

# **SEXUAL EXPLOITATION AND SEXUAL ABUSE AGAINST CHILDREN**

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**Implementation of the Lanzarote  
Convention by the Republic of Moldova**

**CHISINAU - 2017**

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## Introduction

Being aware of the threat of sexual abuse and sexual exploitation of children, in 2012 the Republic of Moldova ratified the *Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse* (signed on October 25, 2007 in Spain, Lanzarote; further on – *the Lanzarote Convention*)<sup>1</sup>. Focusing exclusively on protection of the child's interests, the Convention defines the areas of intervention, the priorities and clear common definitions, aiming at harmonization of the criminal legislation of the signatory states, multidisciplinary approach in preventing and combating these offences and ensuring protection of children-victims.

The ratification of the Lanzarote Convention by the Republic of Moldova imposes the obligation to adapt the state legal and institutional framework to the standards provided by the Convention. In order to assess the way in which these provisions are put in practice, an independent monitoring mechanism was created – the Lanzarote Committee has the right to monitor periodically the progress and accomplishments of the Convention signatory states, facilitating collection, analysis and exchange of information, experience and best practices among them. The Lanzarote Committee deploys a thematic monitoring, and the topics are different for every monitoring round. So far, one thematic monitoring round was organized focusing on “Protection of children from sexual abuse in the circle of trust” and one urgent round on “Protection of children affected by the refugees’ crises from sexual exploitation and abuse”. In 2017, the second round of thematic monitoring will be organized, focusing on “Protection of children from sexual exploitation and sexual abuse using informational technologies and communications (ITC)”.

The current paper is an exploratory research, which aims at defining a common vision on measures taken by the state in the field of preventing and combating sexual abuse and sexual exploitation of children. By this “exercise” PA International Center “La Strada” set the goal to reflect the national practice and the existent challenges that public authorities are facing in their fight against sexual abuse and sexual exploitation.

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1 Law no. 263 of 19.12.2011 on ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. (Official Monitor of the Republic of Moldova, 2012, no. 21-24, art. 56.)

## Research methodology

The goals of the research are the following:

- develop recommendations which would correlate with the standards of the Lanzarote Convention on aspects of prevention, protection and coordination of state efforts in the fight against sexual abuse and sexual exploitation;
- engage representative of central public authorities, local public authorities, non-governmental organizations and representatives of private sector in a public dialogue focused on improving the actions for developing, monitoring and evaluating the implementation measures of the Lanzarote Convention provisions;
- research the existent conditions for applying the Lanzarote Convention provisions, specifically: the national legal and normative framework, the institutional framework, the level of knowledge and skills of specialists, informational management and coordination of activities.

The tasks of the current research relate to the following aspects:

- analyze the measures taken to prevent sexual abuse and sexual exploitation of children, ensure protection and assistance to children-victims, and for punishing the criminals;
- identify the accomplishments and pending issues in the implementation of the Lanzarote Convention by the Republic of Moldova.

To achieve the goals and accomplish the tasks, the following research methods were used:

- analysis of the Lanzarote Convention provisions, the Convention Explanatory Report and the questionnaires developed by the Lanzarote Committee;
- interrogation of 28 national specialists, representatives of public authorities, representatives of law enforcement authorities and civil society during semi-structural interviews (see Annex no. 3);
- analysis of the national legal and normative framework in the field;
- secondary analysis of studies in the field and of the best practice of other states.

## The limits of the present research

The research reflects the current situation in the Republic of Moldova regarding the fight against sexual abuse and sexual exploitation of children. The study includes the analysis of the implementation of Chapters II, III, IV, V, VIII and IX of the Lanzarote Convention. Chapter VI "Material Criminal Law" and Chapter VII "Criminal investigation, prosecution and procedural law" have been excluded, as they will make the research subject of another study.

The research tasks do not include evaluation of the state policy in the field in accordance with the OECD standards, based on the criteria recognized at the international level (relevance, impact, efficiency, effectiveness and sustainability). Also, it has to be mentioned that neither children-victims of sexual exploitation and sexual abuse, nor their representatives had participated in the research.

## Working terminology

**Crimes provided by the Convention** –sexual abuse, crimes related to infant pornography, crimes that include participation of a child in pornographic performance, corruption of children, child mooring for sexual purposes.

