of the criminal proceedings. In practice, however, criminal courts rarely decide to grant compensation to victims of THB. NGOs supporting victims of THB indicated that the compensation awarded for material and/or moral damage is often very low and that there are difficulties to effectively obtain compensation because the perpetrators often do not reside in the Republic of Moldova. There are no statistics available as to the number of victims of THB awarded compensation by courts. The Moldovan authorities have referred to a sentence by the Buiucani Court (Chisinau municipality) of 17 October 2014, by which 14 Moldovan citizens who were recruited to work in the Russian Federation in 2012 were each awarded compensation of 32 160 MDL (about 1430 euros). The Moldovan authorities were unable to confirm whether the claimants actually received the awarded compensation from the perpetrator.

138. The Moldovan authorities have referred to Section 203 of the CPC, which states that the property seized from the suspect shall be allocated to ensure compensation for the damage caused by the offence. However, the authorities also indicated that in accordance with section 106, paragraph 1, of the CC, the victim does not benefit from the seized assets. This article states that "special confiscation is the forced and free transfer of assets used to commit the crime or resulting from crime into state ownership." GRETA notes that there appears to be a discrepancy between these two legal provisions which could lead to the situation that assets confiscated from perpetrators are not used for the compensation of victims but is transferred to the state budget. In 2015, courts did not order the seizure of any assets in cases of THB.

139. The Ministry of Justice is working on a draft Law on the Protection and Rehabilitation of Crime Victims which strengthens the procedural rights of victims, the provision of support and rehabilitation services to them, the conditions and procedure of accessing these services. The law will set up a State compensation scheme. The financial compensation provided by the State will be subsidiary and apply to cases when compensation cannot be covered or obtained from the perpetrator. The law will apply to crimes committed on the territory of the Republic of Moldova. If a Moldovan victim was exploited abroad, but the offence started in the Republic of Moldova by recruiting the victim, the law will also apply. A final conviction will be required before State compensation can be granted.

140. **GRETA urges the Moldovan authorities to take steps to facilitate and guarantee access to compensation to victims of THB, including children, and in particular to:**

- **enable victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation;**
- **include victim compensation into training programmes for law enforcement officials, prosecutors and judges;**
- **make use of assets confiscated from traffickers to provide compensation to victims of trafficking;**
- **set up a State compensation scheme which is accessible to all victims of THB, regardless of their nationality and residence status.**

141. **Further, GRETA invites the Moldovan authorities to develop, in the framework of setting up a data collection system on trafficking in human beings, a system for recording compensation claims of, and awards to, victims of trafficking.**

#### **h. Repatriation and return of victims (Article 16)**

142. The legal basis concerning repatriation of victims of trafficking to the Republic of Moldova remains the same as at the time of the first evaluation. It is provided in Section 19 of the Anti-Trafficking Law and the Regulation on the procedure for repatriation of children and adults victims of human trafficking, smuggling of migrants and unaccompanied children, which was approved by Government Decision No. 948 of 7 August 2008.

143. In its first report, GRETA stated that the practical application of the existing framework for the repatriation of victims of THB should be improved and that special attention should be paid to the best interests of child victims. The Ministry of Labour, Social Protection and Family informed GRETA that efforts were being made to improve the repatriation mechanism. The Ministry is preparing a draft Government Decision amending the 2008 Regulation regarding the procedure for repatriation of children and adults. Further, by Order No. 52 of 25 April 2014, the Ministry of Labour, Social Protection and Family approved guidelines developed by the NGO Terre des Hommes on "Case management of children, identified as being without legal accompanying persons within the territories of other states." The Guidelines aim at increasing the capacities of child protection professionals involved in the repatriation process.

144. According to figures provided by the Ministry of Labour, Social Protection and Family and IOM, 22 adult victims of THB were repatriated to the Republic of Moldova in 2014, 30 in 2013 and 80 in 2012. The financing of repatriation is largely dependent on external donors. Thus, 28 of the 30 repatriations of victims in 2013 were paid by IOM. Information on repatriations from the Russian Federation and Ukraine show that a significant part of the procedures are being paid by IOM and Terre des Hommes. According to the Ministry of Labour, Social Protection and Family, the planned amendment to the repatriation regulation will increase public financing for repatriation. As concerns children, the authorities informed GRETA that in the period from 2011 to 2015, 201 children were repatriated to the Republic of Moldova, mainly from the Russian Federation (54%) and Ukraine (42%).

145. According to the authorities, after repatriation the children are accommodated and supported in one of the following ways: reintegration into the biological or extended family, foster care, placement in a family-type children's home service, temporary placement in shelters or placement in a maternity centre. The above-mentioned 2014 Guidelines concerning identified children without legal accompanying persons within the territories of other states stipulate that the case manager and other specialists of the multidisciplinary team keep the child's file including new information about the development of the case as a result of discussions with the child, family members and relevant professionals. The 2008 Government Decision mentioned above lays down that the guardianship authority shall monitor the situation of the repatriated child and submit reports to the Ministry of Labour, Social Protection and Family, which keeps a single file on the child's repatriation and the monitoring of its reintegration. The Ministry informs a competent foreign authority on request about the situation of the child after the repatriation, with the consent of the family or the child's legal representatives, via the Department of Consular Affairs of the Ministry of Foreign Affairs and European Integration.

146. In its first report, GRETA considered that the Moldovan authorities' co-operation with States from which Moldovan nationals are being repatriated should be developed in order to facilitate the identification of potential victims of trafficking among irregular migrants and unaccompanied minors prior to their repatriation. Negotiations on an agreement with Ukraine on co-operating in the return of victims of THB, unaccompanied children and migrants in difficulty<sup>31</sup> are advanced, but have yet not come to a conclusion. As noted in paragraph 58, negotiations with the Russian Federation on a similar agreement have been conducted since 2009, but are not yet in force.

**147. GRETA considers that the Moldovan authorities should ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* (Article 40(4) of the Convention), and in the case of children, by fully respecting the principle of the best interests of the child.**

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<sup>31</sup> In the draft agreements with the Russian Federation and Ukraine, the term "migrant in difficulty" is defined as follows: "A person who cannot return home, in view of the fact that while within the territory of one of the parties this person is facing a dangerous social situation or other difficult situations of life, caused by serious health problems, financial difficulties, lack or loss of documents, that cannot be restored by the person on his own, and the lack of support from family."

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

148. As described in GRETA's first report, THB is criminalised in Sections 165 (Human trafficking) and 206 (Child trafficking) of the CC. Section 165, paragraph 1, CC reads as follows:

"The recruitment, transportation, transfer, sheltering or fostering of a person, with or without consent thereof, for the purpose of commercial or non-commercial sexual exploitation, forced labour or services, begging, slavery or slavery-like conditions, use in armed conflicts or criminal activities, the removal of human organs or tissues, performed by:

a) threat with the use or use of physical or mental violence not dangerous to life and health of the person, including by kidnapping, seizure of documents and by servitude, in order to return a debt whose size is unreasonably established, as well as by threat of disclosing confidential information to victim's family or to other persons, both physical and legal entities;

b) fraud;

c) abuse of vulnerability or abuse of power, giving or receiving of payments or benefits in order to achieve the consent of a person having control over another person, shall be punished with imprisonment from 6 to 12 years with deprivation of the right to hold certain positions or to practice a certain activity for a term of 2 to 5 years, whilst a legal person shall be punished with a fine of 3000 to 5000 conventional units, with the deprivation of the right to exercise a certain activity or with the liquidation of the legal person."

