

COUNTRY OVERVIEW

Ending Child Sexual Abuse and Exploitation: State-of-Play in light of the Lanzarote Convention

REPUBLIC OF MOLDOVA



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PREFACE

The [Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse](#) was adopted on 25 October 2007 in Lanzarote, Spain and entered into force on 1 July 2010. As of April 2023, it has been ratified by all 46 Council of Europe member states and two non-member states, namely the Russian Federation and Tunisia. The Lanzarote Convention is the most ambitious and comprehensive international legal instrument on the protection of children against sexual exploitation and sexual abuse, covering all possible kinds of sexual offences against children, namely sexual abuse of a child – including within the “circle of trust”, exploitation of children through prostitution, grooming and corruption of children through exposure to sexual content and activities and offences related to child sexual abuse material.

In 2022, the Council of Europe joined forces with ECPAT International to prepare Country Overviews covering specifically the Parties to the Lanzarote Convention. Building on a process and methodology already established by ECPAT International, as well as, on extensive information gathered through the Lanzarote Committee’s monitoring procedure, these overviews aim to provide an effective tool for advocacy and advancing the fight against child sexual exploitation and sexual abuse in countries.

The Country Overviews bring in one document the information submitted by Parties to the Lanzarote Convention through the [General Overview Questionnaire](#), the recommendations adopted by the [Lanzarote Committee](#) in its [monitoring](#)

[rounds](#) and additional desk-based research to fill in gaps as to progress made since such information and monitoring findings were adopted. During the process, drafts of the overviews were shared with ECPAT member organisations and other relevant organisations on the ground, who reviewed the content and supplemented the information with other local sources and analysis. The Country Overviews were done in close collaboration with the national authorities represented in the Lanzarote Committee. Where possible, the Country Overviews also include the perspectives of children and/or survivors. ECPAT International and the Council of Europe would like to express their profound appreciation for all valuable inputs during the process and would like to reiterate that the Country Overviews do not contain any new monitoring findings. Any suggestion on the way forward that does not stem from such findings is not binding on the countries. Similarly, any promising practice put forward by the national authorities to highlight its implementation of the Lanzarote Convention does not entail the Lanzarote Committee’s endorsement of it until it is presented to it in the context of a compliance procedure.

The Country Overviews present relevant legislation, policies, and other measures in place to tackle child sexual exploitation and sexual abuse, and possible suggestions on the way forward. These are primarily based on Lanzarote Committee findings and are thus meant to reiterate what it has recommended. When this is not the case, they are mere suggestions on possible ways to enhance protection of children against sexual violence.

AT A GLANCE

KEY ACHIEVEMENTS



Regular collection of statistics for different types of crimes of sexual abuse against children.

Adherence to relevant international instruments against the sexual abuse and sexual exploitation of children.



Approval of the creation of a Specialized Commission for the coordination and monitoring of the implementation of the Lanzarote Convention.

Comprehensive response, educative tools and prevention measures to address the sexual abuse and sexual exploitation of children facilitated by technologies.



Creation of child advocacy centres (called Regional Centres).

Development of a mechanism for the identification of victims and presumed victims of human trafficking in the context of mixed migratory flows.



KEY CHALLENGES

Sexual abuse and sexual exploitation of children in the context of travel and tourism is not criminalised.



Insufficient research and data on all forms of sexual abuse and exploitation against children, in particular on the sexual abuse and exploitation of children in prostitution and in the context of travel and tourism.



Lack of awareness of reporting mechanisms and support services available to child victims of sexual abuse and sexual exploitation.



Lack of support services (legal counselling, psychological counselling, legal aid, etc.) available and accessible to child victims of sexual abuse and sexual exploitation.



Inadequate intersectoral collaboration in assisting cases of sexual abuse and exploitation of children.



Complex and not adapted legal procedures to children and lack of knowledge, skills and attitudes of the justice sector in dealing with child sensitive cases.



Scarce participation of children in the development of state policies, programmes and other initiatives concerning the fight against sexual abuse and sexual exploitation of children.




INTRODUCTION

The Republic of Moldova is a parliamentary republic which became independent in 1994, following the fall of the Soviet Union. The country is divided in 32 districts, five municipalities and two regions with special status – Gagauzia and Transnistria.

The Republic of Moldova is a small and upper middle-income economy heavily dependent on remittances, with a gross domestic product per capita at US\$ 5,231 in 2021. The gross domestic product has grown on an average of 5% annually since 2016, dropping to 7% in 2020 due to the COVID-19 pandemic. Despite progress made in recent years to reduce poverty, the Republic of Moldova still registers high poverty rates (26.8% in 2020), especially with rural areas recording higher levels of extreme poverty (14.6% as compared to 5.1% in urban areas). In 2022, the Republic of Moldova remains one of the poorest countries of Europe.

In 2021,
24.4%
of children
were living
in absolute
poverty



According to the latest available statistics from the World Bank, the Republic of Moldova had a population of 2.64 million in 2021, with 21.6% of the population being children. Fifty-seven per cent of the population in the Republic of Moldova live

in rural areas. Additionally, according to the latest statistics of the National Bureau of Statistics of the Republic of Moldova, in 2021, 24.4% of children were living in absolute poverty. One of the main variables of child poverty is the area of residence, meaning that children in rural areas are at greater risk of poverty. Poverty can be a significant determinant in not only perpetuating sexual exploitation of children but also in reinforcing its demand.

The Republic of Moldova is a multi-ethnic and multi-lingual country. Majority of the population belong to the Moldovan ethnic group but there are different minority groups such as Romanians, Ukrainians, Russians, Bulgarians, Gagauzian and Roma. Roma people in the Republic of Moldova are known to face marginalisation and discrimination, especially when gaining access to education, the labour market, and health-care services.

In terms of the demographic makeup, it is important to mention that the migration waves have been constant over the last decades in the Republic of Moldova. According to the National Bureau of Statistics, in 2021, approximately 16% of the total households with children had at least one family member who migrated, with approximately 69% of those households being in rural areas. Moldovan children who have family members working abroad have more financial security. However, generally speaking, parental absence and lack of parental supervision and monitoring, may place children at risk of sexual exploitation and abuse.

The worsening socio-economic context and the high migration rates in the Republic of Moldova are increasing the number of children at risk, in particular for children subjected to violence, neglect,

children involved in vagrancy, begging and prostitution. Additionally, the influx of refugees after the conflict outbreak in Ukraine in February 2022 has put the Moldovan child protection system in check (as further described in the section of this report on sexual abuse and exploitation of children in the context of crisis and emergency situations). Children fleeing Ukraine are at a higher risk of human trafficking and exploitation, especially those who are unaccompanied, separated from their families, and those travelling with adults whose relationship with the child cannot be verified.

In the Republic of Moldova, education is compulsory and free of cost. Enrolment rates are high, with 107.1% in primary education and 103.9% in lower secondary education in the year 2021/2022. School-drop-out rates are relatively low, but are slowly increasing. Attendance rates of Roma children are much lower at all educational levels. Indeed, 65% of the total number of children who drop out of school are children of Roma ethnicity. Access to education for children was notably affected by the switch to distant learning during the COVID-19 pandemic, with children from low-income families being the most affected. Globally, research suggests that low and/or poor education, particularly on sexual health and sex education, places children in risky situations of sexual abuse as they are unable to recognise and prevent risky behaviours. Further, low education also increases vulnerabilities for children to sexual exploitation as they are associated with reduced economic and employment opportunities, hence driving them to riskier circumstances. Research has found that when young people are not enrolled in education, they feel outside of the social mainstream and thus are more likely to be targeted by adults and peers who may exploit them. Additionally, the education system also works as a protection mechanism for children, enabling a sense of belonging and stability.

The Republic of Moldova is a country affected by gender inequality and gender-based violence, which are linked to stereotypes and social norms rooted in patriarchy. The Republic of Moldova was ranked 51st out of 191 countries in the 2022 Gender Inequality Index of the United Nations Development Programme. Violence against women and girls remains a growing concern in the Republic of Moldova. In a 2019 survey conducted by the Organisation for Security and Cooperation in Europe, 80% of the 1,802 interviewed women aged 18-74 years had experienced some sort of partner violence since the age of 15.

Despite the prevalence of gender-based violence, this is not always perceived as a problem among the child population, probably due to traditional norms. Indeed, a nationally representative household survey conducted by the International Organisation for Migration, IMAS and the Centre for Disease Control and Prevention in 2019, showed that 30.3% of the 529 surveyed girls aged 13-17 years and 41.2% of the 564 surveyed boys aged 13-17 years agreed with one or more traditional norms and beliefs about gender, sexual practices, and intimate partner violence. However, in recent years, a change in the social attitude towards sexual abuse and exploitation of children has been perceived along with an acknowledgement that these crimes exist and are unreported. A survey from the National Centre for the Prevention of Child Abuse in 2019 with 1,116 respondents showed that both women and men equally perceived child sexual exploitation as a problem. Another positive aspect to note from the findings of the study is that society does not victimise children since poverty is seen as the main trigger of child sexual exploitation (76%) and more people tend to see the family environment as the determinant of the probability of child sexual exploitation, rather than the choice of the child.

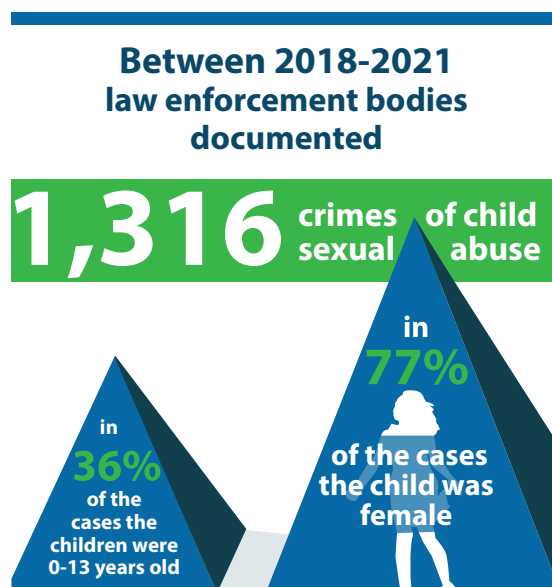
CHILD SEXUAL ABUSE AND EXPLOITATION IN THE REPUBLIC OF MOLDOVA

SEXUAL ABUSE OF CHILDREN

Article 18 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter Lanzarote Convention) defines sexual abuse as a) the engagement in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities; and b) engaging in sexual activities with a child where: – abuse is made of coercion, force or threats; or – abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or – abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Global findings on the prevalence of child sexual abuse widely imply the crime is a gendered crime that disproportionately affects girls than boys. However, increasing number of findings suggests that boys are also vulnerable and at-risk to child sexual abuse. Any child is therefore at risk of sexual abuse. Child sexual abuse has adverse long-term impact on children's physical, psychological, social and behavioural aspects of life.