### **Sexual abuse<sup>2</sup>**–

- a. engaging in sexual activities with a child who has not yet reached the legal age for sexual activities;
- b. engaging in sexual activities with a child where:
  - use is made of coercion, force or threats;
  - abuse is made of a recognized position of trust, authority or influence over the child, including within the family;
  - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

**Sexual exploitation**– any criminal action of sexual nature, which humiliates children and endangers their physical and psychologic integrity, which is based on the commercial element and includes the following:

- grooming or forcing the participation in illegal sexual activities;
- exploitation of children for prostitution or other illegal sexual practice;
- exploitation of children for producing pornographic performances or other materials of pornographic nature.

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2 In accordance with Article 18 of the Lanzarote Convention.

## Executive summary

The current research provides an overview of the action taken by the state in order to implement the provisions of the Lanzarote Convention – preventing and combating all forms of sexual exploitation and sexual abuse against children. The goal is to describe the measures taken by the state in accordance with the Lanzarote Convention provisions and to identify the deficit in implementation, which would also serve as basis for developing recommendations for public policies framework, formulation of *de lege ferenda*, as well as analysis of opportunities or needs for other types of measures.

During this research, the main **legislative and normative provisions** were revised, in the existent institutional context. The efforts made by the state to **strengthen the capacity** of specialists, ensure **information management** and **coordinate activities** were analyzed. As research methods, the main national sources in the field were analyzed, as well as the information resources provided by the Lanzarote Committee and the Committee of Ministers, and representatives of central and local public authorities, representatives of non-governmental organizations and of private sector were questioned during semi-structural interviews.

Following the ratification of the Lanzarote Convention, state authorities have taken several measures to **prevent** sexual abuse and sexual exploitation of children. Non-governmental organizations play a key role in organizing preventive activities. With their support several awareness raising activities were organized for people from different sectors, who work in contact with children, as well as education activities for children on the risks of human trafficking and on safe browsing on the Internet, awareness raising activities for the general public on this phenomenon, including the private sector, to facilitate their participation in preventive activities. One of the problems identified is the lack of trainings for specialists on the subject of sexual exploitation and sexual abuse against children. The majority of trainings organized focused on informing specialists on the child rights as a general concept or on developing their abilities to implement sectorial or inter-sector cooperation procedures.

As for the **protection of and assistance** to children, victims of sexual abuse and sexual exploitation, currently there are two intervention mechanisms: the inter-sector cooperation mechanism –which applies to children at risk – and the national anti-trafficking referral system. Given the special status of children, victims of child trafficking, the legislative, normative and institutional frameworks, as well as services for children, victims of trafficking, are much more developed and decentralized than in other cases on sexual abuse or sexual exploitation. Non-governmental organizations provide considerable contribution in ensuring specialized services for this category of beneficiaries, also having well-trained specialists.

Minor and adult sexual aggressors do not receive efficient services that would assist them from the moment of interaction with the justice system. The most problematic stages are the pre-sentencing and post-penitentiary stages. At the pre-sentencing stage, the only service available for persons during the criminal investigation and criminal trial, before the issue of the convicting sentence, is the development of a pre-sentencing psychosocial evaluation report. There are no specialized psychologic services for children in conflict with the law, and a mechanism for cooperation between authorities. As for the sentencing stage, a program for behavior change of sexual abusers is currently being piloted in the penitentiary institutions. At the post-penitentiary stage, the biggest challenge is to reintegrate the child into society in the conditions when there are no efficient measures to train local authorities and community members in this regard.

**Coordination of efforts** of state authorities in the fight against sexual exploitation and sexual abuse, and inter-sectorial and intra-sectorial cooperation is performed based on the two existent mechanisms.

Therefore, collection of data is also segmented and there is considerable deficit in their analysis. The lack of a unique data collection system and of some qualitative research of existent data makes it impossible to perform an objective assessment of various aspects related to sexual exploitation and sexual abuse.

There is lack of a **unique policy document** which would include all the state actions for ensuring a higher level of protection to children, victims of sexual abuse and sexual exploitation. This complicates the monitoring of state efforts in implementing the provisions of the Lanzarote Convention. Nevertheless, preventing and combating sexual exploitation and sexual abuse is a priority for the Government of the Republic of Moldova, which is found in several public policy documents (Action Plan for 2016-2020 on implementation of the Strategy on child protection for 2014-2020; National Strategy for preventing and combating trafficking in human beings for 2017-2022, draft).