149. Further, Section 206, paragraph 1, of the CC reads as follows:

"The recruitment, transportation, transfer, sheltering or fostering of a child, as well as giving or receiving payments or benefits to achieve the consent of a person having control over the child, with the intention of:

a) sexual, commercial or non-commercial exploitation for prostitution or pornographic industry;

b) forced labour or services;

b<sup>1</sup>) begging or other immoral purposes;

c) exploitation in slavery or in slavery-like conditions, including cases of illegal adoption;

d) use in armed conflict;

e) use in a criminal activity;

f) removal of human organs, tissues and/or cells;

g) (*deleted*);

h) sale or purchase,

shall be punished with imprisonment from 10 to 12 years, with deprivation of the right to hold certain positions or to practice a certain activity for a term of 2 to 5 years, whilst a legal person shall be punished with a fine of 3000 to 5000 conventional units, with the deprivation of the right to exercise a certain activity, or with the liquidation of the legal person."

150. As explained in the first report, the above provisions contain all the elements which are required by the Convention in Article 18 in conjunction with Article 4. The aggravating circumstances which are laid down in paragraphs 2 and 3 of Sections 165 and 206 of the CC encompass those provided for in Article 24 of the Convention.

151. As noted in paragraph 17, in 2013, amendments were made to the offences of forced labour (Section 168 of the CC)<sup>32</sup> and pimping (Section 220 of the CC)<sup>33</sup> to better distinguish their scope from that of THB for labour exploitation and THB for sexual exploitation respectively. Further, the sanctions for the offences of trafficking in adults and child trafficking were increased, respectively from six to 12 years (instead of five to 12 years) and from 10 to 12 years (instead of eight to 12 years). The aggravating circumstance of a public official committing the crime now also applies to persons holding an office by election and to officials of international organisations or foreign public services.

152. The abuse of a position of vulnerability is one of the means of the THB offence under Section 165 of the CC. It is interpreted by courts<sup>34</sup> in accordance with the legal definition of this term in Section 2, paragraph 10, of the Anti-Trafficking Law, according to which abuse of a position of vulnerability is a "special status of a person, inclining him/her to be abused or exploited, especially for reasons of: a precarious situation from the point of view of his/her social survival; a situation conditioned by age, pregnancy, illness, infirmity, physical or mental disability; a precarious situation caused by the illegal entry or stay in the country of transit or destination." Statistics of cases appealed to the Supreme Court show that the number of cases of THB committed with abuse of a position of vulnerability represent three quarters of all THB cases.

153. Forced begging and the use of trafficked persons in criminal activity as forms of exploitation are specifically included in Sections 165 and 206 of the CC. The Supreme Court specified in its decision No. 37 of 22 November 2004 on the application of legislation in cases concerning THB s that begging as referred to in Sections 165 and 206 of the CC is a form of exploitation via forced labour or forced services, and is defined as "actions by which a person is forced to solicit money or goods from another person, firms, organisations or institutions". Concerning forced criminality, the Supreme Court decided that the use in criminal activity denotes forced involvement in committing deeds constituting crimes.

154. Forced marriage is criminalised under Section 167 of the CC as a form of slavery.<sup>35</sup> According to the Moldovan authorities, cases of THB for the purpose of forced marriage can therefore be prosecuted as THB for the purpose of slavery or slavery-like conditions. Illegal adoption constitutes an offence of THB if it was committed for the purpose of exploitation in slavery or slavery-like conditions (Section 206, paragraph 1, alinea c of the CC). GRETA notes that the definition of THB in the Anti-Trafficking Law provides for a more comprehensive list of forms of exploitation than the one in Section 165 of the CC, including the "abuse of a child's rights with a view to illegal adoption", i.e. without the additional requirement of slavery-like conditions.<sup>36</sup> The authorities have indicated that there are no cases of THB for the purpose of forced marriage or illegal adoption in the case law of the Supreme Court.

<sup>32</sup> Section 168, paragraph 1, of the CC now reads (emphasis added): "Obtaining labour from a person against his/her will, by coercion or fraud, **if this action does not include the elements of trafficking in human beings or child trafficking**, shall be punished (...)".

<sup>33</sup> Section 220, paragraph 1, of the CC now reads (emphasis added): "Encouraging or forcing into prostitution or facilitating practicing prostitution, or making profits from prostitution practiced by another person, **if the action does not include the elements of trafficking in human beings**, shall be punishable (...)".

<sup>34</sup> Decision of the Supreme Court of Justice Plenum "On the application of legislation with respect to THB and TC" no. 37 of 22 November, 2004, item 5.8.

<sup>35</sup> Section 167 of the CC reads: "Placing or keeping a person in conditions where he/she is owned by another person or forcing a person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital relationship shall be punished (...)".

<sup>36</sup> Exploitation is defined in Section 2, paragraph 3, of the Anti-Trafficking Law as: "a) compelling to perform work or services by use of force, threats or other forms of coercion, in violation of the legal provisions concerning labour conditions, remuneration, health and security; b) slavery, use of practices similar to slavery or resorting to other ways of deprivation of liberty; c) compelling to engage in prostitution, to participate in pornographic performances, with a view to the production, distribution and circulation of such performances, the acquisition, sale or possession of pornographic material, or practicing other forms of sexual exploitation; d) compelling harvesting of organs or tissues for transplantation or collection of other component parts of the human body; e) using a woman as a surrogate mother or for reproductive purposes; f) abuse of child's rights with a view to illegal adoption; g) use in armed conflicts or in illegal military formations; h) use in criminal activities; i) compelling to engage in begging; j) sale to another person; k) compelling to engage in other activities that violate fundamental human rights and freedoms."

155. In their comments on the draft report, the Moldovan authorities informed GRETA about forthcoming amendments to Sections 165 and 206 CC (see paragraph 21). In the list of means in Section 165, it is envisaged to replace the terms "seizure of documents" with the terms "removing, concealing or destroying the documents". Further, additional forms of exploitation will be added to Section 206 of the CC on child trafficking: exploitation as surrogate mothers or for the use of children for reproductive purposes, and the illegal adoption of children.

**b. Criminalisation of the use of services of a victim (Article 19)**

156. Following GRETA's first evaluation, a new Section 168-1 was added to the CC in 2013, punishing with imprisonment from two to five years "whoever uses products and/or services which constitute the result of exploitation through trafficking in human beings or child trafficking, provided by a person about whom the beneficiary knows that he/she is a victim of these offences (...)." Paragraph 2 of the new Section 168-1 CC stipulates that the person who committed the action under paragraph 1 can be exempted from criminal liability if he/she voluntarily reported the offences of human trafficking or child trafficking committed by other persons, helped to discover these offences or actively contributed to investigating these cases. GRETA was informed that no cases of application of these provisions had been recorded.

157. **GRETA welcomes the criminalisation of the use of services which are the object of exploitation, with the knowledge that the person is a victim of THB.**

**c. Corporate liability (Article 22)**

158. As noted in GRETA's first report, the criminal liability of legal persons involved in THB offences is established in Section 31 of the Anti-Trafficking Law and Section 21, paragraph 3, of the CC. Legal persons are liable if they commit THB (Section 165 CC), child trafficking (Section 206 CC), forced labour (Section 168 CC) or using the results of labour or services of an individual who is a victim of THB (Section 165-1 CC). The sanctions envisaged are a fine from 1000 to 9000 conventional units, deprivation of the right to exercise a certain activity and liquidation of the legal person.