Child sexual abuse is broadly criminalised in the Moldovan legislation (as further detailed in the section of this report on national legislation) but remains a problem. Indeed, between 2018-2021, according to the data provided by the Republic of Moldova for the purpose of this report, law enforcement bodies documented 1,316 crimes of child sexual abuse. In 36% of these cases, the children were 0-13 years old and in 77% of the cases the child was female.



In the 2019 survey conducted by the International Organisation for Migration, IMAS and the Centre for Disease Control and Prevention, 7.6% of the 529 surveyed girls aged 13-17 and 5.4% of the 564 surveyed boys aged 13-17 had been subjected to sexual violence in the 12 months prior to the study. The study also identified that among 13-17-year-old girls who were subjected to sexual violence, the offender in the most recent incident was a friend (36.2%) and for boys the offender was a classmate or schoolmate (43.7%). The findings of the study also identified school as a common place for child sexual abuse to occur. Interestingly, data from the Ministry

of Education indicate that 20 cases of sexual violence had been reported in the educational system during the first semester of the year 2021-2022, with three more cases than the previous semester.

As noted by the Lanzarote Committee in 2015, all State Parties including the Republic of Moldova are urged to take the necessary legislative or other measures to set up or

designate mechanisms for data collection or focal points at national or local level. This includes the collaboration with civil society for the purpose of observing and evaluating in terms of quantitative data collection, the phenomenon of the sexual exploitation and sexual abuse of children in general, and child sexual abuse committed in the circle of trust, in particular.

SEXUAL EXPLOITATION OF CHILDREN IN PROSTITUTION, THROUGH SALE AND TRAFFICKING AND IN THE CONTEXT OF TRAVEL AND TOURISM

Article 19 of the Lanzarote Convention defines exploitation of children in prostitution as the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person.

Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings defines 'trafficking in human beings' as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

In case of child victims, Article 4 (b) of the Council of Europe Convention on Action against Trafficking in Human Beings specifies that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if it does not involve any of the means stipulated in Article 4 (a)." In other words, the Convention recognises that children can never be willing participants to their own exploitation.

For its part, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography deals with the 'sale of children', defined as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration."

The sexual exploitation of children in travel and tourism is defined as any "acts of sexual exploitation embedded in a context of travel, tourism, or both." The Framework Convention on Tourism Ethics of the United Nations World Tourism Organisation recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.

Globally, the exploitation of children in prostitution, the sale and trafficking of children for sexual purposes, and the sexual exploitation of children in travel and tourism, more often than not, occurs in conjunction and not in isolation. For example, the sexual exploitation of children in prostitution can occur in different contexts, including but not limited to establishment-based settings (such as massage parlours, nightclubs, dance cafes, clubs and bars), street-based contexts, online based contexts, during conflict or humanitarian crises, through sale and trafficking and in the context of travel and tourism, all of which, multiply and exacerbate children's vulnerabilities.

Children in the Republic of Moldova are at risk of sexual exploitation through various forms, including in prostitution, through sale and trafficking and in the context of travel and tourism. There are no official statistics or estimates on the number of children exploited in prostitution in the Republic of Moldova. The only available data are those related to criminal complaints and convictions for related offences. Despite the lack of quantitative information, there is enough evidence to indicate that this form of sexual exploitation affects a consistent number of Moldovan children and is very often linked to child trafficking. Additionally, a 2018 qualitative study by Terre des Hommes found that children with more than six months experience in street situations in the Republic of Moldova, especially boys aged 11-16, were exposed to high risks of sexual exploitation, and were often faced with limited options thus, forced to engage in survival sex for food and shelter.

The Republic of Moldova is a country of origin of victims of human trafficking. The primary countries of destination are the Russian Federation, followed by European Union countries (namely the Slovak Republic, Spain, Ireland and Portugal) and Türkiye. According to the data provided by the Republic of Moldova for the purpose of this report, between 2018-2021, there were a

total of 214 child victims of trafficking (60 in 2018, 109 in 2019, 23 in 2020 and 22 in 2021). However, anecdotal evidence from civil society organisations indicate that the number could be much higher.



According to the data provided by the Republic of Moldova for the purpose of this report, there were 22 child victims of trafficking in 2022 and all of them were trafficked for sexual purposes. In addition, all identified child victims of trafficking between 2018-2021 were of Moldovan nationality, with 80% of all recorded cases involving girls. Since Roma girls are undocumented or stateless, they are especially considered to be vulnerable to sex trafficking in the Republic of Moldova.

The situation of sexual exploitation of children through trafficking may have changed since the start of the war in the neighbouring country of Ukraine. As a consequence of the war, the Republic of Moldova now is both a destination and transit country, thereby heightening the vulnerabilities and risks for Ukrainian children to sexual exploitation in and through trafficking while travelling to and/or staying in the Republic of Moldova. In the Guidance Note published by GRETA in May 2022, all State Parties, including the Republic of Moldova, were called upon to act urgently to protect people fleeing the war in Ukraine and to take proactive steps to prevent human trafficking. In order to respond to

this new situation, the Ministry of Interior in collaboration with La Strada Moldova launched a guide in October 2022 that established a procedure for the identification of victims and presumed victims of human trafficking in the context of mixed migratory flows.

In the course of drafting this report, no information was found regarding the sexual exploitation of children in the context of travel and tourism. Even though the

Republic of Moldova is one of the least-visited countries in Europe, tourism has been increasing over the years. In 2022, there were 29,008 international tourists arriving in the country (24,006 in 2021). The rise in both inbound and domestic tourism may increase the risk for sexual exploitation of children, as offenders use the infrastructure of the industry, combined with online technologies to commit their crimes. The topic is yet to be addressed by the authorities of the Republic of Moldova.

SEXUAL ABUSE AND EXPLOITATION OF CHILDREN FACILITATED BY TECHNOLOGY

Online sexual abuse and exploitation of children refer to situations involving digital, Internet and communication technologies at some point during the continuum of exploitation. It can occur fully online or through a mix of online and in-person interactions between offenders and children. Child sexual exploitation and abuse online include an evolving range of practices including conduct related to child sexual abuse material (e.g., production, distribution, dissemination, possession of, etc.), grooming children online for sexual purposes, and live streaming of child sexual abuse. Related concepts can include online sexual extortion, the non-consensual sharing of self-generated sexual content involving children and unwanted exposure to sexualised content among others.

As observed globally, the integration of digital technologies, and children's access to the Internet is increasing exponentially. As much as the increasing transition to online spaces promises unparalleled benefits for the users, it nevertheless also increases the likelihood for children of becoming exposed to online risks. The blurred lines between online and offline spaces combined with the anonymity of the Internet makes it much easier for offenders to not only commit crimes online, but also potentially commit crimes simultaneously in offline spaces or vice versa. Hence, any action taken to combat online child sexual abuse and exploitation should consider the wider ambit of children's online and offline activities and recognise technology as a cross-cutting

issue. The 2nd thematic monitoring round of the Lanzarote Committee focused on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies. Additionally, in 2022, GRETA also stressed the increasing use of technology for trafficking into sexual and/or labour exploitation.

As of January 2022, there were 3.06 million Internet users in the Republic of Moldova and the Internet penetration rate stood at 76.1%. A 2021 research report on online child safety by La Strada Moldova indicated that 60% of the 3,829 child respondents aged 9-17 could go online whenever they wanted or needed.

The research by La Strada Moldova also sheds light on children's experiences online. Thirty-five per cent of the children stated having chatted at least once with a person on the Internet that they had not met in real life and 18% had met with people they interacted with on the Internet in 12 months prior to the survey. The study also showed that 13% of children accidentally opened images or video sequences of a sexual nature while searching for some information on the Internet and 12% received messages containing vulgar words or images with sexual content. Importantly, half of the time, sexually explicit photos and videos came from a stranger. The lack of an environment of trust and support at home was indicated to considerably influence the child's attitude towards experiences in the virtual environment.

In terms of victimisation and prevalence of sexual abuse and exploitation facilitated through technology, La Strada Moldova conducted a survey with frontline workers in 2021, in the framework of a multi-country research project led by WeProtect Global Alliance and ECPAT International. The 54 surveyed frontline workers indicated that on average, one third of the cases of sexual exploitation of children that they had in their caseload involved digital, Internet and communication technology in some way.

According to the 2021 CyberTipline report published by the National Centre for Missing and Exploited Children, 9,547 reports of child sexual abuse materials were reported to CyberTipline regarding the Republic of Moldova in 2020, denoting a significant increase from 5,993 reports in 2019.

According to the statistics provided by the Republic of Moldova for the purpose of this report, in 2021, the national telephone helpline recorded a total of 3,969 calls of which, 41 were calls involving child sexual abuse and exploitation. Similarly, the national Internet helpline recorded a total of

2,353 calls of which, 47 were calls involving child sexual abuse and exploitation.

In the first half of 2021, out of the 1,745 calls made to SigurOnline, the online platform launched by La Strada Moldova to provide counselling to children who experienced online sexual abuse, 89% (1,554) of the calls were from children. The majority of reports about online sexual abuse and exploitation referred to sexual extortion.

Child self-generated sexual content

Self-generated sexual content may involve children who take pictures or videos of a sexual nature of themselves for personal use, but in some cases, children are also groomed, deceived or extorted into producing and sharing their images and/or videos. As per the 2021 annual report by the Internet Watch Foundation, out of the 252,194 actioned webpages about 72% (182,281) were assessed as possessing self-generated content. From 2021, the number had increased by 28% as compared to the previous year when the number of actioned reports containing self-generated content was 68,000 (44%).

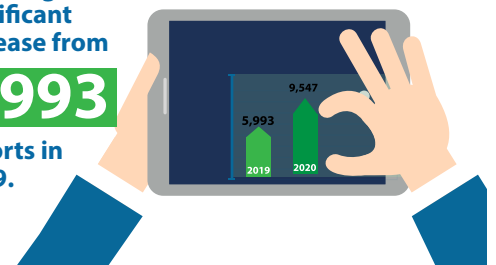
9,547 REPORTS OF CHILD SEXUAL ABUSE

MATERIALS WERE REPORTED TO CYBERTIPLINE IN 2020,

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5,993

reports in 2019.



The focus of the 2nd thematic monitoring round by the Lanzarote Committee was narrowed down to address child self-generated sexual images and/or videos to support State Parties in responding to the

challenges put forth by this widespread practice. As highlighted by the Lanzarote Committee in 2022, the phenomenon of child self-generated sexual content is under researched across the State Parties, including the Republic of Moldova, and more efforts are needed to collect data at the national and local level.

The 2021 report on child online safety by La Strada Moldova indicated that 23 adolescents aged 12-17 sent sexual videos or photos of themselves in the year prior to the survey, with 13% sharing it to people they had met online and 5% to strangers. Though most of the adolescents who shared such content considered this to be something normal in a relationship, in 8% of the cases, they had sent sexual content after being threatened by the person requesting them. About 30% of adolescents who sent sexual photos or videos of themselves indicated that they were later blackmailed into sharing or publishing these materials, with 3%

being contacted by other people to share similar material. Alarming, 40% of the 99 adolescents who received requests to share sexual content did not tell anyone about it (but also did not respond to the message). Overall, adolescents involved in the survey did not fully perceive the risks of sending sexual content as they believed that if their face was not seen, there would be no risks at all.