The problems identified generated recommendations that refer to the following: develop the capacity of specialists who work with children; continue the efforts for children and youth education in schools on the risks of sexual exploitation and sexual abuse; develop indicators and desegregated categories which would serve as basis for data collection on sexual exploitation and sexual abuse against children, identify authorities responsible for processing these data and ensuring their systematic analysis from the perspective of condition and various aspects of this phenomenon, as well as other proposals that refer to prevention, protection of and assistance to victims, programs for sexual aggressors and coordination of state efforts.



## List of abbreviations

**AIP** – Association of Independent Press

**PA** – Public Association

**SAPM** – State Agency for Protection of Morals

**ATIC** – Association of ITC Companies

**CAP** – Center for assistance and protection of victims and potential victims of trafficking in human beings

**CCA** – Council for Coordination of the Audiovisual activity

**CCCC** – Center for Combating Cyber Crimes

**IDCCR** – Information and Documentation Center on Child Rights from Moldova

**CCTHB** – Center for Combating Trafficking in Human Beings

**NCCAP** – National Center for Child Abuse Prevention

**MDCRP** – Municipal Division for Child Rights Protection

**MDT** – Multidisciplinary team

**SESAC** – Sexual exploitation and sexual abuse against children

**GPI** – General Police Inspectorate

**NII** – National Inspectorate for Investigation

**NIJ** – National Institute of Justice

**IPTV** – television through IP networks

**ISP** – Internet Service Providers

**MIA** – Ministry of Internal Affairs

**DMCO** – Diplomatic missions and consular offices

**ME** – Ministry of Education (the current MECR)

**MECR** – Ministry of Education, Culture and Research

**MEI** – Ministry of Economy and Infrastructure

**MFAEI** - Ministry of Foreign Affairs and European Integration

**ICM** – Inter-sector Cooperation Mechanism for identification, evaluation, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and trafficking

**MJ** – Ministry of Justice

**MLSPF** – Ministry of Labor, Social Protection and Family (the current MHLSP)

**OM** – Official Monitor

**MITC** – Ministry of Informational Technology and Communications (the current MEI)

**MH** – Ministry of Health (the current MHLSP)

**MHLSP** – Ministry of Health, Labor and Social Protection

**OECD** – Organization for Economic Cooperation and Development

**IOM** – International Organization for Migration

**UN** – United Nations

**OCS** – Organization of Civil Society

**CPO** – Central Probation Office

**AISSA** – Automated Information System of Social Assistance

**NRS** – National Referral System for the protection and assistance of victims and potential victims of human trafficking

**NSRH** – National Strategy for Reproductive Health

**ICT** – Information and Communications Technologies

# **1. OVERVIEW OF THE CURRENT SITUATION ON SEXUAL EXPLOITATION AND SEXUAL ABUSE AGAINST CHILDREN**

Sexual exploitation and sexual abuse against children (further on – SESAC) is a current problem in the Republic of Moldova, which severely endangers children's health and development. The term SESAC includes the following crimes provided by the national legislation: rape (art. 171 CC RM), violent actions of sexual nature (art. 172 CC RM), sexual harassment (art. 173 CC RM), sexual intercourse with a person aged under 16 (art. 174 CC RM), perverted actions (art. 175 CC RM), solicitation of children for sexual purposes (art. 175<sup>1</sup> CC RM), incest (art. 201 CC RM), child trafficking (for sexual exploitation purposes – art. 206 CC RM), child pornography (art. 208<sup>1</sup> CC RM), making use of prostitution practiced by a child (art. 208<sup>2</sup> CC RM).

Statistical data recorded by the MIA for the last five years shows an increased incidence of the number of crimes that refer to SESAC. Making a retrospective analysis of the number of crimes that include sexual abuse or sexual exploitation against minors committed during the last five years, we can observe an alarming increase in child pornography crimes in 2016, the number of registered crimes being 5,8 times higher (29 cases) than in 2012 (5 cases). Also, in 2016, there was an increase of approximately 16% in crimes related to sexual intercourse with a person aged under 16, compared to 2012 (74 cases in 2012, 86 cases in 2016).