159. According to the Moldovan authorities, no cases with the involvement of legal persons in THB offences have been identified. **GRETA considers that the Moldovan authorities should examine the reasons why no legal entities have been punished for trafficking-related acts and, in the light of their findings, take the necessary measures to ensure that the criminal liability of legal entities can be acted upon in practice so that trafficking situations are more often established.**

**d. Non-punishment of victims of THB (Article 26)**

160. As noted in the first evaluation report, Section 165, paragraph 4, of the CC provides that "a victim of human trafficking is exempted from criminal liability for crimes committed by him/her in connection with this procedural status". The same wording is included in Section 206, paragraph 4, of the CC concerning child trafficking. Further, Section 32 of the Anti-Trafficking Law provides that a victim of THB shall be exempted from criminal, administrative and civil liability for actions committed by him/her in relation to his/her status as a victim.

161. In 2015, the non-punishment provision was applied in two cases. The first case concerned a victim of trafficking for the purpose of sexual exploitation who was coerced to participate in recruiting and sheltering other victims, including children. In the second case, it was decided to discontinue the criminal proceedings against a child victim of sexual exploitation who stole money from her trafficker in order to be able to escape.

162. **GRETA invites the Moldovan authorities to continue to raise awareness of the importance of the non-punishment principle among police officers, prosecutors and judges.**



**GRETA also invites the authorities to issue guidelines for prosecutors on the application of the non-punishment principle, paying particular attention to THB for the purpose of forced criminality.**

#### **4. Investigation, prosecution and procedural law**

##### **a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)**

163. In its first report, GRETA urged the Moldovan authorities to address gaps in the investigation procedure and the presentation of cases in court, and to investigate and prosecute with priority cases of THB with the alleged involvement of public officials.

164. As noted in paragraph 25, the Centre for Combating Trafficking in Persons (CCTP), which is a specialised investigation department within the National Inspectorate of Investigation of the General Police Inspectorate, has been restructured. The CCTP was previously divided into three regional teams which dealt with all forms of THB within their respective territory. Since August 2014, three investigation sections have been created to deal with different exploitation purposes across the country: the first investigation section deals with combating THB for sexual exploitation, the second with THB for labour exploitation and begging, and the third with child trafficking and THB in organs, tissues and cells.

165. A new specialised unit for combatting THB was established within the General Prosecutor's Office, consisting of seven prosecutors. They lead the prosecution in cases investigated by the CCTP, represent the prosecution in THB cases submitted to court, and monitor and co-ordinate the work of local Prosecutor's Offices in THB cases. Further, at each local Prosecutor's Office one prosecutor has been assigned as a reference point for THB cases.

166. Special investigation techniques may be used when the three conditions laid down in Section 132-1 CPC are fulfilled. Firstly, it has to be impossible to achieve the purpose of the investigation by any other way. Secondly, there has to be a reasonable suspicion in relation to the preparation or perpetration of a serious, extremely serious or exceptionally serious crime. Thirdly, the envisaged action must be necessary and proportionate. Interception of communication is only admissible if the investigation concerns an offence listed under Section 132-8 of the CPC, THB and child trafficking being part of that list. Special investigative measures may only be implemented by investigation officers of specialised sub-units subordinated to certain ministries, listed in the Law on Special Investigative Activity, which include CCTP.

167. The use of special investigation techniques must be authorised by a judge or a prosecutor. For the following measures a judge's authorisation is needed: house search, installation of audio and video surveillance and recording devices, intercepting and recording of communication or images, interception of mail, monitoring of telegraphic and electronic communications, control of financial transactions and access to financial information, and gathering information from electronic communications services providers. A prosecutor may authorise the identification of the user of an electronic communication system or an access point to an informational system, surveillance, control of money which is transmitted or received, undercover investigation, cross-border surveillance, and controlled delivery or purchase. According to the authorities, the most frequently used techniques in THB cases are interception and recording of communications or images, collection of information from the providers of electronic communication services, identification of the subscriber, owner or user of an electronic communication system, surveillance and monitoring or control of financial transactions and accessing financial information. Further, in 2015, an undercover agent was used in one case.

168. A Centre for Combating Cyber Crimes has been set up within the General Police Directorate. It continuously screens the internet to detect possible trafficking scenarios, such as advertisements offering or looking for organs for transplantation. It has a Child Protection Section in charge of combating child pornography, abuse and sexual exploitation of children through the use of information technology. All entities of the Ministry of Internal Affairs, Customs Service and the Prosecutor General Office are obliged to inform the Centre of cases of child pornography. The Centre centralises the storage and analysis of material with illegal content, and is connected to the relevant Interpol database. It runs a hotline for Moldovan police officers, where they can receive expert assistance in cases of child pornography offences and sexual exploitation of children online. The Centre assists with the identification of victims and supports criminal investigations. The normative framework in place enables the blocking of websites containing child pornography and other data on the abuse and sexual exploitation of children, which are registered with the national domain ".md". In such cases, the state enterprise MoldData, which is the national domain administrator, withdraws such domains. There are no regulations in this field with respect to foreign websites. The Centre for Combating Cyber Crime has drafted legal amendments which include the obligation of internet providers to suspend access to such sites.

169. In its first report, GRETA referred to the existing legal provisions enabling the seizure and confiscation of criminal assets. According to the Moldovan authorities, no data is available on financial investigations to disrupt criminal money flows and ensure financial asset recovery in relation to THB cases. The Moldovan authorities have stressed the need to strengthen the capacity of law enforcement agencies to monitor and disrupt financial transactions and apply the law related to financial investigations, in order to seize the proceeds obtained from THB. Currently, many bodies are involved in the seizure of proceeds, which renders the carrying out of financial investigations burdensome; therefore the government envisages creating a special department for financial investigations. GRETA notes that in its 2012 evaluation report on the Republic of Moldova, the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) noted several deficiencies of the legal regime for provisional measures and confiscation, in particular when it comes to seizure and confiscation of proceeds or property from third parties and legal entities. MONEYVAL noted that the Moldovan authorities made insufficient use of the current provisions and the low volume of confiscated property.<sup>37</sup>

170. In 2012, a new Section 540-2 was added to the Code of Criminal Procedure which provides the legal basis for the establishment of joint investigation teams (JITs). Further, the Republic of Moldova signed and ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters which entered into force for the Republic of Moldova on 1 December 2013. No JITs have been set up so far. In 2014 the Moldovan authorities started discussing a JIT with Italy to dismantle a group of Moldovan and Albanian traffickers who recruited young women from the Republic of Moldova, Romania and Ukraine for sexual exploitation in northern Italy. The Italian law enforcement authorities had to reject the request because at the time Italian legislation did not have legislation providing for the establishment of JITs. Further, in 2015 the General Prosecutor's Office of the Republic of Moldova submitted two requests for the setting up of JITs. One was submitted to Greek law enforcement bodies which was declined with the argument that Greece had no financial resources to cover the running costs of the JIT. The second request was made to Germany and Ukraine. It was refused by Ukraine on the grounds that there had been no offence on Ukrainian territory. **GRETA welcomes the steps taken to create a legal basis for setting up joint investigation teams and the efforts made to set up joint investigation teams.**

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<sup>37</sup>Available at [http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Moldova\\_en.asp](http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Moldova_en.asp).