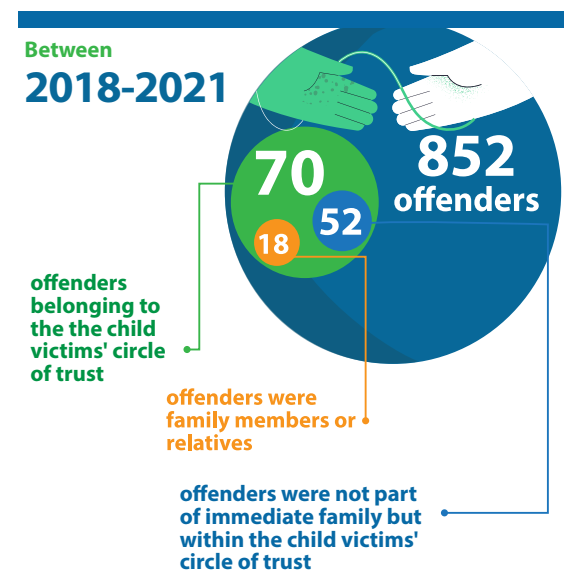
As noted in its 2022 implementation report, the Lanzarote Committee recommends all State Parties, including the Republic of Moldova not to criminalise sexual activities and experiences between persons of similar ages and maturity. Furthermore, the Lanzarote Committee's Opinion on self-generated sexual content argued that Parties should ensure that all children are protected from possible criminalisation when engaging in self-production of sexual images/videos which is for private use only.

SEXUAL ABUSE AND EXPLOITATION OF CHILDREN IN THE CIRCLE OF TRUST

The Lanzarote Committee's 1st monitoring round in 2015 focused on the sexual abuse committed in the circle of trust, including legislative frameworks, preventive and protective measures undertaken and/or planned to address the issue. It argued that the vast majority of children are victims of people they trust. Offenders can thus include members of the family, sports coaches, healthcare professionals etc., and can also include offenders who children met online under grooming circumstances.

Data provided by the Republic of Moldova, for the purpose of this report, showed that between 2018-2021, out of the total 852 offenders that were recorded, 70 were offenders of sexual offences against children belonging to the victims' circle of trust. While 18 of the offenders were family members or relatives, 52 were not part of the immediate

family but within the child's circle of trust.



However, such low proportions of offenders of sexual abuse and exploitation within the circle of trust could be explained by

low reporting rates of such cases for which, efforts are needed to educate and make

children aware of the reporting mechanisms and available support services.

SEXUAL ABUSE AND EXPLOITATION OF BOYS

Globally, factors associated with debilitating socio-economic conditions, heteronormative beliefs and attitudes, notions of masculinity, family maltreatment, migration, and lack of awareness on the vulnerabilities for boys to sexual exploitation and abuse are identified as some of the key factors that multiply the risks for sexual exploitation of boys across the world. Despite findings of global research strongly suggesting the higher risks and vulnerabilities for boys to sexual exploitation and abuse, extensive research, knowledge and awareness is still very scarce. As a result, boy victims of sexual exploitation and abuse have been largely excluded in policy and targeted interventions.

Statistics provided for the purpose of this report by the Republic of Moldova between 2018-2021 on the sexual abuse and exploitation of children, show that 23% of the total 1,316 victims were boys. Although the number of boy victims appears to be significantly less than girl victims, it should

not be discounted, considering that it is already challenging to estimate the severity of the occurrence and impact of sexual exploitation of boys. As discussed in the Global Review of Existing Literature on the Sexual Exploitation of Boys, discriminatory practices and attitudes towards boy victims of sexual exploitation, lack of services available for boys, lack of understanding amongst service providers and lack of social support-based response pathways are some of the key factors impeding the help-seeking behaviour of boys. This was reflected in the findings of the 2019 nationally representative household survey, conducted by the International Organisation for Migration, IMAS and the Centre for Disease Control and Prevention, which identified that over half of male adolescents aged 13-17 and young men aged 18-24 who had experienced sexual violence in childhood did not seek support services because they thought that what had happened to them was not a problem.

CHILD, EARLY AND FORCED MARRIAGE AS A PATHWAY TO SEXUAL ABUSE

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define 'child marriage' as "a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent." Child, early and forced marriage can be understood both as a form of or as a pathway to sexual exploitation.

Article 37 of the Council of Europe Convention on preventing and combatting violence against women and domestic violence requires States Parties to do the necessary to ensure that those forcing a child to enter into marriage, and those who lure them into another country for such purpose, are criminalised.

The root causes of child, early and forced marriages are largely founded on religious beliefs, cultural practices, gender norms, traditional customs, but also on parental perceptions of mitigating family economic burdens, especially in the case of young girls. Considering these driving factors, child, early and forced marriages can also be understood as a form or pathway to sexual exploitation when it involves an exchange for financial or other compensation or leads to trafficking for sexual purposes, exploitation in prostitution, or exposure to difficult situations that may be abused by offenders of child sexual exploitation.

Additionally, global findings on this phenomenon widely suggest the disproportionate impact on the advancement and development of girls. However, the impact on child grooms cannot be discounted given that marriage may force boys to take on the role of adults. This places economic pressure on boys who might not be prepared and also possibly curtails future opportunities for them.

According to the 2018-2021 statistics provided by the Republic of Moldova on child marriage, there were a total of 937 children married below 18 years of age, of which, 17 were boys and 920 were girls.

According to the 2021 Country Report on Human Rights Practices in the Republic of Moldova, in 2020, child marriage was most common in Roma communities, with reports of girls aged 12-14 years being married. The report further mentioned that this either took the form of a forced marriage or an arranged marriage with matchmakers arranging for children to be married in the future. These practices were also noted to take place without any official documentation or registration. As a consequence of child marriage within the community, Roma girls often abandon school and take a subverted role at home, thereby making them particularly vulnerable to dropping out of school, experiencing lower rates of education, social exclusion and a negative impact on their health. The compounded impact of all this can thus make them more vulnerable to sexual exploitation.

BETWEEN 2018-2021

937
children were married
before 18 years of age.

17
were boys and
920
were girls.



SEXUAL ABUSE AND EXPLOITATION OF CHILDREN IN THE CONTEXT OF CRISIS AND EMERGENCY SITUATIONS

Crisis and emergency situations refer to situations of armed conflicts and terrorism, migration and forced displacement, health and economic crises, natural disasters, including climate change, and any other unforeseen events that may hamper children's enjoyment of all their human rights.

The Republic of Moldova is highly vulnerable to natural hazards which has a great impact on the rural population who are also highly dependent on agriculture. They also have the highest levels of poverty. The severity and frequency of extreme hazards such as droughts, flooding and wildfires are high and are predicted to increase, further exposing the population to possibly higher levels of poverty which could also increase the risks of sexual abuse and exploitation of children. The Republic of Moldova, like the rest of the world, was severely affected by the COVID-19 pandemic and a drought in 2020 exacerbated the situation. This resulted in increasing food security and poverty, with almost a third of the population already suffering from this food crisis in the beginning of 2022.

The COVID-19 crisis deeply affected children's wellbeing and safety in the Republic of Moldova, with the severe lockdown measures and suspension of support services increasing the risks for children to violence, particularly for children in vulnerable contexts. As a result, children switched to online platforms for both communication and learning purposes. In April 2020, a statement from the Lanzarote Committee's Chairperson and Vice-Chairperson was issued to bolster the protection of children against sexual exploitation and abuse during the COVID-19

pandemic, with a focus on the risks faced by children in vulnerable situations. In response to this call for action, the Republic of Moldova replied stating that the threat for offences committed via technology remained the same with no observation of emerging trends during the pandemic.

The conflict in Ukraine that started in February 2022 has displaced millions of people resulting in a significant influx of refugees entering the Republic of Moldova, thereby worsening the already fragile situation of the country due to the pandemic. As of 19 March 2023, 791,054 persons have crossed the border from Ukraine to the Republic of Moldova. Among the total 100,366 Ukrainian refugees remaining in the Republic of Moldova as of 19 March 2023 (entering from all borders), of those below the age of 18, approximately 60% are male refugees and approximately 40% are female.

Risk factors for trafficking and exploitation could include, but are not limited to, the large number of unregistered volunteers offering help and accommodation, as well as the determination of the refugees themselves to travel out of Ukraine as soon as possible. The need of screening all persons and volunteers who have contact with children was already identified in 2017 by the Lanzarote Committee in its urgent

monitoring round following the refugee crisis of 2015 and in its 1st monitoring round.

Some of the children fleeing Ukraine are unaccompanied or have been separated from their parents or family members. Unaccompanied or separated children and children travelling with adults whose relationship with the children cannot be verified are at greater risks of trafficking. At their arrival to the Republic of Moldova, these children are placed temporarily in reception centres equipped with child-friendly support services. In 2020, the Republic of Moldova reported to the Lanzarote Committee about the existence of a mechanism for identifying, reporting, and managing the cases of unaccompanied foreign children, reporting no cases as of 2020. During the influx of Ukrainian refugees to the Republic of Moldova, approximately 500 unaccompanied or separated children and 1,100 children accompanied by an unauthorised person have been identified

through this mechanism.

As emphasised in the Guidance Note by GRETA, actions are to be implemented immediately to prevent human trafficking, considering the unprecedented arrivals of large proportions of people needing protection. In the Republic of Moldova, a task force on trafficking in persons fleeing Ukraine was created in June 2022 in cooperation with international and non-governmental organisations. The United Nations High Commissioner for Refugees and United Nations International Children's Emergency Fund also set up 'Blue Dot' which are support hubs dedicated for children and families affected by the Ukraine crisis. As of 27 January 2023, nearly 25,000 children have received support at the Blue Dots in the Republic of Moldova. As of 10 March 2023, there are 10 Blue Dot Hubs operating in the Republic of Moldova.

INTERNATIONAL COMMITMENTS AND LEGISLATIVE FRAMEWORK

INTERNATIONAL AND REGIONAL COMMITMENTS

Status of ratification of relevant international and regional instruments		
Instrument	Date of ratification or accession	Entry into force
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse - 2007	12 March 2012	1 July 2012
Revised European Social Charter 1996	8 November 2001	1 January 2002
Council of Europe Convention on Cybercrime - 2001	12 May 2009	1 September 2009
Council of Europe Convention on Action against Trafficking in Human Beings - 2005	19 May 2006	1 February 2008
United Nations Convention on the Rights of the Child - 1989	26 January 1993 (accession)	30 December 1998
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000	12 April 2007	16 March 2007
Optional protocol on a communications procedure - 2011	//	//
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	12 June 2002	24 July 2007
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000	16 September 2005	16 October 2005

In terms of international cooperation and commitments, it is worth mentioning that the Republic of Moldova submitted its latest Voluntary National Review on the implementation of the Sustainable Development Goals in 2020. Whilst the report does not address the sexual exploitation and abuse of children explicitly, it does highlight that the Republic of Moldova is committed to stop abuse, neglect, exploitation, trafficking and all forms of violence and torture against children. The report also mentions the increasing number of sexual offences against children and sets the supremacy of the law and the equal access to justice for children as strategic targets.