Official data presented by the MIA (see Annex no. 1 to the current report) for 2016 show the following:

- 65 cases of rape of children;
- 34 cases of violent actions of sexual nature;
- 86 cases of sexual intercourse with a person aged under 16;
- 19 cases of perverted actions;
- 1 case of child pornography,
- 1 case of use of pornography practiced by a child and
- 27 cases of child trafficking.

On the other hand, the statistical data presented by the Center for Combating Cyber Crimes show the following results for 2016:

- 2 cases of perverted crimes committed online;
- 29 crimes related to child pornography (see Annex no. 2).

The reports developed and published by the National Committee for Combating Trafficking in Human Beings also include a qualitative analysis of the cases of child trafficking, registered by the Center for Combating Trafficking in Persons of the MIA. Thus, 25 victims of child trafficking who had been submitted to sexual exploitation were identified in 2016. The dynamics of child trafficking cases for the last three years show a constant higher number of cases of child trafficking for sexual purposes compared to other forms of exploitation. As for the number of registered cases, it can be observed that in 2014, 18 cases of trafficking for sexual exploitation were registered, in 2015 – 48 cases, and in 2016 – 25 cases.

The increasing number of offences related to SESAC is an indicator of a high danger produced by this phenomenon. At the same time, along with the development of information technologies, there is increased vulnerability of children when facing online risks. For this reason, it is absolutely necessary to take measures for preventing and combating the phenomenon of SESAC, as only this way concrete actions can be regulated, that would contribute to the protection of children from these forms of abuse.

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3 [http://antitrafic.gov.md/public/files/Raport\\_national\\_2016.pdf](http://antitrafic.gov.md/public/files/Raport_national_2016.pdf)

## **2. PREVENTIVE MEASURES**

The Lanzarote Convention obliges the signatory states to take preventive actions for SESAC, which would relate to various aspects of prevention process.

- **Professional training and awareness raising among persons working in contact with children** (art. 5 par. (1) and (2), it. 54-56 of the Explanatory Report to the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse –further on: Explanatory Report).
- **Selection and employment of persons in activities that include interaction with children** (art. 5 par. (3) it. 57 of the Explanatory Report).
- **Education measures for children** (art. 6, it. 58-63 of the Explanatory Report).
- **Preventive intervention programs and measures for potential aggressors** (art. 7, it.64 of the Explanatory Report).
- **Measures for the general public** (art. 8 it. 65-66 of the Explanatory Report).
- **Participation of media, private sector and civil society in preventive activities** (art. 9 par. (2), par. (3) and par. (4), it. 68-75 of the Explanatory Report).

## 2.1. Professional training and awareness raising among persons working in contact with children

*Article 5, par (1) and (2) of the Lanzarote Convention provides for the obligation of signatory states to take legislative or other actions in order to provide information to persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors, and in areas relating to sport, culture and leisure activities, in order to make them have adequate knowledge of child rights as a general concept, as well as of SESAC and of the means to identify and report such cases.*

Teaching staff from the **education sector** participated in a range of thematic training and awareness raising activities on child rights, in the context of implementation of the UN Convention on the Rights of the Child<sup>4</sup>. With the support of the civil society organizations (particularly the Information and Documentation Center on Child Rights – further on IDCCR), during 2013-2014 several training sessions were organized, attended by approximately 5.500 teaching staff. Furthermore, in 2016, 50 teachers participated in a long-term program on organizing education activities based on child rights.

After the approval in 2001-2014 of the legislative and normative frameworks that define the procedures for identification, evaluation, assistance reference, monitoring and observation of children at risk, the education sector developed its own sectorial intervention policies and procedures. These regulate the institutional organization for prevention and intervention in cases of abuse, neglect, exploitation and trafficking of children, ways for intervention, registering and intervention. At the same time, there is an obvious need for organizing awareness raising activities among the education institutions staff, specifying the types of prevention activities organized by the education institutions for children (primary, secondary and tertiary)<sup>5</sup>.

In order to facilitate the development of activities related to prevention, identification, reporting and monitoring of cases of abuse, neglect, violence, exploitation and trafficking, local, district and municipal coordinators were appointed in education institutions for preventing and protecting the child from violence. These coordinators, as well as other staff from the education sector (both staff from the District/Municipal Divisions for education, youth and sport, managers of education institutions, and the teaching staff at the district, municipal and institutional levels), were trained in preventing and protecting children from all forms of violence. To ensure the sustainability of the measures taken, continuous training is being organized for the

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4 Combined fourth and fifth National Periodic Report, on implementation of the Convention on the Rights of the Child, developed for the UN Committee on the Rights of the Child by a cross-sectorial working group. Chisinau 2015.

