



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP/Rec(2020)08
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by the Republic of Moldova**

*adopted at the 27th meeting of the Committee of the Parties
on 4 December 2020*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by the Republic of Moldova on 19 May 2006;

Recalling Committee of the Parties' Recommendation CP(2016)6 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova and the report of the Moldovan authorities on measures taken to comply with this recommendation, submitted on 25 May 2017;

Having examined the third report concerning the implementation of the Convention by the Republic of Moldova, adopted by GRETA at its 38th meeting (6-9 October 2020), as well as the comments of the Moldovan Government received on 23 November 2020;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in chapter V of GRETA's third report on follow-up topics specific to the Republic of Moldova;

Welcoming the measures taken and progress achieved by the Moldovan authorities in implementing the Convention, and in particular:

- the further development of the legislative framework related to trafficking in human beings, including amendments to the Criminal Code and the adoption of the Law on the Rehabilitation of Victims of Crime, which foresees the setting up of a State compensation scheme for victims;
- the adoption of the National Strategy for Preventing and Combating Trafficking in Human Beings 2018-2023 and the Action Plan for its implementation in the period 2018-2020;

- the amendments to the Law on State-guaranteed legal aid, entitling victims and presumed victims of human trafficking to free legal aid regardless of the level of their income;
- the efforts taken to prevent trafficking for the purpose of labour exploitation;
- the steps taken to facilitate employment for victims of trafficking;
- the introduction of specialisation of judges to deal with human trafficking cases;
- the participation in international co-operation in the area of combating human trafficking.

A. Recommends that the Government of the Republic of Moldova take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. strengthen the co-ordination of anti-trafficking action by increasing the number of staff members in the Permanent Secretariat dealing with the development and co-ordination of the implementation of the National Action Plan (paragraph 26);
2. strengthen efforts to facilitate and guarantee access to justice for all victims of human trafficking irrespective of their income by ensuring that they receive specialised legal assistance and free legal aid at an early stage, including by:
 - providing training to lawyers of the State legal aid centres on the rights of victims of trafficking;
 - putting in place a system through the Bar Association or the National Council for State-guaranteed Legal Assistance to certify lawyers who are qualified to provide legal aid to victims of trafficking and to ensure that victims of trafficking and defendants in cases of human trafficking are not represented by the same lawyers;
 - ensuring adequate funding for legal assistance and free legal aid for victims of trafficking, including when it is provided by specialised lawyers from NGOs (paragraph 53).
3. take steps to facilitate and guarantee access to compensation for victims of trafficking, including by:
 - building the capacity of legal practitioners to support victims in claiming compensation;
 - including compensation in the training programmes of law enforcement officials, prosecutors and judges;
 - enabling victims of trafficking to exercise their right to compensation, by ensuring access to psycho-social support and legal aid and legal assistance throughout the proceedings;
 - introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
 - enabling victims to file a claim for compensation through civil proceedings even when there was no criminal conviction;
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
 - making full use of the legislation on the freezing and forfeiture of assets and international co-operation to secure compensation to victims of trafficking, and using criminal assets to fund State compensation;
 - reviewing the Execution Code in order to remove the administrative costs for victims of trafficking to enforce compensation decisions made by the courts;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

-
- reviewing the legislative framework for state compensation by removing the limitations on covering the actual damage for the victim and revising the eligibility criteria with a view to making state compensation available to adult victims of forced labour and foreign victims who were present irregularly in the country at the time of the offence, ensuring that it is not conditional on failure to obtain compensation from the perpetrator through criminal and civil proceedings, and clarifying the meaning of Article 12, paragraph 3, of Law No. 137/2016 (paragraph 93);
4. ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 106);
 5. take additional steps to protect victims and witnesses of trafficking, including by:
 - making use of the available measures to protect vulnerable victims and witnesses of trafficking and to prevent intimidation during the investigation, as well as during and after the court proceedings;
 - building the awareness of all actors in the criminal justice system on how to avoid re-victimisation and stigmatisation of victims of trafficking through training and awareness-raising, as well as prioritising the rights, needs and interests of victims;
 - ensuring that cross-examination (direct confrontation) of victims of trafficking and offenders does not take place in order to avoid re-victimisation and ensure the psychological integrity of the victim;
 - avoiding repeated and lengthy questioning of victims of trafficking by setting up adequate procedures and internal regulations (paragraph 124);
 6. ensure that all child victims of trafficking, including children older than 14, are in practice afforded special protection measures (paragraph 151);
 7. take further steps to prevent and combat trafficking in human beings for the purpose of labour exploitation, in particular by:
 - designing and implementing awareness campaigns for people who intend to search for jobs abroad and seasonal workers, as part of which it is clarified that the issuance of a biometric passport does not automatically provide a right to travel or work abroad;
 - increasing the number of labour inspectors and expanding their mandate to enable them to play a frontline role in the prevention and identification of trafficking for the purpose of labour exploitation, including by ensuring that they can carry out unannounced inspections;
 - training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating human trafficking for the purpose of labour exploitation and the rights of victims;
 - strengthening co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions, and other civil society actors, with a view to collecting the evidence necessary for successfully prosecuting cases of trafficking for the purpose of labour exploitation;
 - strengthening the monitoring of private recruitment agencies;
 - working closely with the private sector to promote corporate social responsibility, in line with the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 172);
 8. make additional efforts to comply with the obligations under Article 12 of the Convention and ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs. This should include measures to:

-
- provide adequate funding to the centres for assistance and protection of victims and presumed victims of human trafficking, including by making it possible to use confiscated proceeds of human trafficking offences, as foreseen in Article 15, paragraph 4, of the Convention;
 - set up centres providing assistance, including accommodation, to male victims of trafficking;
 - ensure that all victims of trafficking are guaranteed effective access to public health care by reviewing the Law No. 175/2018 and including them in the categories of vulnerable persons to be covered by health insurance;
 - increase co-operation between public agencies to issue identity documents to victims of trafficking in a more efficient way;
 - provide long-term assistance to victims of trafficking and facilitate their reintegration into society (paragraph 195);
9. strengthen efforts to improve the prevention of child trafficking and the identification of, and assistance to, child victims of trafficking, in particular by:
- utilising the results of research, and paying increased attention to the link between trafficking in children and the use of information and communication technology;
 - strengthening the capacity and resources of child protection professionals;
 - raising awareness of child trafficking and its different manifestations (including forced begging, forced marriage and forced criminality);
 - ensuring a protective environment for children in street situations and unaccompanied or separated asylum-seeking children;
 - ensuring that specialised NGOs receive adequate funding (paragraph 205).
- B. Recommends that the Moldovan authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of the Republic of Moldova to report to the Committee of the Parties on the measures taken to comply with this recommendation by **4 December 2022**.
- D. Invites the Government of the Republic of Moldova to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.