The Republic of Moldova is involved in several initiatives related to combating the sexual exploitation and abuse of children.

Since 2011, the Republic of Moldova has been part of the WeProtect Global Alliance with the aim of enhancing efforts to identify and safeguard child victims of online sexual exploitation and abuse as well as to apprehend offenders. Moreover, the Republic of Moldova participates in several projects carried out by the Children's Rights Division of the Council of Europe in cooperation with the Council of Europe Office in Chişinău. An ongoing project is "Preventing and protecting children from violence including in the digital environment in the Republic of Moldova" which focuses on the protection and promotion of children's rights in the digital environment and addresses the protection of children against violence, including child sexual abuse and exploitation, and prevention from peer-to-peer violence.

NATIONAL LEGISLATION AND RECORDED OFFENCES

In terms of the general provisions on children's rights, under different pieces of Moldovan legislation, any person under the age of 18 is considered to be a child. In addition, when the age of victims of trafficking or unaccompanied children is uncertain and there are reasons to believe that the victim is a child, the person will be treated as a child and be offered special protection measures. This is in accordance with Article 11(2) of the Lanzarote Convention.

In the Republic of Moldova, the minimum age for marriage is 18 years. However, Moldovan legislation allows children to marry from the age of 16 with the consent of the authority of a local guardianship and the

consent of their parents. Parental consent or legal authorisation is also necessary to allow children aged 15 to work, as the minimum age for employment is 16 years and 18 years for employment in hazardous work. Moreover, education is free and compulsory until the age of 16 and children have the right to access education in their native language.

In 2020, the Republic of Moldova introduced a new legislation to establish stricter sentences for offenders of trafficking and sexual exploitation, with harsher penalties for cases of aggravated circumstances, including when the victim is a child. In addition, in November 2022 a new law (hereinafter "law on the rights of victims")

was adopted by the Parliament, and entered into force in January 2023 aiming to ensure the rights of victims of crimes related to sexual life and family violence as well as aiming to adjust the criminal legislation to internationally agreed standards such as those included in the Lanzarote Convention. Although this law extends protective measures foreseen for victims of domestic violence and to victims of crimes of sexual nature, it also significantly reduces the penalties associated with some of sexual offences against children as described in the following sections.

Sexual abuse of children

The age of sexual consent in the Republic of Moldova is 16 years for children of any gender. Adults who have sexual activities with children below 16 years are liable for statutory rape and punishable with imprisonment from two to five years. The Law on the rights of victims significantly reduced the penalty, as before statutory rape was punishable with imprisonment from three to seven years. The Penal Code establishes a close-in-age exemption which can protect children involved in consensual sexual activity with peers from criminalisation by stipulating that the alleged offender is not subject to criminal liability if they are similar (no specific age range is provided) to the victim in terms of age and physical and mental development. The close-in-age exemption also applies to consensual sexual acts other than intercourse knowingly committed against a child who has not reached 16 years, a crime punished with imprisonment from one to three years as introduced by the law on the rights of victims.

Rape is defined as non-consensual sexual act, and when committed against a child is punishable with imprisonment of seven to 12 years and if the child is under the age of 14, imprisonment of 10 to 20 years or life imprisonment. Other non-consensual

sexual acts against children are criminalised with imprisonment for a term of five to 10 years and for a term of 10 to 20 years or life imprisonment if the child is certainly under the age of 14. Sexual harassment of a child is criminalised with imprisonment from three to seven years.

Sexual exploitation of children in prostitution, through sale and trafficking and in the context of travel and tourism

The Moldovan Penal Code defines the exploitation of children in prostitution as benefitting by any material advantage of sexual services provided by children and it is punished with imprisonment for a term of three to seven years. However, this provision requires the offender to certainly know that the child has not reached the age of 18, which could allow offenders to obtain lesser penalties if such circumstance is not proven.

The legislation on the trafficking of children for the purpose of sexual exploitation offers protection to child victims in accordance with the standards set forth in Council of Europe Convention on Action against Trafficking in Human Beings. The Penal Code prohibits recruiting, transporting, transferring, harbouring or receiving a child, as well as giving or receiving payments or benefits for obtaining the consent of a person who has control over the child, with the purpose of sexual exploitation. Child trafficking for the purpose of sexual exploitation is punished with imprisonment from 10 to 12 years, plus the prohibition to hold certain positions and to exercise certain activities. Legal entities are punishable with a fine of 4,000 to 6,000 conventional units (approximately €9,847.76 to €14,771.64), plus the prohibition to carry out certain activities (not clarified in the law) and the liquidation of the legal entity. These penalties are increased if the victim is younger than 14 years. Child victims are exempt of criminal responsibility for the

commission of any crimes in connection with child trafficking. On the other hand, the crime of selling children for the purpose of sexual exploitation is not punished as an independent crime. It is worth noting that although there is often significant overlap between the offences, trafficking and sale of children are separate crimes and, to assist in prosecution and victim identification efforts, should always be treated as such in law.

The Republic of Moldova lacks legislative and regulatory measures to protect children from sexual exploitation in the context of travel and tourism. The Penal Code does not explicitly outline the sexual exploitation of children in the context of travel and tourism as a form of sexual exploitation of children. Moldovan legislation does not establish bail conditions that prohibit individuals accused of sexual offences against children from travelling outside of the country, nor requires criminal background checks for persons applying to work or volunteer with or for children and the screening of applicants depends on each organisation's recruiting conditions. Moreover, no national codes for child protection as a legal requirement for the travel and tourism industry to operate exist as of April 2023.

Sexual exploitation and abuse of children in the online environment

The Moldovan Penal Code prohibits making, distributing, importing, exporting, providing, selling, acquiring, exchanging, using, or storing child sexual abuse material, and punishes these activities with imprisonment for a term of one to three years, and in the case of a legal entity, by a fine of 3,000 to 5,000 conventional units (approximately €7,385.82 to €12,309.70) with deprivation of the right to engage in certain activities (not clarified in the law). Child sexual abuse material include photographs or other images, including in electronic format, portraying children involved in explicit

sexual activity, whether real or simulated, or the genitals of a child. Whilst positive that both real and simulated depictions of children are included, the provisions only cover images or visual recordings, leaving written or audio materials potentially beyond the remit of the law.

The Penal Code further punishes the solicitation of children for sexual purposes, also known as grooming. Offering, persuading, manipulating, threatening, promising benefits in any form, including through information technology or electronic communications, with the aim of arranging a meeting with a child for the commission of any kind of sexual offence against them, is punishable by imprisonment for a term of two to six years. The crime occurs even when the grooming conduct does not lead to a meeting (in-person or online) but it does require for specific material actions leading to such a meeting having been taken by the offender. The Moldovan legislation is not only in line with the online grooming offence set out in the Lanzarote Convention, but also with the subsequent guidance issued by the Lanzarote Committee that stated that grooming offences should also cover instances in which the sexual abuse has occurred online.

The law to ensure the rights of victims also added to the Penal Code a provision criminalising the enticement or facilitation of the provision of online sexual services by another person. Although not specific to children, this provision could be used to cover offences of live streaming of child sexual abuse.

It is important to note that there are no provisions in the Republic of Moldova that oblige Internet service providers to filter, or report child sexual abuse material found on their servers. Law No. 284/2004 on Electronic commerce, creates a general duty of removing and/or blocking access to any

illegal information stored on their servers, which would also include child sexual abuse material.

Although a specific duty to report child sexual abuse material hosted on their server does not exist, this law also provides the obligation for all Internet access and hosting service providers to provide a reporting instrument regarding sexual abuse of children and to communicate such reports made by public to the police and to the prosecution.

Prosecution of offenders of sexual exploitation and abuse of children

Data provided by the Republic of Moldova for the purpose of this report shows that between 2018-2021, 99.5% of prosecuted offenders of sexual abuse of children (852 total) were men. Over half of the total offenders (55%) were aged 18-29 years, followed by 23% aged 30-49, 14% aged 14-17 and 8.5% over 50 years. According to the official data, 351 individuals were convicted for crimes of child sexual abuse between 2018-2021.

According to the Moldovan Penal Code, legal entities are also subjected to criminal responsibility, with the main punishment usually being a fine. Legal entities can also be liquidated or be deprived of the right to exercise certain activities. However, the Republic of Moldova needs to take the

necessary measures to ensure that the liability of legal entities can be acted upon in practice, as no accused legal persons has been punished, as of 2022, as shared by the Republic of Moldova for the purpose of this report.

The Moldovan justice can prosecute crimes of sexual exploitation and abuse of children committed outside Moldovan territory when they are committed both against nationals of the Republic of Moldova as well as when the crimes are committed by nationals of the Republic of Moldova.

Moldovan legislation provides for the possibility of extraditing alleged foreign offenders of crimes of sexual exploitation and abuse of children but prohibits the extradition of Moldovan nationals from prosecution according to the Moldovan legislation. However, extradition is only granted if it is based on an international treaty to which the Republic of Moldova is a party or under reciprocity conditions under a court judgment. Extradition is subjected to the principle of double criminality, and the offence must be punishable in the Republic of Moldova with punishment of at least one year of imprisonment. In 2021, the General Prosecutor's Office initiated an extradition procedure in France in connection with the investigation of cases of child trafficking. As of June 2022, no response has been received regarding the admission or refusal of extradition of the accused person to the Republic of Moldova.

RESPONSE OF THE REPUBLIC OF MOLDOVA TO THE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN

COORDINATION AND COOPERATION

In May 2022, the Government of the Republic of Moldova approved the creation of the “Specialised Commission for the coordination and monitoring of the implementation of the Council of Europe Convention of the protection of children against sexual exploitation and sexual abuse” within the National Council for Human Rights. This includes representatives from relevant ministries in charge of the protection of children, the prevention and combatting sexual exploitation and sexual abuse of children. The Commission held its first meeting with the Lanzarote Committee in July 2022, with the aim to inform members about the work of the Committee and its documents.

In the Republic of Moldova, various institutional mechanisms and policies have been set up to address the sexual exploitation and abuse of children. The Action plan on promoting the safety of children and adolescents on the Internet for 2017-2020 laid the groundwork for the first joint efforts to protect children from online risks. The Information Security Strategy for 2019-2024 also touches upon this issue. However, as of March 2023, there is no single entity in charge of coordinating all online child safety efforts, and no monitoring and evaluation reports on these programmes and strategies are available, hence making it difficult to assess the true impact of such efforts. The Action Plan 2022-2023 for the implementation of the National Child Protection Programme 2022-2026

foresees the development and approval of a mechanism for reporting and blocking child sexual abuse material online. As per information shared by the Republic of Moldova for the purpose of this report, in late December 2022, the concept of the mechanism was approved by the General Police Inspectorate and the mechanism is due to be created in the first semester of 2023.