5 Order of the Ministry of Education no. 858 of 23 August 2013.

coordinators at the republican, regional, district and local levels (once in two-three months)<sup>6</sup>.

As for the initial training and continuous training programs, they do not include subjects dedicated to protection of children from SESAC. In 2014, the Ministry of Education (further on – ME) had made the first attempt to integrate aspects related to prevention protection of children in the professional training programs for teaching staff, by approving a Recommendation for education institutions<sup>7</sup>.

Although the subject of SESAC is generically included in the term violence against children as one of the forms of this phenomenon, still, the Lanzarote Committee insists on the organization of preventive measures that would focus on peculiarities of SESAC. In the first Report on monitoring of the implementation of the Convention provisions, the Lanzarote Committee clearly specifies that the interventions and measures taken in the context of domestic violence should not absorb the interventions nor the measures taken in cases of SESAC. Thus, the States should anticipate and take specific actions for preventing sexual abuse<sup>8</sup>.

One of the biggest problems in the education system is the way in which the SESAC phenomenon is perceived by the teaching staff. If initially, the teaching staff could not separate violence between children from conflicts among peers or other forms of abuse, currently, there is some progress in their perception. Although the coordinators from the district divisions have a clearer understanding about forms of abuse against children, they are lacking the capacity to develop the competence of managerial or teaching staff at the local level<sup>9</sup>.

As for the activities related to prevention of abuse against children in schools, teaching staff do not have the necessary instruments to organize such activities in schools. At the same time, teachers are facing difficulties in developing such capacity within their institution, and are often seeking the support from the non-governmental sector<sup>10</sup>.

The staff from the **health sector** participated in thematic training sessions both within the NRS, as well as within the inter-sector cooperation mechanism on children at risk. During 2014-2016, 1.861 medical staff were trained in identifying and assisting victims of human trafficking. Also, during 2014-2016, with the support of the civil society, training was organized for approximately 1.000 specialists from the medical sector on applying the inter-sector cooperation mechanism for child protection<sup>11</sup>.

One of the needs of the staff from the health sector is developing abilities to communicate with children. The training organized until now related to aspects of implementation, of sectorial and inter-sector procedures in case when a possible SESAC situation is identified. Still, another extremely important subject refers to the specifics of the interaction of medical staff with the child, so that he/she could become a trustworthy person and be able to attend the child-victim accordingly<sup>12</sup>.

As in case of other professionals, training sessions organized for the **social protection** sector staff referred to the way of applying instruments afferent to the inter-sector cooperation mechanism for identification, evaluation, referral, assistance and monitoring of children-victims and potential victims of violence, neglect, exploitation and trafficking<sup>13</sup>. Thus, with the support of civil society, in 2012-2013 approximately 1.700 specialists in child protection from territorial structures for social assistance and protection of family were trained

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6 Based on the official data presented by the ME, in 2014, the thematic training activities for staff from educational sector, the republican seminars for staff from district/municipal divisions for education, youth and sport were attended by 37 coordinators of actions related to prevention, identification, reporting and referral of cases of abuse, neglect, exploitation and child trafficking; the seminars organized at the district/municipal/institutional level were attended by 1455 coordinators.

7 Order of the Ministry of Education no. 867 of 25 July 2014.

8 <https://rm.coe.int/lanzarote-1st-implementation-report-en/168072b952>, p. 28.

9 Semi-structural interview no. 1, non-governmental organization.

10 Ibidem.

11 Semi-structural interview no. 9, non-governmental organization.

12 Semi-structural interview no. 2, public authority.

13 GD no. 270 of 08.04.2014 on adopting Instructions on inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. (Official Monitor of the Republic of Moldova, 2014, no. 92-98, art. 297.)

Initial and continuous training in the field of social protection does not include subjects related to identification and assistance of children, victims of SESAC. The subjects for continuous professional training of the staff employed within territorial institutions of social assistance are selected based on the professional development needs assessed and identified at the local level<sup>14</sup>. Up to this moment, with the financial support of the development partners, several training sessions were held, focusing on child rights in general. All these were organized in the context of implementation of the UN Convention on the Rights of the Child<sup>15</sup>.