171. According to data provided by the General Police Inspectorate and the General Prosecutor's Office, in the four-year period from 2011 to 2014, 636 investigations into THB offences (including 88 for child trafficking) have been carried out (135 in 2011, 171 in 2012, 155 in 2013, and 175 in 2014). These investigations led to 224 prosecutions (including 34 for child trafficking). Convictions were handed down against 119 persons (including 25 for child trafficking). For 91 convicted perpetrators (76% of convictions) this involved effective imprisonment, whereas the prison sentences of 28 perpetrators (24%) were suspended. According to data provided by the Department of Penitentiary Institutions, the average length of the sentences during the four-year period was between 6,6 (2012) years and 9 years (2014) for THB in adults and 6,5 (2011) and 16 years (2013) for trafficking in children.

172. The statistical information provided by the Moldovan authorities does not provide a breakdown of cases according to the type of exploitation. However, in its study on "Monitoring trafficking in human beings – analysis of status and dynamics of crimes for 2013", the CCTP noted that trafficking for labour exploitation constituted 22% of all criminal cases initiated under Section 165 of the CC, or 37% of the total number of victims recorded under this section. A similar study was carried out in 2014 and will be published on the website of the Ministry of Internal Affairs. **GRETA commends the conduct of these studies and encourages the Moldovan authorities to continue analysing and publishing data on criminal proceedings in THB cases.**

173. In 2015, 54 criminal proceedings concerning THB for the purpose of labour exploitation resulted in 12 prosecutions. In the same year, courts handed down four sentences against eight persons for committing THB for the purpose of labour exploitation under Section 165 of the CC. Further, the courts handed down one sentence in respect of five accused persons for having committed child trafficking for the purpose of labour exploitation under Section 206 of the CC.

174. One of the difficulties in investigating THB cases is the significant amount of time that elapses before victims come into contact with Moldovan law enforcement bodies, which often makes it difficult to secure evidence in the country where the victim was exploited. In cases of labour exploitation in the construction sector, the victims are exploited by sub-contractors, which do not use contracts and make no banking or accounting transactions with the beneficiaries of that labour.

175. The Moldovan authorities have referred to a number of cases where public officials were investigated, prosecuted and brought to court for THB offences. For example, in 2013, the head of the Cahul housing department was sentenced to 13 years' imprisonment for THB under section 165, paragraph 3 of the CC for having created an organised criminal group which had trafficked for the purpose of for sexual exploitation 15 Moldovan victims to the northern part of Cyprus and the United Arab Emirates. In another case, three employees of the police criminal department of the General Police Commissariat of Chisinau were accused of having asked 10 000 USD from two foreign traffickers for dropping their case. The case was prosecuted for the offence of passive corruption. The three accused were acquitted in February 2015; the prosecutor's appeal is pending. In another case, in 2013, a judgment of the Supreme Court of Justice ordered the re-trial of the case of an employee of the National Anti-Corruption Centre who was accused of having committed THB for the purpose of sexual exploitation, together with another person, in 2011. They were convicted of pimping and fined 800 conventional units<sup>38</sup> each, and the Supreme Court declared the appeals as inadmissible. In their comments to the draft report, the Moldovan authorities have referred to more cases of THB with the involvement of public officials. For example, in 2015, a case of trafficking of three children for labour exploitation was identified with the involvement of a police officer who was one of five accused persons. This case is still pending in court.

<sup>38</sup> According to section 64, paragraph 2, of the Criminal Code, one conventional unit corresponds to 20 Lei (0,90 Euro on 31 March 2016).

176. **GRETA considers that the Moldovan authorities should take further steps to ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:**

- **intensifying their efforts to carry out financial investigations with a view to identifying, seizing and confiscating criminal assets generated by trafficking offences;**
- **continuing to sensitise prosecutors and judges to the rights of victims of THB and developing further their specialisation to deal with THB cases;**
- **prosecuting official involved in cases of trafficking;**
- **setting up Joint Investigation Teams with law enforcement agencies of relevant countries.**

**b. Protection of witnesses and victims (Article 28 and 30)**

177. In its first report, GRETA asked the Moldovan authorities to make full use of the available measures to protect victims and ensure that victims of THB are adequately informed and assisted during the pre-trial and court proceedings.

178. As mentioned in the first evaluation report, Law No. 105 of 16 May 2008 on the Protection of Witnesses and Other Participants in the Criminal Process provides for a broad range of protection measures for victims of very serious crimes, including THB. Among the possible measures foreseen are protection of the identity of the victim, change of his/her identity or residence or place of work, as well as urgent measures which may comprise, *inter alia*, personal protection of the witness, surveillance of his/her home or his/her temporary placement in a safe place. The law also offers a comprehensive assistance package for such witnesses. According to the agency in charge of protecting witnesses and other participants in the criminal process, in 2015 no cases of application of these provisions in cases of THB were registered.

179. The relocation of a witness to another country is not foreseen in Moldovan legislation, but would be possible on the basis of a bilateral or multilateral agreement on international legal assistance.

180. To encourage victims and witnesses to co-operate with the law enforcement agencies, Section 110 of the CPC enables the investigative judge or the court to interview witnesses without them being physically present, by means of technical devices. In 2012, IOM initiated the instalment of audio-video equipment for the interviewing and recording of victims-witnesses, including by teleconference, in criminal cases in the Courts of Appeal and Prosecutor's Offices of Chisinau, Balti, Cahul, funded by the U.S. Department of State.

181. According to Section 110-1 of the CPC, the interviewing of a child witness under 14 years in criminal cases related to sexual crimes, human trafficking or domestic violence shall be conducted by the investigative judge in specially equipped rooms, which have audio video recording means, with the involvement of a psychologist who puts the questions to the child. To this end, since the first evaluation, six new interview rooms have been created across the Republic of Moldova. They are located within district Prosecutor's Offices. Several training programmes for psychologists, prosecutors, investigative judges and multidisciplinary team members were conducted on interviewing child victims and witnesses of sexual abuse or exploitation and on the use of these rooms. Currently, seven specially equipped rooms are operational, funded from the State budget.

182. GRETA notes that according to a report by La Strada Moldova, the protection of victims and witnesses of THB is often insufficient, mainly due to the lack of funds for such measures, and in order to obtain protection for a witness in criminal proceedings, it is necessary to prove that there is a real threat to the life and health of the witness.<sup>39</sup> As a consequence, the guarantees laid down in law are often not implemented in practice.

183. **GRETA urges the Moldovan authorities to make full use of the available measures to protect victims and witnesses of THB before, during, and after criminal proceedings, and to allocate the necessary funds for implementing such measures.** As regards children, reference is made to the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice.<sup>40</sup>

### c. Jurisdiction (Article 31)

184. According to Section 11 of the CC, Moldovan citizens and stateless persons permanently residing in the Republic of Moldova who commit criminal offences abroad are criminally liable in the Republic of Moldova. Foreign nationals and stateless persons without permanent residency in the Republic of Moldova who commit criminal offences abroad are criminally liable in the Republic of Moldova if they are not convicted in a foreign state, provided that the crimes committed are adverse to the interests of the Republic of Moldova, the rights and freedoms of citizens of the Republic of Moldova, peace and security, or constitute war crimes or crimes set forth in international treaties to which the Republic of Moldova is a party.