Cooperation and coordination related to child trafficking is governed by the National Strategy for preventing and combating human trafficking 2018-2023. The National Committee for Combating Trafficking in Human Beings is the institution in charge of coordinating related activities. The National Referral Mechanism, institutionalised in 2018 for the years 2022-2030 and the Action Plan for the years 2022-2024 expanded the protection and assistance to child victims of other sexual crimes as well as to children exposed to various risks, which was originally provided only to victims of human trafficking.

Moreover, the Republic of Moldova has benefitted from cooperation programmes of the Council of Europe since 2006, with the current strategic programming instrument including the Council of Europe Action Plan for the Republic of Moldova 2021-2024. The current action plan encompasses the sexual exploitation and abuse of children, including in the digital environment, as a key area of cooperation. The Council of Europe

plans to enhance coordination to boost the implementation of the Lanzarote Convention by increasing the capacities of justice professionals and guardianship authorities, as well as coordinating the response for countering child sexual exploitation and abuse.

Non-profit organisations also play an important role in protecting children from sexual exploitation and abuse. The Moldovan authorities have signed a series of agreements to strengthen their

cooperation in reference to the Child Helpline 116-111, the development and implementation of standards for protection and safety of children/pupils online, and overall prevention. However, as noted by the Lanzarote Committee in March 2022, all State Parties, including the Republic of Moldova, should strengthen their efforts to expand the cooperation with civil society and finance projects and programmes aiming to prevent and protect children from all forms of sexual exploitation and abuse, including child self-generated sexual content.

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

In accordance with the Lanzarote Convention and the recommendations adopted by its Committee, the Republic of Moldova is expected to take the necessary legislative actions and implement strategies to prevent and protect children from sexual abuse and exploitation. Central to preventing sexual violence is raising children's awareness in accordance with their age and maturity and including this information in the school curriculum.

In terms of preventive legal measures, even though the Republic of Moldova does not have a sexual offenders registry in place, teachers who have committed crimes against children cannot occupy a teaching, scientific, educational, or administrative position in the education sector. Civil servants must also have a clean criminal record. In order to better protect children, the Lanzarote Committee recommended the Republic of Moldova in 2018, to deny access to the exercise of any professional or voluntary activities involving contact with children to convicted persons of sexual offences against children.

In the Republic of Moldova, various prevention programmes and awareness-raising campaigns have been set up to

address the sexual exploitation and abuse of children. However, these are mostly focused on online child sexual abuse and exploitation and human trafficking. The Lanzarote Committee has stressed the need for all Parties, including the Republic of Moldova, to develop awareness-raising strategies and campaigns on sexual abuse of children in circles of trust, including in collaboration with the media.

Specific measures are envisaged under the National Child Protection Programme 2022-2026 and the Action Plan for its implementation, including prevention actions for the general public such as informing, awareness-raising and educating the population about the negative impact of all forms of violence towards children, especially physical abuse, exploitation and sexual abuse, bullying, and online violence. Moreover, the National Child Protection Programme 2022-2026 highlights the need to continuously train staff who work in the public child protection system to not only improve knowledge and skills but also to overcome the challenges caused by high staff turnover. In this regard, in 2019, the government established a system of initial and continuous training of personnel in the field of social assistance but the

implementation is still in the early stage of development and the training of personnel is still done on an ad hoc basis with the support of civil society organisations or development partners, without being able to cover the needs and quality assurance. Another issue to take into consideration is the lack of specialists in child protection in majority of the municipalities in the Republic of Moldova due to the lack of resources at the local level. According to the data of the National Social Assistance Agency, in 2020, only 2.8% of town halls employed specialists on child protection.

In 2021, 160 legal and justice professionals were trained to strengthen their capacity on preventing and combatting online child sexual abuse and exploitation at the national level. Prosecutors from the General Prosecutor's Office also participated in a number of trainings and workshops on online child sexual exploitation and abuse organised in 2021 by the National Institute of Justice and La Strada Moldova. Employees of the National Centre for Combating Human Trafficking also attended training courses related to online child sexual exploitation. Additionally, in 2021, public employees, specialists, consular officers, lawyers and judges were also trained on human trafficking. The National Council for State-Guaranteed Legal Assistance developed a Guide for lawyers providing state-guaranteed legal assistance to victims of human trafficking which was distributed among lawyers and relevant trainings were also organised.

Besides technical assistance and trainings, the Republic of Moldova also implemented several awareness-raising campaigns to inform society about the seriousness and consequences of different forms of child sexual abuse and exploitation. An impactful initiative has been the Safer Internet Day, organised in the Republic of Moldova since 2004 to raise awareness on the dangers of

online child sexual abuse and online safety issues. The Republic of Moldova is also committed to provide information regarding human trafficking, especially during the anti-trafficking week in October.

Non-governmental organisations also play an important role in raising awareness on the sexual exploitation and abuse of children by leading projects on knowledge dissemination. For instance, La Strada Moldova regularly organises activities through SigurOnline, with the aim of promoting the safety of children and adolescents on the Internet by targeting children, parents, and educators.

In terms of education for children, a curriculum on the prevention of sexual abuse and exploitation, especially online, has been integrated as an optional subject "Education for Legal Socialisation" for pupils of 8th and 11th grade. Since 2021, the Chişinău City Hall in cooperation with the Ministry of Education, Culture and Research delivers the *Educatie Online* curriculum in the form of a digital library and records video lessons that are free to access. As of March 2023, 123 schools in Chişinău used this tool. However, as stated by the Lanzarote Committee in March 2022 and earlier in 2018, this subject should be available to all children both at primary and secondary levels based on their evolving capacity, and not as an optional subject.

But educating children alone is not beneficial if education professionals are not trained to meet their requests for help. Conversations with young survivors of online child sexual abuse and exploitation conducted by La Strada Moldova in 2021 indicated that they wished they had sex education and discussed at school the risks involved in the use of the Internet. They also said that teachers avoided topics related to sex and sexuality resulting in them feeling that they were unable to talk to them.

In 2021, 50 educators and managers of kindergartens were trained to improve their skills to detect and prevent child sexual abuse. This also provided them with tools to address to children, parents, and kindergarten administration to combat this phenomenon. Besides this promising practice, the Republic of Moldova needs to increase its efforts and ensure that all persons in all sectors, who have regular contact with children have adequate knowledge and are equipped to identify the sexual exploitation and abuse of

children, including when facilitated through information and communication technologies.

“ When a problem arises, the children should not be afraid to tell the teachers that they need help. ”

(VoS-MD-07)

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Reporting mechanisms

Professionals, authorities and public institutions are obliged to record the notifications of the persons reporting cases of suspected child sexual exploitation and abuse, and immediately inform local guardianship and report them to the police inspectorate or the prosecutor's office within 24 hours. Professionals working with children in the fields of social assistance, education, health care, law enforcement bodies are also obliged to collaborate in cases of child sexual exploitation, but there are no mandatory reporting requirements in place. To encourage reporting, the Lanzarote Committee in its 1st monitoring round suggested to its State Parties, including the Republic of Moldova, to introduce the necessary legislative measures or other measures, such as awareness-raising campaigns, encouraging any person who knows about or suspects that a child is a victim of sexual exploitation or sexual abuse to report to the appropriate services.

Moldovan legislation explicitly requires guardianship authorities to cooperate in the field of child protection. In 2021, a Guide for the Practical application of the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking was approved. However, intersectoral collaboration in assisting cases of sexual abuse and exploitation is poor, especially in the justice and social fields.

Regarding national reporting mechanisms, the territorial police inspectorate and the prosecutor office are in charge of handling complaints of cases of child sexual abuse and exploitation. The local guardianship authority is obliged to notify and/or ensure the reception and registration of complaints regarding child sexual abuse and exploitation offences. They also order the initial assessment of the child's situation in order to refer them to the relevant specialists if needed.

Once the complaint is filed, public prosecutors are obliged to initiate criminal investigation if there is reasonable suspicion that a crime has been committed. The Ombudsperson for Children may also initiate court proceedings in order to protect the rights and freedoms of the child. An anonymous complaint may not be a basis for initiating criminal proceedings, but authorities will initiate an investigation if there is reasonable suspicion that a crime has been committed after studying the anonymous complaint.

Other mechanisms to report cases of child sexual abuse and exploitation include free and 24/7 phone assistance for children *Telefon Copilului* (116111), and the website 12plus.md, which provides assistance via chat. Statistics shared by the Republic of Moldova for the purpose of this report showed that between 2018-2021, the national telephone helpline received 226 calls in relation to cases of sexual abuse and sexual exploitation. Of those cases, 182 children received assistance and 81 cases were reported to law enforcement or child protection authorities.

SigurOnline is an online platform to report online child sexual exploitation cases administered by La Strada Moldova, which is also the only web platform providing advice and information about online safety.

The Green Anti-Trafficking Line of the General Prosecutor's Office and the hotline of the Centre for Combatting Trafficking in Persons are other tools for child victims of trafficking. The United Nations High Commissioner for Refugees manages a Green Line for Ukrainian citizens with trained staff on handling cases of sexual exploitation and abuse. Since mid-April to October 2022, the Green Line has received 38,813 calls.

Studies suggest that in general, children are not aware of the reporting mechanisms available to report crimes of sexual violence or the services available to receive support. Hence, it is possible that many of these crimes go unreported.

Conversations with young survivors conducted by La Strada Moldova in 2021 also illustrated little awareness of formal reporting mechanisms that are available in the Republic of Moldova. Survivors highlighted the need to raise the visibility of reporting mechanisms, simplify the tools for reporting online child sexual abuse and exploitation and to commit financial resources to provide trainings for staff of reporting platforms and to service providers.

“ It would be helpful for children to know about services that can help them in cases of online abuse. More promotion of these services needs to be done. ”

(VoS-MD-02)

The young survivors who took part in the conversations also showed scepticism in relation to specific reporting platforms and hotlines, including web-based platforms and those specifically designed for children, such as SigurOnline.

“ At first I was skeptical, I was thinking, how can a website help me? ”

(VoS-MD-02)

Despite the initial scepticism, in this instance the young woman explained that the chat platform available on the website proved to not only be extremely useful as a reporting mechanism, but also crucial in providing a sense of relief to her.

“ I was told that ‘this is not the end, you will see, everything will be fine. Leave it for a while, you’ll see, we’ll work it out together’ [...] if it weren’t for the psychologists at SigurOnline, I was ready to end my days, because I couldn’t see another solution ”

(VoS-MD-13)

The feeling of guilt and the fear of being blamed also act as barriers to disclose about sexual abuse and sexual exploitation. Only about three in five girls (59.2%) and less than half of boys (44.7%) who were victims of sexual abuse, interviewed for the research conducted by International Organisation for Migration, IMAS and the Centre for Disease Control and Prevention in 2019, had told someone about their experience. Young survivors interviewed by La Strada Moldova in 2021 also said that even if they had been aware of the reporting mechanisms, they would not have asked for help because they felt guilty about what had happened.

“ Even if I knew I could call somewhere and report, I wouldn’t have done it anyway ”

(VoS-MD-02)

A procedural guarantee related to reporting enjoyed by child victims of sexual abuse and exploitation is the special regime of the statute of limitation. That is a time period set by law during which the victim can report the offence suffered and once expired, not only this will not be possible but, if the court does not issue a final judgement on the matter within this period, the alleged offender cannot be punished anymore for that crime. Statutes of limitations in the Republic of Moldova depend on how serious the crime is considered to be according to Moldovan legislation. The limitation periods range from five years for offences considered less serious such as conduct related to child sexual abuse material to 20 years for particularly serious offences such as trafficking of children under 14 years. When child victims of sexual exploitation and abuse do disclose their abuse, this is often delayed. The existence of statutes of limitation can potentially thwart their access to justice. Therefore, it is recommended that there are no statutory limitation periods for all offences concerning the sexual abuse and exploitation of children. This would allow victims of child sexual exploitation and abuse to come forward when they feel comfortable to do so.

Investigations and child-friendly justice

According to the Moldovan Criminal Procedure Code, hearings of victims of sexual abuse or exploitation must follow a specific child-friendly procedure that includes the questioning by a trained interviewer in a special room equipped with audio/video recording facilities. In 2020, upon the examination of 205 court files, the Research by the Council of Europe found that the child-friendly procedure was used in only 60 cases, with significant delays in making a request to hear a child under the special procedure.

Moreover, according to Moldovan legislation, child victims cannot be forced to participate in a confrontation with the person accused and they must be allowed to identify the accused in a line-up in a way that prevents the accused from seeing them. However in practice, the confrontation of children with offenders does occur despite the legal impediment. Young survivors who took part in the conversations facilitated by La Strada Moldova in 2021 indicated that efforts should be made to avoid re-victimisation and to ensure confidentiality standards during the interviewing process.

“ Children should talk about their experience as in movies. That should happen in a specially designed room that has one wall with a mirror. In the room next to it, people could hear the declarations and ask questions. ”

(VoS-MD-13)

Parents, tutors or custodians shall serve as legal representatives for the child, and if they are not available, the court will appoint the tutelage authority. Child victims must exercise their rights through their legal representatives. According to La Strada Moldova, in some cases legal representatives may act to the detriment of the child, especially in cases of sexual abuse by the mother's husband/partner. Victims of severe crimes also have a right to be accompanied by a trusted person, in addition to their attorney, during all proceedings.

Child victims of sexual exploitation have the right to free legal aid during all the procedural actions under the Law on State Guaranteed Legal Aid.

Free psychological counselling provided by the State through the Regional Centres is available to victims of child sexual exploitation upon request for a maximum period of six months. Psychological professionals are also required to provide support during the hearing of the child's evidence. However, the involvement of psychological professionals is limited in practice. According to the research done by the Council of Europe in 2020, psychological assistance was provided only in three out of the 138 cases during court hearings under general conditions, and in 37 out of the 67 cases during court hearings under special conditions.

In this regard, in 2015 the Lanzarote Committee invited all State Parties, including the Republic of Moldova, to ensure that all staff responsible for interviewing child victims have undergone suitable qualifying training. The Lanzarote Committee considers that Parties including the Republic of Moldova should, if they have not done so yet, allocate adequate financial resources to the training of persons, units and services in charge of investigations as defined by Article 34 §1 of the Lanzarote Convention.

Under Moldovan law, child victims have the right to be informed at the outset of the investigation about their rights and obligations under the law. In the study conducted by La Strada Moldova it was found that victims of sexual crimes are not informed about the initiation of the criminal investigation at the beginning but only after being interrogated as victims or injured parties and only upon issuing a request. It was additionally found that in 50% of the 240 cases analysed, the victim was not informed by the criminal investigation bodies about important procedural actions taken even after the termination of the criminal investigation or when handed the indictment.

The right to privacy and the protection of the victim's identity is guaranteed under the Moldovan legislation, ensuring confidentiality of the victims' personal information. However, concerns have been raised that personal information about a child victim is made available or can be accessed, including by persons who are not directly involved in those criminal proceedings. Concerns have also been raised over the electronic information storage systems of the criminal investigation bodies and prosecution do not ensure that personal data of child victims is kept fully secure. This also includes risks relating to improper access to data as the system does not ensure the identification of persons who have accessed data (and are obliged to justify the purpose and legal basis for accessing the data):

Finally, Moldovan Criminal Procedure Code allows police, prosecutors, and judges to take action to protect victims and their families if their safety is endangered because of participating in criminal proceedings. Child protection authorities are liable for their failure to protect children at risk, and a child may seek compensation for any material or moral damage caused to them.

Assistance to victims

Moldovan legal framework ensures minimum conditions for the recovery and reintegration of victims of crime, including child victims of crimes committed abroad. According to the law on witness protection and other participants in criminal proceedings, certain 'relief' measures may be provided to the victim, such as integration into other social environments, professional retraining, medical care, legal aid, psychological and public assistance, unemployment or job search assistance.

Young survivors who took part in the conversations facilitated by La Strada Moldova in 2021 acknowledged the importance and need of support services. They also indicated that the cost and accessibility to such services were a challenge, especially for those who lived in small towns.

“ One of the biggest difficulties was that the psychological services were expensive. We had to travel almost 200km for each meeting with the psychologist. ”

(VoS-MD-12)

Young survivors indicated that support services should be available across the country, including to family members of children subjected to sexual exploitation and abuse online. They also highlighted the need to know about specialised services that can help them and the need for a centre that deals with cases of online sexual abuse. This could be achieved through the effective implementation of child advocacy centres (also known as Barnahus model) created in 2019.

Moreover, the Republic of Moldova has a National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking which identifies trafficked victims and potential victims of trafficking and coordinates their care through multi-disciplinary teams. Children can stay in centres for protection and assistance of victims of trafficking for the duration of their

case and receive long-term care in a family-type or community-type environment. However, reportedly these social services and protections are not available to child survivors of human trafficking in the region of Transnistria.

La Strada Moldova, like other civil society organisations also offers specialised assistance to child victims. Between January and December 2021, La Strada Moldova provided support to 89 child victims of crimes related to trafficking for the purpose of sexual exploitation, sexual offences, and child sexual abuse material.

Access to compensation

In the Republic of Moldova, there are several avenues through which child victims of sexual abuse and sexual exploitation can claim compensation. First, child victims of sexual exploitation and sexual abuse have the right to seek formal financial compensation via civil or criminal court proceedings from convicted offenders. The civil action can be filed based on a written request of the civil party or their representative, anytime from the start of a criminal proceeding until the judicial inquiry is complete.

Child victims of crimes are automatically deemed to be an “injured party” and thereby are entitled to solicit recovery of moral, physical and material damages. An injured

party is also entitled to compensation for expenses incurred in the criminal case. The State will grant financial compensation for the damage caused by the crime if the offender’s sources are insufficient and if certain conditions are met. This includes, if the victim is a civil party in the criminal proceedings and that the legal representative submits an application. However, no State-managed compensation fund for child victims of sexual exploitation has been set up and it is unclear if child victims receive such reimbursements.

Moreover, despite being provided for in the law, in practice, child victims have additional barriers to access compensation through the courts, including the lack of solicitors, difficulty enforcing collection of monetary awards, victim’s lack of knowledge/ information on the right to seek damages, and a loss of trust in the justice system. Only 17% of the 54 frontline workers interviewed by La Strada Moldova in 2021, indicated that they were aware that child victims of online sexual abuse and exploitation had received compensation for the crimes they suffered in the Republic of Moldova, 35% said that they did not know of any children who received it and almost a half (48%) did not know how to answer the question. Lack of financial support and compensation by States may serve as a large deterrent for child victims to participate fully in the justice process.

PARTICIPATION OF CHILDREN AND SURVIVORS

As recommended by the Lanzarote Committee in 2018, all State Parties, including the Republic of Moldova, should further encourage the participation of children according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in the circle of trust specifically.

Although the participation of young people aged 14-35 in decision-making processes is provided for in the Moldovan legislation, there are no mechanisms that ensure the participation of children in government activities and programmes, nor in the elaboration of public policies and laws. Government actions do not specifically provide for the participation of victims and survivors of child sexual abuse and exploitation. In the 2022 research published by UNICEF, it was stated that the right to participation is even more restricted for vulnerable children, including children with disabilities, Roma children, and children from low-income families.

However, some participation processes were promoted by the National Youth Sector Development Strategy 2020 and are included in the new draft of the National Strategy for the development of the youth sector "Youth 2030". The National Youth Council from the

Republic of Moldova, a coalition of 43 non-governmental organisations created in 1999, promotes the rights of youth and represents youth in the elaboration, implementation and evaluation of youth policies. However, as stated in the 2022 study by UNICEF, the coalition does not have the resources to intervene systematically and qualitatively on public policies. Data collected from youth advocates, who were also interviewed for the same study, noted that children's concerns and suggestions are often ignored.

Child participation in the Republic of Moldova occurs mostly within participation platforms with the educational system being the most active amongst such platforms. Children's Advisory Councils were established in 2012 and are present in 11 districts, as well as within the Directorate for Child Rights Protection in Chişinău. They are in charge of empowering children to participate in decision-making processes and in the evaluation, planning, development and monitoring of children's services. However, as of April 2022, some of the Children's Advisory Councils are inactive, including the Children's Advisory Council in Chişinău, and some others lack the capacity to operate. The Children's Advisory Board within the Ombudsman for Children, established in 2019, was created to monitor children's rights and maintain a closer contact with children but, as of April 2022,

lack clear procedures, abilities and capacities to manage participation processes.

According to the 2022 UNICEF study, the Child Rights Information Centre is the only non-governmental organisation with rules, tools and practices for involving children and young people in participation processes. In 2018, the Child Rights Information Centre coordinated the development of a report on the

implementation of the Lanzarote Convention by the Republic of the Republic of Moldova, which was prepared by 20 girls and three boys aged 13 to 17 years from different regions of the country. Children's concerns were related to the insufficient/lack of education regarding the prevention of exploitation and abuse in the online environment, the lack of awareness-raising campaigns and the lack of a functional reporting mechanism.

WAY FORWARD

The Republic of Moldova has been reinforcing its national legal and policy frameworks over the last few years to enhance the protection of victims of child sexual abuse and exploitation and prevent these crimes. However, shortcomings still exist. Indeed, an overall lack of research, analysis, and response to exploitation of children in prostitution and in the context of travel and tourism was noted. In the absence

of up-to-date nation-wide studies and data collection to understand the magnitude of these issues, there is limited response targeted towards the needs of the victims as well as minimal awareness raising and/or prevention initiatives. Furthermore, the Moldovan legal system fails to consider sexual exploitation of children in the context of travel and tourism as a form of sexual exploitation against children.