## 5. International co-operation and co-operation with civil society

### a. International co-operation (Article 32)

185. In its first report, GRETA considered that the Moldovan authorities should enhance international co-operation in the criminal and non-criminal fields by concluding agreements with countries where Moldovan nationals are trafficked to.

186. In the framework of the EU Association process, co-operation has been developed between the Republic of Moldova and EU institutions and member States. The Association Agreement which was signed on 27 June 2014 includes a clause concerning co-operation in preventing and combating THB. Further, the Republic of Moldova concluded a co-operation agreement concerning judicial co-operation with Eurojust on 10 July 2014 and an operational agreement with EUROPOL on 18 December 2014. Moreover, European Integration Co-operation Partnerships were signed with Croatia (6 November 2012), Slovenia (22 July 2013) and Greece (8 April 2014), providing for co-operation and exchange of information in the area of preventing and combating THB.

187. The Republic of Moldova's international police and judicial co-operation in proceedings concerning THB offences is based on multilateral and bilateral agreements. Where there is no such agreement, legal co-operation follows the principle of reciprocity. Both the unit for combating THB within the General Prosecutors' Office and the CCTP co-operate with their counterparts, in particular in countries of destination, via various channels, including Interpol, Europol, the Southeast European Law Enforcement Centre (SELEC) and the EU Border Assistance Mission to the Republic of Moldova and Ukraine. In internal law, the relevant provisions are contained in the Code of Criminal Procedure and Law No. 371 of 1 December 2006 on International Legal Assistance in Criminal Matters. Requests for international legal assistance in criminal matters are made directly via the Ministry of Justice or the General Prosecutor's Office and/or via the Ministry of Foreign Affairs and European Integration.

<sup>39</sup> La Strada Moldova, The Impact of the Republic of Moldova Anti-Trafficking Policy on the Trafficked Persons' Rights, 2013, p. 61, available at: <http://antitrafic.gov.md/lib.php?!=en&idc=31>.

<sup>40</sup> Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies.

188. The Republic of Moldova plays an active part in international fora concerning the fight against THB. For example, during the 26th session of the UN Human Rights Council, the Republic of Moldova's Permanent Representation to the UN Geneva office organised, in partnership with the Austrian diplomatic mission and the Office of the UN High Commissioner for Human Rights, a side event on THB entitled "Fighting trafficking in human beings: fostering partnerships and co-ordination – good practices" (12 June 2014). A similar event was organised during the UN Capacity Development Office session at which the Republic of Moldova presented its experience concerning prevention and combating THB, including the operation of the National Referral System.

189. The Moldovan authorities have long-standing partnerships with foreign donors. While underlining that it is primarily the responsibility of the Moldovan authorities to finance assistance and protection programmes for victims of THB as foreseen by the Convention, GRETA notes the importance of foreign assistance for the Republic of Moldova's efforts to ensure adequate assistance and protection to victims of THB, in particular concerning long-term assistance and reintegration programmes.

**190. GRETA commends the efforts in the area of international co-operation made by the Republic of Moldova and invites the Moldovan authorities to continue these efforts.**

**b. Co-operation with civil society (Article 35)**

191. In its first report, GRETA considered that the Moldovan authorities should further enhance the role of NGOs working in the field of combating THB, by providing them with the possibility to participate in the decision-making process, and improve co-operation and communication between the police and NGOs at the local level, especially as regards identification of victims of trafficking.

192. As mentioned in paragraph 23, NGOs which are involved in combating THB and providing assistance to victims of trafficking may take part in the meetings of the National Committee in an advisory role. Moreover, representatives of NGOs are invited to, and actively participate in, the meetings of the Technical Co-ordination Group of the Permanent Secretariat. The Technical Co-ordination Group is a body of specialists nominated by the authorities represented in the National Committee, which can be convened in a composition adapted to the subject being discussed, and also includes representatives of international organisations and embassies. Further, NGOs participate in the work of the Territorial Commissions and the Multidisciplinary Teams.

193. The National Action Plan for 2014-2016 reflects the joint efforts of the public authorities and civil society in the fight against THB. A significant proportion of the 120 activities envisaged by the National Action Plan are implemented in partnership with NGOs, in particular La Strada Moldova (17 activities), Terre des Hommes (11 activities), the Centre for Information and Documentation in Child Rights (five activities) and the National Centre for Child Abuse Prevention (five activities).

194. Several memoranda of understanding or co-operation agreements have been signed with civil society organisations. In 2013, for example, La Strada Moldova signed a memorandum of co-operation with the CCTP on promoting safe migration and establishing a partnership to make the operation of the national hotline more efficient. Terre des Hommes and the General Police Inspectorate agreed on co-operation aiming at the protection of Moldovan children at risk or victims of exploitation and/or THB in the Russian Federation and Ukraine, which is supported by the Swiss Development and Co-operation Agency. La Strada Moldova also signed a memorandum of co-operation with the CCTP and Centre for Combating Cybercrime on preventing and combating THB, child pornography and sexual commercial exploitation of children. The Ministry of Labour, Social Protection and Family, the Ministry of Education, the Ministry of Internal Affairs, the Ministry of Health and the District Councils of Leova and Orhei have signed a memorandum of co-operation with the Centre for Information and Documentation in Child Rights and the National Centre for Child Abuse Prevention in relation to the piloting and promotion of an inter-institutional monitoring mechanism, prevention of abuse and assistance to children exposed to abuse, neglect or exploitation.

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195. The operation of the child helpline is delegated to La Strada Moldova. In the course of the visit, the GRETA delegation was informed that in 2015 La Strada Moldova was not able to pay the salaries of staff working for the helpline for several months because the Ministry of Labour, Social Protection and Family did not provide the necessary funds. According to the authorities, in July 2015 an additional agreement to the service contract was concluded which provides for a monthly instead of a quarterly method of payment, and which has been applied since then. While noting this development, **GRETA stresses that in cases where the provision of services envisaged by law is delegated to non-governmental organisations, the State has the obligation to ensure the provision of necessary means for the effective functioning of such services and invites the Moldovan authorities to continue their efforts in this respect.**

196. **GRETA considers that the Moldovan authorities should continue building strategic partnerships with a series of civil society actors with the aim of achieving the purposes of the Convention.**

## IV. Conclusions

197. Since the adoption of GRETA's first report on the Republic of Moldova, in December 2011, progress has been made in a number of areas.

198. The Moldovan authorities have continued to develop the legal framework for combating trafficking in human beings. Amendments to the Criminal Code 2013 clarified the distinction between forced labour and trafficking for the purpose of labour exploitation, as well as between pimping and trafficking for sexual exploitation. Further, the sanctions for trafficking in human beings and child trafficking were increased. Moreover, the use of services of a victim of THB, with the knowledge that the person has been trafficked, was criminalised.

199. To address GRETA's recommendation made in the first report, the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings has been strengthened and a co-ordination group consisting of specialists from relevant institutions has been set up.

200. Further, in compliance with GRETA's recommendation, independent evaluations of the National Action Plans have been carried out. The Moldovan authorities have also pursued their efforts to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings.

201. Efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and, whenever possible, a multi-stakeholder approach is promoted.

202. GRETA welcomes the further steps taken to raise awareness of human trafficking, prevent trafficking for the purpose of labour exploitation and promote a safe use of the internet. The authorities have also taken steps to reduce the vulnerability to trafficking of certain social groups, including by improving the registration of children at birth, and fostering the economic empowerment of young people.