Relevant recommendations from the Lanzarote Committee:

- **Consider** that the Republic of Moldova must set up a national or local system for recording case-based data for child sexual abuse in the circle of trust cases in the various sectors liable to come into contact with child victims in such instances; such administrative data collection systems should be implemented allowing to compare and cross-check the data thus collected at national level and avoid duplication (R15).
- **Invite** the Republic of Moldova to disaggregate data on the basis of the gender of the child victim and of the perpetrator, should this not be already the case (R17).
- **Invite** the Republic of Moldova to establish a comprehensive system of reporting cases of child sexual abuse committed in the circle of trust, which will ensure the completeness of the data collected (R18).
- **Invite** the Republic of Moldova to ensure ongoing evaluation of the effectiveness of their mechanisms or focal points, with regard to their ability, to depict the actual situation on the ground and produce accurate and reliable data (R21).

Another flaw of the Moldovan legal framework is that reporting cases of sexual exploitation and sexual abuse of children in the Republic of Moldova is not mandatory for professionals working directly with children, besides guardianship authorities. Moreover, intersectoral collaboration in assisting cases of sexual abuse and exploitation is poor, especially in the

justice and social fields. At the same time, studies show that sexual offences are still underreported due to various factors. Campaigns on prevention and response to sexual abuse and exploitation needs to be accessible to all children (language, disabilities, ethnic background), including on the mechanisms available to report cases of child sexual abuse and exploitation.

Relevant recommendations from the Lanzarote Committee:

- **Consider** that, if it is not doing so yet, the Republic of Moldova should allocate adequate financial resources to the training of persons, units, and services in charge of investigations as defined by Article 34§1 of the Lanzarote Convention (R15).
- **Invite** the Republic of Moldova, to ensure that the confidentiality rules, imposed by internal law on certain professionals called upon to work in contact with children, do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse (R16).
- **Consider** that the Republic of Moldova should introduce the necessary legislative or other measures, such as awareness-raising campaigns, to encourage any person who knows about or suspects in good faith that a child is a victim of sexual exploitation or sexual abuse to report to the competent services (R18).

With regards to child-friendly procedures, the Moldovan legislation states that hearings of victims of sexual abuse or exploitation must follow a specific child-friendly procedure that includes the questioning by a trained interviewer in a special room equipped with audio/video recording facilities. However, sometimes child victims are obligated to confront their offender, going against the obligations contracted when signing the

Lanzarote Convention, as also urged in the third evaluation round of the Republic of Moldova by GRETA. The Republic of Moldova should include, simplify and adapt the legal procedures to children (single hearings, child-friendly interview practices etc.) and improve knowledge, skills and attitudes of the justice sector in dealing with child sensitive cases.

Relevant recommendations from the Lanzarote Committee:

- **Consider** that information and advice should be provided to child victims in a manner adapted to their age and maturity, in a language they understand, and which is gender and culturally sensitive (R23).
- **Consider** that the Republic of Moldova should address and encourage as much as possible the co-ordination and collaboration of the different players who intervene for and with the child victim during criminal proceedings. This comprehensive and interdisciplinary approach offers extra support to the child victim and in some cases, the possibility for intervention not to be delayed and appropriate support to be provided immediately after the disclosure (R24).
- **Invite** the Republic of Moldova, when determining the support required to the victim and the persons close to him or her, to take into account the fact that child's disclosure should not worsen his or her situation and that of the other non-offending members of the family (R31).
- **Invite** the Republic of Moldova to ensure that protection measures in investigative and judicial proceedings are available to all children irrespective of their age, especially in cases where the abuse has occurred in their circle of trust (R38).
- **Invite** the Republic of Moldova to take all appropriate measures to guard against any further contact between the child victim of sexual abuse in their circle of trust and the presumed offender during the criminal proceedings, particularly by taking the child's testimony without the presumed offender being present and ensure that face-to-face confrontation with the defendant during the proceedings does not take place (R48).

Victims of child sexual abuse or sexual exploitation and their families are not adequately attended to in the Moldovan system. This is due to the lack of development and funding of the intersectoral cooperation and the provision

of services and child specialists across the territory (legal counselling, psychological counselling, legal aid, etc.). Free support and protection to child victims of sexual abuse and exploitation is necessary to cover all their needs.

Relevant recommendations from the Lanzarote Committee:

- **Consider** that, if it has not yet done so, the Republic of Moldova should cooperate with civil society organisations engaged in assistance to victims and provide, by means of legislative or other measures, in accordance with the conditions provided for by internal law, the possibility to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention (R3).
- **Invite** the Republic of Moldova to grant free legal aid to child victims of sexual abuse in their circle of trust under the same conditions as, or more lenient conditions than, adults (R50).
- **Invite** the Republic of Moldova to provide assistance intended for child victims of sexual abuse in their circle of trust, once the criminal justice decision has been taken (R52).

On the participation of children and survivors of sexual exploitation and sexual abuse, the Republic of Moldova should strengthen its efforts to ensure that the perspectives of children are heard in decision-making processes, as most of the participation platforms are currently inactive. Although the participation of children and young people is provided for

in the legislation, there are no mechanisms that ensure the participation of children in government activities and programmes, or in the elaboration of public policies and laws. Government actions do not specifically provide for the participation of victims and survivors of child sexual abuse and exploitation.

Relevant recommendations from the Lanzarote Committee:

- **Consider** that the Republic of Moldova should further encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in their circle of trust specifically (R1).

Finally, the most pressuring humanitarian crisis impacting the Republic of Moldova, as of March 2023, is the conflict in Ukraine that started in February 2022, displacing millions of people as refugees. Many children fleeing Ukraine are unaccompanied or have

been separated from their parents or family members. Unaccompanied or separated children and children travelling with adults, whose relationship with the children cannot be verified are at greater risk of trafficking and thus, must be treated in the safest way.

Relevant recommendations from the Lanzarote Committee:

- **Invite** the Republic of Moldova to actively participate in the work undertaken within the Council of Europe for the development of standards on age verification and to ensure that those are built, where appropriate, taking into account the requirements of Article 11§2 of the Lanzarote Convention and the findings of this monitoring cycle in order to protect children exposed to sexual exploitation and sexual abuse (R2).
- **Invite** the Republic of Moldova to systematically verify family links of the children affected by the refugee crisis with the adults who accompany them and particularly to verify who these adults are, in order to protect these children against possible sexual abuse or sexual exploitation and determine whether they are accompanied or not and in the latter case to provide them with the necessary protection from sexual exploitation and sexual abuse (R4).
- **Urge** the Republic of Moldova, in line with Article 5 of the Convention, to effectively screen all persons who by their professions have regular contact with children affected by the refugee crisis for convictions of acts of sexual exploitation or sexual abuse of children in line with its internal law (R18).
- **Invite** the Republic of Moldova to ensure that all persons dealing with children affected by the refugee crisis have undertaken suitable qualifying continued training, enabling them to interview children, and help detect when a child has been a victim of sexual exploitation and sexual abuse (R20).

ENDNOTES

1. The *Lanzarote Committee* is the body established to monitor whether the Lanzarote Convention is effectively implemented by its Parties (i.e. the countries having ratified/acceded to it). It is composed of representatives of the Parties to the Convention as well as representatives of international governmental and non-governmental organisations active in combating child sexual exploitation and sexual abuse.
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5. There is a prevailing lack of data for the regions of Gagauzia and Transnistria, limiting a disaggregated geographical analysis in this report.
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10. The World Bank (2022). *The World Bank in Moldova*.
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16. ECPAT International (2016). *Power, impunity and Anonymity*. Bangkok: ECPAT International, p. 42.
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24. UNODC (2022). *Conflict in Ukraine: key evidence on risks of trafficking in persons and smuggling of migrants*, p.3.
25. National Bureau of Statistics (n. d.). *Enrolment rate by level of education and sexes, 2014/15-2021/22*. Please note rates indicated refer to gross enrolment rates and therefore include late and early enrolment as well as students repeating years, hence why the rate is above 100%.
26. UNICEF (2022). *Situation Analysis of children and adolescents in Moldova*, p. 11.
27. UNICEF (n.d.). *Roma children. Inclusion and reintegration of Roma children into the education system*.
28. *Updated report on the mapping of densely populated Roma locations in the Republic of Moldova*.
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33. *Ibid.*
34. UNICEF (2022). *Situation Analysis of children and adolescents in Moldova*, p. 29.
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41. *Ibid.*
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50. *Ibid.*, p. 41.
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61. *Ibid.*
62. See e.g. Bureau of International Labour Affairs (2020). *2020 Findings on the Worst Forms of Child Labor: Moldova*
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82. *Ibid.*, p. 26.
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96. *Ibid.*, p. 28.
97. *Ibid.*, p. 31.
98. *Ibid.*, p. 3.
99. *Ibid.*, p. 28.
100. See paragraphs 61-64. Lanzarote Committee (2022, March 10). *Implementation Report - The Protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) - Addressing the challenges raised by child self-generated sexual images and/or videos*. Strasbourg: Council of Europe.
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141. GRETA (2022). *Guidance Note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis*.
142. UNHCR (2022). *Ukraine Situation - Moldova: Protection Working Group Terms of Reference for the Anti-Trafficking Taskforce. BLUE DOTS: Children and Family Support Hubs*.
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147. A *draft law* on the ratification of the Optional Protocol on a communications procedure was under consideration as of March 2022.
148. Republic of Moldova (2020). *Voluntary National Review. Progress Report. 2020*.
149. *Ibid.*, p. 114.
150. *Ibid.*, p. 113.
151. *WeProtect Global Alliance*.
152. Council of Europe (n. d.). *Preventing and protecting children from violence including in the digital environment in the Republic of Moldova*.
153. Republic of Moldova (1994). Law on the Rights of the Child. Article1(2); Republic of Moldova (2001). *Family Code*. Article 51(1); Republic of Moldova (2003). *Code of Criminal Procedure*. Article 6; Republic of Moldova (2013). *Law on the Special Protection of Children at Risk and Children Separated from Parents*. Article 3.
154. Republic of Moldova (2008). *Government Decision which approves the Regulation on the procedure for repatriation of children and adults’ victims of human trafficking, illegal trafficking of migrants and unaccompanied children*. Article 10.
155. Lanzarote Convention, Article 11.2” Each Party shall take the necessary legislative or other measures to ensure that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age.”
156. Republic of Moldova (2001). *Family Code*, Article 14(1).
157. *Ibid.*, Article 14(2).
158. Republic of Moldova (2003). *Labour Code*, Article 46(3).
159. *Ibid.*, Article 46(2).
160. Republic of Moldova (2003). *Labour Code*, Article 255.
161. Republic of Moldova (2014). *Education Code*, Article 13.
162. Republic of Moldova (1994). *Constitution*, Article 35(2).
163. Articles 165 and 206 of the Penal Code were amended.
164. Republic of Moldova (2022). *Draft law to ensure the rights of victims in the case of crimes related to sexual life and domestic violence*.
165. For example, the law introduces changes to Article 111 (2) of the *Code of Criminal Procedure* to ensure that victims are accompanied always by their lawyers and a psychologist if needed during hearings and adds Article 113 (7) of the *Code of Criminal Procedure* to provide further guarantees to the confrontation process of victims with their aggressors.