203. Multidisciplinary teams have been set up across the country at district and local level to identify and refer to assistance victims of trafficking. In 2014, Guidelines on inter-institutional co-operation for the identification, referral, assistance and monitoring of child victims and potential victims of different forms of abuse, including human trafficking, were approved.

204. Progress has been made in the area of providing assistance to victims of trafficking. In particular, the number of places available in centres for assistance and protection of victims and potential victims of human trafficking has been considerably increased.

205. A draft Law on Rehabilitation of Victims of Crime currently in preparation will create a State compensation scheme for victims of crime, which will be also accessible to victims of trafficking.

206. GRETA also welcomes the efforts made in the area of international co-operation, both when it comes to police cooperation, by enabling the setting up joint investigation teams, and keeping human trafficking high on the international agenda.

207. Further, the Moldovan authorities have made efforts to investigate and prosecute cases of human trafficking with the involvement of public officials.

208. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Moldovan authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.



**Issues for immediate action**

- **GRETA urges the Moldovan authorities to strengthen their efforts to comply with their obligations under Article 12 of the Convention and ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs. This should include measures to:**
  - **provide adequate funding to the centres for assistance and protection of victims and potential victims of human trafficking, including by using confiscated proceeds of THB offences, as foreseen in Article 15, paragraph 4, of the Convention;**
  - **ensure that all victims of THB are guaranteed effective access to public health care;**
  - **ensure adequate long-term assistance to victims of THB and facilitate their reintegration into society (paragraph 113).**
- **GRETA urges the Moldovan authorities to strengthen their efforts to improve the identification and assistance of child victims of trafficking, in particular by:**
  - **ensuring that the relevant actors take a proactive approach and increase their outreach work to identify child victims of THB;**
  - **providing adequate support and services to child victims of trafficking, including appropriate accommodation;**
  - **ensuring long-term monitoring of the reintegration of child victims of trafficking;**
  - **assessing the efficiency of the co-operation of stakeholders provided for by law, in particular at the local level (paragraph 125).**
- **GRETA urges the Moldovan authorities to take steps to facilitate and guarantee access to compensation to victims of THB, including children, and in particular to:**
  - **enable victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation;**
  - **include victim compensation into training programmes for law enforcement officials, prosecutors and judges;**
  - **make use of assets confiscated from traffickers to provide compensation to victims of trafficking;**
  - **set up a State compensation scheme which is accessible to all victims of THB, regardless of their nationality and residence status (paragraph 140).**
- **GRETA urges the Moldovan authorities to make full use of the available measures to protect victims and witnesses of THB before, during, and after criminal proceedings, and to allocate the necessary funds for implementing such measures (paragraph 183).**

## Further conclusions

- GRETA considers that the Moldovan authorities should continue building co-ordination and co-operation between the central government and the territorial commissions with a view to ensuring that all districts are integrated in the efforts to combat THB (paragraph 26).
- GRETA considers that the Moldovan authorities should take all the necessary measures to ensure that the decentralisation process does not have a negative impact on the comprehensive and consistent approach in combating THB and assisting and protecting victims (paragraph 27).
- While welcoming the steps taken in the area of training, GRETA invites the Moldovan authorities to pursue their efforts to train and sensitise relevant professionals on human trafficking and victims' rights, in particular police officers, border police officers, prosecutors, judges, health professionals, education professionals, labour inspectors, social workers and members of multidisciplinary teams. The training should be organised throughout the country and should aim to improve the identification of victims of THB and their rehabilitation, increase the number of successful prosecutions against traffickers, and guarantee effective access to compensation for victims of THB (paragraph 41).
- GRETA welcomes the steps taken by the Moldovan authorities to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings and considers that the Moldovan authorities should continue to improve and adjust the current system with a view to allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection (paragraph 45).
- GRETA considers that the Moldovan authorities should continue to conduct and support research on THB-related issues as an evidence base for future policy measures, in particular as regards THB for the purpose of labour exploitation, internal THB, child trafficking, THB for the purpose of organ removal, and new trends in THB (paragraph 50).
- GRETA considers that the authorities should further develop information and prevention campaigns in order to raise awareness among the general public on different forms of THB, including internal trafficking. Future awareness-raising measures should be designed in the light of the assessment of previous measures and be focused on the needs identified (paragraph 56).
- GRETA considers that the Moldovan authorities should take further steps in the area of preventing trafficking for the purpose of labour exploitation, in particular:
  - organise activities aimed at raising awareness on the risks of human trafficking for the purpose of labour exploitation, both abroad and within the country, in particular among vulnerable groups;
  - strengthen the monitoring of recruitment and temporary work agencies;
  - work closely with the private sector, in line with the Guiding Principles on Business and Human Rights (paragraph 62).

- GRETA welcomes the efforts made to prevent trafficking in children through improving the registration of children at birth awareness-raising in schools and promoting safe use of the internet. GRETA considers that the authorities should continue these efforts, paying particular attention to Roma children and their enrolment in school (paragraph 69).
- GRETA invites the Moldovan authorities to continue to pursue their efforts to reduce the number of stateless persons (paragraph 77).
- GRETA considers that the Moldovan authorities should strengthen the prevention of THB through sustained social, economic and other measures to empower groups vulnerable to THB, especially women, young people and persons from rural areas, including by promoting access to the labour market, education and public services of persons from the Roma community. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB (paragraph 78).
- GRETA invites the Moldovan authorities to continue ensuring that medical and other relevant staff are sensitised and trained in order to identify potential cases of THB for the purpose of organ removal (paragraph 87).
- GRETA considers that the Moldovan authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector (paragraph 92).
- GRETA invites the Moldovan authorities to continue to strengthen their efforts to identify cases of THB at borders (paragraph 94).
- GRETA considers that the Moldovan authorities should take further steps to improve the identification of victims of THB, and in particular to:
  - ensure that the National Referral System is effectively implemented in practice, by periodically training all relevant professionals on the National Referral System and by taking measures to reduce the impact of staff turnover in the multidisciplinary teams;
  - increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the role and training of labour inspectors;
  - provide specific training to community mediators to enable them to identify victims and potential victims of trafficking in Roma communities;
  - pay increased attention to detecting victims of internal trafficking (paragraph 103).
- GRETA considers that the Moldovan authorities should review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 124).
- GRETA considers that law enforcement bodies should be issued with clear instructions on victims' rights during the recovery and reflection period, in compliance with the obligations of Article 13 of the Convention, and stressing that the recovery and reflection period is not conditional on the victim's co-operation with the law enforcement authorities (paragraph 131).

- Further, GRETA invites the Moldovan authorities to develop, in the framework of setting up a data collection system on trafficking in human beings, a system for recording compensation claims of, and awards to, victims of trafficking (paragraph 141).
- GRETA considers that the Moldovan authorities should ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* (Article 40(4) of the Convention), and in the case of children, by fully respecting the principle of the best interests of the child (paragraph 147).
- GRETA considers that the Moldovan authorities should examine the reasons why no legal entities have been punished for trafficking-related acts and, in the light of their findings, take the necessary measures to ensure that the criminal liability of legal entities can be acted upon in practice so that trafficking situations are more often established (paragraph 159).
- GRETA invites the Moldovan authorities to continue to raise awareness of the importance of the non-punishment principle among police officers, prosecutors and judges. GRETA also invites the authorities to issue guidelines for prosecutors on the application of the non-punishment principle, paying particular attention to THB for the purpose of forced criminality (paragraph 162).
- GRETA encourages the Moldovan authorities to continue analysing and publishing data on criminal proceedings in THB cases (paragraph 172).
- GRETA considers that the Moldovan authorities should take further steps to ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:
  - intensifying their efforts to carry out financial investigations with a view to identifying, seizing and confiscating criminal assets generated by trafficking offences;
  - continuing to sensitise prosecutors and judges to the rights of victims of THB and developing further their specialisation to deal with THB cases;
  - prosecuting official involved in cases of trafficking;
  - setting up Joint Investigation Teams with law enforcement agencies of relevant countries (paragraph 176).
- GRETA commends the efforts in the area of international co-operation made by the Republic of Moldova and invites the Moldovan authorities to continue these efforts (paragraph 190).
- GRETA stresses that in cases where the provision of services envisaged by law is delegated to non-governmental organisations, the State has the obligation to ensure the provision of necessary means for the effective functioning of such services and invites the Moldovan authorities to continue their efforts in this respect (paragraph 195).
- GRETA considers that the Moldovan authorities should continue building strategic partnerships with a series of civil society actors with the aim of achieving the purposes of the Convention (paragraph 196).

## **Appendix**

### **List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations**

#### **Public bodies**

- Ms Natalia Gherman, Deputy Prime Minister, Minister of Foreign Affairs and European Integration, Chair of the National Committee to Combat Trafficking in Human Beings
- Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings
- Ministry of Internal Affairs
- Ministry of Foreign Affairs and European Integration
- Ministry of Labour, Social Protection and Family
- Ministry of Justice
- Ministry of Health
- Ministry of Finance
- Ministry of Information Technology and Communications
- Ministry of Culture
- Ministry of Education
- Ministry of Youth and Sport
- Bureau for Diaspora Relations
- Superior Council of Magistracy
- General Prosecutor's Office
- National Employment Agency
- Organisation for Small and Medium Enterprises Sector Development
- National Institute of Justice
- Transplant Agency
- Territorial Commission Singerei
- Multidisciplinary Team Balti

#### **Intergovernmental organisations**

- International Organization for Migration (IOM)
- Organization for Security and Co-operation in Europe (OSCE)

#### **NGOs and other civil society organisations**

- La Strada Moldova
- Terre des Hommes
- Child Rights Information Center (CRIC)
- National Centre for prevention of child abuse (NCCAP)

## **GOVERNMENT'S COMMENTS**

### **The following comments do not form part of GRETA's analysis concerning the situation in the Republic of Moldova**

GRETA engaged in a dialogue with the Moldovan authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Moldovan authorities on 20 April 2016 and invited them to submit any final comments. The comments of the authorities of the Republic of Moldova, submitted on 20 May 2016, are reproduced hereafter.



*Permanent Representation of the Republic of Moldova  
To the Council of Europe*

No. FRA-CoE/352.8.16/258

Strasbourg, 20 May 2016

Dear Ms. Nestorova,

Please find enclosed the final comments of the Government of the Republic of Moldova on the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (second evaluation round).

While thanking in advance for your cooperation and support, I remain at your disposal for any further queries.

Yours sincerely,

Corina Calugăru  
Ambassador  
Permanent Representative

*Enclosure: 5 pages*

Ms. Petya Nestorova  
Executive Secretary of the Council of Europe  
Convention on Action against Trafficking in Human Beings

Strasbourg



nr. 2404-46

Chișinău

17 05 2016

Ms. Petya Nestorova  
Executive Secretary  
Secretariat of the Council of Europe Convention  
on action against Trafficking in Human Beings

Dear Ms. Nesterova,

The Government of the Republic of Moldova expresses its gratitude to the Group of experts on Action against Trafficking in Human Beings for their efforts and professionalism in drafting the report. It should be mentioned that the results registered by the Moldovan Government were obtained thanks to the cooperation with implementation partners (IOM Mission in Moldova, OSCE Mission in Moldova, IC „La Strada”, CNPAC, CIIDC, Swiss Foundation Terre des Hommes, NORLAM etc.), and the financial support provided by foreign donors (US State Department, European Commission, Norwegian Government, Danish Government, Romanian Government, Swiss Government, etc.).

The achievements were also possible due to the development and harmonization of the national legislation to the international standards. The area of preventing and combating trafficking in human beings (THB) is in the priorities' list of the Republic of Moldova Government, envisaging to enhance the legal framework and institutional capacities in order to identify, prevent and fight against the said phenomenon and to sanction immediately the traffickers.

I would like to take this opportunity to highlight below a number of updates in this area:

- During 13 – 17 March 2016, a delegation of the Republic of Moldova carried out a study visit to Netherlands within the project “Strengthening criminal justice response to trafficking in persons, guaranteeing legal assistance to victims and potential victims and preventing domestic violence and hate crimes in Moldova”. The event was organized by the OIM Mission to Moldova in partnership with US Embassy in Moldova. Following the study visit, the delegation took the best practices of an EU member state, a state of destination, which has a legal framework and a well-defined institutional mechanism of cooperation. There have also been clarified certain issues of cooperation between Moldova and other states, on aspects regarding international judicial assistance that will facilitate this process in the future. Finally, the delegation identified those practices that can be implemented in the future in Moldova.
- By Government Decision no. 335 of 24.03.2016 the Draft Law on Rehabilitation of Victims of Crime was approved and sent for examination to the Parliament, along with the CoE expertise.
- During 5 – 6 April 2016, a transnational seminar was held in Targu Mures, Romania. The event was attended by a Moldovan delegation and Romanian counterparts, law enforcement officers and NGOs working in the anti-trafficking field, who exchanged experiences and good practices related to the fight against trafficking in human beings, particularly with regard to strengthened cross-border cooperation and a comprehensive multi-stakeholder response to THB. The Moldovan delegation, led by the Chief of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings, included the Vice Presidents of Territorial Commissions (TC) for Combating THB from Edineț, Fălești, Șoldănești, Călărași, Cimișlia, Căușeni, Cantemir and Briceni districts, as well as law enforcement and



social assistance experts. The workshop, hosted by the Targu Mures Prefecture authorities and Romanian National Agency against Trafficking in Persons (ANITP) allowed counterparts from both countries to exchange experiences on law enforcement and victim protection measures, considering national level policy responses as well as cooperation between community and local level institutions. The meeting therefore provided an opportunity for this group to become familiar with good practices and challenges associated with national and local level anti-trafficking responses.