167. Republic of Moldova (2002). *Penal Code*. Article 174(1).
168. *Ibid.*, Article 174(1).
169. *Ibid.* See 10/09/2022 version.
170. *Ibid.*, Article 174(2).
171. Republic of Moldova (2022). *Law to ensure the rights of victims in the case of crimes related to sexual life and domestic violence. Article II (7)*.
172. *Ibid.*, Article 171(2)(b).
173. *Ibid.*, Article 171(3)(b).
174. Republic of Moldova (2002). *Penal Code*. Article 172(2).
175. *Ibid.*, Article 172(3).
176. Republic of Moldova (2002). *Penal Code*. Article 173.
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179. Republic of Moldova (2002). *Penal Code*. Article 206(1).
180. *Ibid.*, Article 206.
181. *Ibid.*, Article 206(1).
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183. *Ibid.*, Article 206(4).
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185. Republic of Moldova (2002). *Penal Code*. Article 2081.
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187. *Ibid.*, Article 1751.
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192. Republic of Moldova (2002). *Penal Code*. Article 21(3).
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201. Republic of Moldova (2022). *Provision No. 66 regarding the establishment of the Specialized Commission for the coordination and monitoring of the implementation of Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse and approval*.
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205. Republic of Moldova (2022). *National Child Protection Programme 2022-2026 and its Action Plan*.
206. *Ibid.*, activity 36.
207. Republic of Moldova (2018). *National Strategy for preventing and combating human trafficking 2018-2023 and its Action Plan 2018-2020*.
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210. Council of Europe (2020). *Council of Europe Action Plan for the Republic of Moldova 2021-2024*.
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213. Lanzarote Committee (n. d.). Replies to the General Overview Questionnaire: Republic of Moldova. (unpublished).
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262. UNDP and ITU (2021). *Moldova: Digital Transformation Compact*, p. 9.
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274. Republic of Moldova (2002). *Criminal Code*. Articles 16 and 60.
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277. See e.g. ECPAT International (2017) *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation ECPAT International*. 58.
278. Republic of Moldova (2003). *Code of Criminal Procedure*. Article 1101. Other measures include: the investigative judge, prosecutor, defence counsel, psychologist and legal representative of the child being placed in a separate viewing room (the accused not present); the requirement that the hearing be carried out to avoid causing adverse effect on the child's mental state; and the avoidance of repeated hearings to the extent possible.
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280. *Ibid.*, pp. 28-30.
281. *Ibid.*, Article 113.
282. *Ibid.*, Article 116.
283. Council of Europe (2020). *RESEARCH of the judicial practice related to child sexual abuse and exploitation cases in the Republic of Moldova*, p. 31.
284. ECPAT International and La Strada Moldova (2021). *Child sexual abuse and exploitation online: Survivors' Perspectives in Moldova*, pp. 43-45.
285. Republic of Moldova (2003). *Code of Criminal Procedure*. Articles 75-77. According to these Articles, legal representatives have a right to be kept informed and to participate in the proceedings with the child. They also have a variety of legal-related duties, such as reviewing all case materials and submitting legal complaints and requests.
286. According to Articles 75-77 of the *Code of Criminal Procedure*, child victims under age 14 lack “legal capacity” to exercise their rights and must rely on a legal representative to exercise their rights for them. Child victims under age 18 have limited legal capacity and may exercise some rights independently but may not withdraw a complaint or reconcile with the accused on their own.
287. International Centre “La Strada” (2018). *Round table: “Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: challenges and good practices”*.
288. According to the *Instruction on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, misprision, exploitation and trafficking*, a trusted person is an adult person in whom the child shows trust, with whom they are willing to communicate and to whom they can reveal a situation in which they feels threatened or in danger.
289. Republic of Moldova (2003). *Code of Criminal Procedure*. Article 58 (4).
290. Republic of Moldova (2013). *Law on State Guaranteed Legal Aid*. Article 19 (11).
291. *Ibid.*, Article 19 (11).
292. Republic of Moldova (2019). *Government Decision for Approval of the Framework Regulation on the Organisation and Functionality of the Regional Centre for Integrated Assistance of Children Victims/ Witnesses of Crimes and Minimum Standards of Quality* (Barnahus Type).
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294. Republic of Moldova (2003). *Code of Criminal Procedure*. Article 1101.
295. Council of Europe (2020). *RESEARCH of the judicial practice related to child sexual abuse and exploitation cases in the Republic of Moldova*, p. 32.

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298. Republic of Moldova (2003). *Code of Criminal Procedure*. Article 277.
299. Republic of Moldova (2005). *Law on Preventing and Combating Trafficking in Human Beings*. Article 26(d).
300. International Centre "La Strada" (2017). *Ensuring The Rights of the Victims of Sexual Crimes; Analysis of the Judicial Practice In The Republic of Moldova, Summary*, pp. 7-8.
301. *Ibid.*
302. According to Article 212 of the *Code of Criminal Procedure*, criminal investigation materials may only be disclosed if the prosecutor finds that disclosure would not harm the interests of the accused, victim, or other participants. The prosecutor must warn victims, experts, attorneys, interpreters, and others attending the proceedings about the confidentiality requirement.
303. Republic of Moldova (2005). *Law on Preventing and Combating Trafficking in Human Beings*. Articles 21 and 26.
304. Republic of Moldova (2008). *Law on the protection of witnesses and other participants in criminal proceedings*. Article 4.
305. Council of Europe (2020). *RESEARCH of the judicial practice related to child sexual abuse and exploitation cases in the Republic of Moldova*, p. 18.
306. National Centre for Personal Data Protection (2019). *Activity Report for 2019*.
307. Council of Europe (2020). *RESEARCH of the judicial practice related to child sexual abuse and exploitation cases in the Republic of Moldova*, p. 18.
308. Republic of Moldova (2003). *Code of Criminal Procedure*. Article 215.
309. *Ibid.*, Article 22.
310. Information provided by the Republic of Moldova under the compliance procedure on the Special Report published in May 2017.
311. *Ibid.*, Article 22.
312. ECPAT International and La Strada Moldova (2021). *Child sexual abuse and exploitation online: Survivors' Perspectives in Moldova*, pp. 27-36.
313. *Ibid.*, pp. 43-45.5.
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315. Republic of Moldova (2019). *Government Decision for Approval of the Framework Regulation on the Organisation and Functionality of the Regional Centre for Integrated Assistance of Children Victims/ Witnesses of Crimes and Minimum Standards of Quality* (Barnahus Type).
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318. *Ibid.*
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321. Republic of Moldova (2003). *Code of Criminal Procedure*. Articles 219-226.
322. *Ibid.*, Articles 219-221.
323. Republic of Moldova (2003). *Code of Criminal Procedure*. Articles 23 and 59.
324. *Ibid.*, Article 60.
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326. *Ibid.*, Article 16.
327. ECPAT International (2017). *Barriers to Access to Justice for Victims of Sexual Exploitation: Legal Framework and Insights from Professionals in the Criminal Justice System in Moldova*, 64.
328. *Ibid.*, 17.
329. ECPAT International and La Strada Moldova (2021). *Child Sexual abuse and exploitation Online: Survivors' Perspectives in Moldova*. WeProtect Global Alliance. 39.
330. ECPAT International (2017). *Barriers to Access to Justice for Victims of Sexual Exploitation: Legal Framework and Insights from Professionals in the Criminal Justice System in Moldova*. 65.
331. Lanzarote Committee (2018). *Second implementation report: Protection of children against sexual abuse in the circle of trust: The strategies*. Recommendation 1.
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333. UNICEF (2022). *Situation Analysis of children and adolescents in Moldova*, p. 12.
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335. Republic of Moldova (n. d.). *VOLUNTARY NATIONAL REVIEW: Youth Power – on the implementation of the 2030 Agenda for Sustainable Development*
336. UNICEF (2022). *Situation Analysis of children and adolescents in Moldova*, Annex 8.
337. *Ibid.*, p. 12.
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341. UNICEF (2022). *Situation Analysis of children and adolescents in Moldova*, Annex 8.
342. Child Rights Information Centre (2018). *Annual Report: 2018*, p. 9.
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344. International Centre "La Strada" (2018). *Round table: "Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: challenges and good practices"*.
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346. Republic of Moldova (2002). *Penal Code*. Article 113.
347. GRETA (2020). *Evaluation Report Republic of Moldova - Third evaluation round*
348. *Report of the fact-finding mission to the Republic of Moldova by Ms Leyla Kayacik, Special Representative of the Secretary General on Migration and Refugees, 13-14 June 2022*.
349. *Unaccompanied and separated children fleeing escalating conflict in Ukraine must be protected*, Joint statement by UNICEF Executive Director Catherine Russell and United Nations High Commissioner for Refugees Filippo Grandi.
350. UNODC (2022). *Conflict in Ukraine: key evidence on risks of trafficking in persons and smuggling of migrants*, p.3.

The joint Council of Europe and ECPAT International Country Overviews gather the monitoring findings and recommendations of the Lanzarote Committee, existing research and publicly available data about sexual exploitation and abuse of children in parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). National regulatory frameworks are analysed and presented in light of the standards of the Lanzarote Convention. The joint Country Overviews also present achievements and challenges in the implementation of the Lanzarote Convention, and highlight ways forward to improve the protection of children against sexual exploitation and sexual abuse.

The Republic of Moldova ratified the Lanzarote Convention on 12 March 2012 and it entered into force in its respect on 1 July 2012. The criminal legislation of the Republic of Moldova comprehensively criminalises the sexual abuse and exploitation of children. In 2020, the Republic Moldova introduced a new legislation to establish stricter sentences for offenders of trafficking and sexual exploitation, with harsher penalties for cases of aggravated circumstances, including when the victim is a child. In addition, in November 2022 the law on the rights of victims was adopted by the Parliament and entered into force in January 2023 aiming to ensure the rights of victims of crimes related to sexual life and family violence as well as to adjust the criminal legislation to internationally agreed standards such as those included in the Lanzarote Convention. Despite the national regulatory framework in place, some loopholes exist. Additionally, persistent and new challenges must be addressed, including tackling traditional norms, disseminating further child sexuality education and improving reporting systems and the protection of child victims.

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ECPAT International is a global network of civil society organisations working to eradicate all forms of sexual exploitation of children. Over the past 30+ years, ECPAT has become the forefront international network of non-governmental organisations dedicated to end this severe form of violence against children, advocating for States' accountability and more robust measures across sectors to enhance the protection of children. ECPAT currently has over 120 member organizations operating in over 100 countries around the world.

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