- Following this seminar, in May 2016 there are planned 6 regional workshops for TC with the support of the OSCE, where best practices will be shared with the rest of TC from Moldova. Also, in May-June 2016 other 3 workshops are planned for the members of the TC, MDT, local NGO on capacity building to identify, refer, assist and integrate victims. Other topic will be focus on identifying and writing projects and fundraising in activities. All these actions are centered on better implementation the antitrafficking policies by the local authorities with the scope to respect human rights.
- On 12 April 2016, the Ministry of Labour, Social Protection and Family (MLSPF) in partnership with the IOM Mission in Moldova with the support of the Ministry of Foreign Affairs of Norway, organized a round table entitled “Monitoring and evaluating the level of implementation of the National Referral System (NRS) Strategy for Protection and Assistance victims and potential victims of human trafficking”: results, challenges, perspectives”, event which is held annually to reflect progress in the protection and assistance and systematize the results of monitoring the implementation of NRS for 2015.
- The MLSPF with the support of UN Women has initiated the development of a new Gender Equality Strategy for the years 2016-2020, which will also include targets and measures related to the field of women, peace and security.
- Between 12 – 13 April 2016, a training for law enforcement institutions was organized with support from IOM Mission to Moldova, which focused on financial investigations in cases of human trafficking. Experts from the Netherlands, Hungary, Spain and Cyprus presented the experience of their countries.
- On 15 April 2016 during the Technical Group meeting of the National Council for Child Protection, the difficulties encountered by the institutions responsible for ensuring the children’s right to birth registration were discussed. In this regard, a working group was established in order to analyze and solve the existing shortcomings. The working group will submit proposals to amend the existing legal framework and develop an effective cooperation between institutions in order to optimize the monitoring process and support parents in the birth registration of children.
- On 16 May 2016 the meeting of the National Committee for Combating Trafficking in Human Beings (NC) took place. Among others, the members of the NC discussed the final comments of the Government of the Republic of Moldova on GRETA’s Draft Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova and approved the Regulation on the organization of the national contest for selection of candidates to fill the position of member of the GRETA. Also, the National Report for 2015 and the Report for 2015 on implementation of the NRS Strategy were examine and approved.

This year the National Plan for Preventing and Combating THB (2014-2016), as well as the NRS Strategy come to an end. As a consequence, the anti-trafficking community shall undertake efforts in order to accede to a more strategic level of international standards’ enforcement. It is planned to develop a national strategic document which would join the mission of the Action Plan and of the NRS Strategy. The document will be drafted based on the recommendations of GRETA, GTiP, and other international experts, as well as based on the national reports and those of the national experts, so as to meet the needs of the beneficiaries, specialists in preventing and combating THB, and the new trends emerging at the national and international levels.

The New National Strategic Document will also focus on:

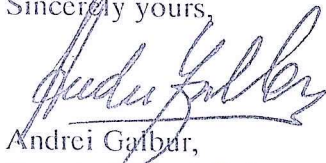
- Human resources capacity building;
- Consolidation of the national and international referral mechanisms;
- Assistance and protection of THB victims;

- Ensure the capacity of the government institutions;
- Consolidation of specific mechanisms on children's rights;
- Capacity building of law enforcement specialists in the field of financial investigations, which will facilitate the confiscation process of illegal assets of traffickers and increase the number of confiscations in the future;
- Capacity building of professionals in identification in the cases of human trafficking the purpose of using the victim in criminal activities and applying the non-punishment principle.

Finally, I enclose herewith the comments to the Report concerning the implementation by the Republic of Moldova of the Council of Europe Convention on Action against Trafficking in Human Beings (Second evaluation round).

Looking forward to strengthen our cooperation, I remain

Sincerely yours,



Andrei Galbur,  
Deputy Prime Minister,  
Minister of Foreign Affairs and European Integration,  
Chair of the National Committee for Combating THB

Enclosure: 2 pages.

Final comments of the Republic of Moldova's Government on GRETA Report

**Paragraph 14.**

In information submitted to GRETA, the Government stated a number of 14 identified children citizens of Germany. Thus, the Government requests the substitution of the phrase *“in 2015 a group of 15 foreign children was identified”* with *“in 2015 a group of 14 foreign children was identified”*.

**Paragraph 15.**

A total number of 28 victims of internal trafficking was stated in 2013 according to the CCTP Report *“Monitoring the situation in the field of human trafficking - analysis of the 2013 criminal status and dynamics”*. The Government requests the substitution of the number *“34 in 2013”* with *“28 in 2013”*.

**Paragraph 33.**

The Government considers that the information should be updated and reflected for 2012-2015 years. Hereby, the sentence *“From 2012 to 2014, the National Institute of Justice organised training courses for some 100 judges and 150 prosecutors”* should be substituted with *“From 2012 to 2015, the National Institute of Justice organised training courses for some 757 specialists (316 judges, 296 prosecutors, 52 lawyers, 23 criminal investigation officers and 38 other specialists)”*.

**Paragraph 53.**

The substitution of the phrase *“from 16 to 23 October 2014 the authorities organized, in collaboration with NGOs, for the third consecutive year a week dedicated to combating trafficking in human beings”* with the phrase *“from 15 to 21 October 2015 the authorities organized, in collaboration with NGOs, for the fourth consecutive year a week dedicated to combating trafficking in human beings”*

**Paragraph 54.**

The substitution of the phrase *„According to the 2014 activity report of La Strada Moldova, out of 10 605 total calls received in that year, 260 were urgent calls related to situations of trafficking (215 calls concerning 92 cases of adults and 45 calls concerning 20 cases of children).”* with the phrase: *“According to the 2015 activity report of La Strada Moldova<sup>1</sup>, out of 14603 total calls counseled, 208 were urgent calls with various type of assistance granted on related to trafficking/exploitation cases.”*

**Paragraph 55.**

The substitution of the phrase *„A course on prevention of human trafficking has been included in the curriculum of social work studies of four universities.”* with the phrase *„In academic year 2015-2016, the course unit Prevention of trafficking of human beings and a series of course units which treat the phenomenon of trafficking were included in 4 universities at the specialties: Social Assistance, Psychology and Law.”*

**Paragraph 66.**

The substitution of the phrase *„THB is part of the curricula of primary and secondary schools and awareness raising on the issue has reached an estimated 80 000 children.”* with the phrase: *„In collaboration with social partners, the education institutions from primary and secondary education are annually organizing over 20 000 of academic hours on the topics regarding Prevention of trafficking of human beings which are allocated to the disciplines of Civic education and Headmaster and in which are participating about 190 000 pupils and about 3100 various extracurricular activities on topics related to antitrafficking in which are participating about 80 000 pupils.”*

**Paragraph 71.**

The substitution of the phrase *“In 2010-2013, the Organisation for Small and Medium Enterprises Development (OSME) organised in partnership with IOM two youth programmes, which included the*

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<sup>1</sup> <http://migratiesigura.lastrada.md/en/reports/>

*provision of training to 750 young people on how to develop a business plan and the awarding of 147 technical grants.” with the phrase:*

*„During the 2008-2015 implementation period of the National Programme for Youth Economic Empowerment about 4,103 young people were trained, out of which 43% were women and 19% entrepreneurs. Consulting regarding the business start or development was offered to over 12,500 young people.”*

**Paragraph 105.**

Supplementing the text *„According to the statistics provided to GRETA, 109 victims received assistance in 2011, 189 in 2012, 131 in 2013 and 80 in 2014”* in the end with the phrase *“132 in 2015”*.

**Paragraph 144.**

Supplementing the text *“According to figures provided by the Ministry of Labour, Social Protection and Family and IOM, 22 adult victims of THB were repatriated to the Republic of Moldova in 2014, 30 in 2013 and 80 in 2012.”* with the phrase *“15 adults victims of THB (and 10 migrants in difficulty) were repatriated in 2015”*.

Supplementing the paragraph with the phrase: *„During 2015 Diplomatic Missions and Consular Offices provided assistance in the repatriation of THB victims, smuggling of migrants, unaccompanied children, in total 211 persons, out of which: 22 - victims of THB, 51 - victims of smuggling of migrants, 138 - unaccompanied children”*.