Since 2012, the curricula for the continuous training of **prosecutors and judges** were amended with subjects related to work with minors. Currently, the calendar plan for continuous training of judges and prosecutors is more diverse regarding trainings on "Child protection". Several training sessions were dedicated to juvenile justice ("Standards and procedures of juvenile justice: special competences and skills for working with children"; "Specifics of investigating and judging the crimes committed by minors"; "Strengthening the juvenile probation system. Applying the law that provides for probation activity") and procedural aspects during the examination of cases involving children ("Minors' interrogation procedure", "Practical implementation of international standards related to objectivity of prosecutors in cases involving representatives from vulnerable groups. Proportionality principle at the criminal investigation phase. Principles for evaluating evidence in cases that involve children-victims"). According to the official data published on the webpage of NIJ, we conclude that currently there is no institutionalized module dedicated to SESAC in the training curriculum of judges and prosecutors.

In 2013-2015, the staff from the **subdivisions of the MIA** participated in several training sessions focusing on promoting and protecting children's rights, increasing the safety level of children in the society, as well as professional development within social assistance for children in conflict with law, all of them organized with the support from civil society. A total of 515 police officers and 95 students from relevant faculties participated in trainings. As a result, the course on police practice of protection and assistance of a child was introduced as mandatory in the education plan of the "Stefan cel Mare" Police Academy. At the same time, currently, the course for professional development of the MIA subdivisions' staff does not include subjects dedicated to SESAC. The only subject dedicated to activities with minors is related to ensuring public order and security in cases of juvenile delinquency, included in the course for professional development for 2016-2017<sup>16</sup>.

Beside the lack of a specialized course on SESAC, the turnover of employees in the police sector is a problem that affects the quality of work with children. Inspectors from the "Child safety" sections are those who implements child protection mechanisms and were trained in efficient communication with children, rules, techniques and methods of work with this category of beneficiaries. Nevertheless, inspectorates that have only one inspector working with minors are at risk if this person decides to resign. Recruitment of a new person automatically implies mandatory training, which is not always successful in practice, before the interaction of the inspector with the child. Therefore, there is an obvious need for organizing systematic trainings for inspectors on child-friendly justice, in order to avoid their revictimization<sup>17</sup>.

For the staff from the **sport, culture and leisure sectors** a Curriculum was developed focusing on training of animators who would aim at developing the capacity of professionals in organizing psycho-social group activities with children. This module was developed in 2013 with the support from non-governmental organizations and was dedicated to pedagogues, educators and psychologists who work with children, particularly pedagogues from elementary schools and those who facilitate extra-curricular activities such as art, handcrafting, sport, music and theater, but also to active members of NGOs/associations for children, youth, including graduating students. The content of this curricular program mostly referred to policies of child protection in the Republic of Moldova and legal aspects. Based on the goal of this program – to train and develop capacity of animators to conduct psycho-social group activities with children – the need for developing a module focused on communication with children, on practical aspects and on developing

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14 Order of MLSPF no. 90 of 17.06.2015.

15 Semi-structural interview no. 7, public authority.

16 <http://academy.police.md/assets/images/pict/2016/graf-curs-perf.jpg>

17 Semi-structural interview no. 5, law-enforcement authority.

skills for working with children was identified<sup>18</sup>. This curricular program was not institutionalized, but currently all training activities have a sporadic nature and are organized and conducted by non-governmental organizations.

In order to regulate the ethic norms for the behavior of sport sector professionals in their activities with children, in 2014, MYS approved the Deontological Code of Teachers-Trainers<sup>19</sup>. One of the obligations of the teachers-trainers in relation with students is to “protect students from physical, psychological, psychotropic or sexual abuse”.

## 2.2. Selection and employment of persons in activities that include interaction with children

*In art. 5, par. (3), the Lanzarote Convention stipulates the obligation of signatory states to ensure through conditions to accede to those professions whose exercise implies regular contacts with children, that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report of the Lanzarote Convention stipulates that this provision can be applied including for volunteers.*

The Labor Code includes general regulations on the conditions that persons who want to practice didactic activity should comply with. Art. 296, par. (2) of the Labor Code stipulates the following: “Persons deprived of this right by court decision or by relevant medical certificate, as well as persons with criminal record for particular crimes will not be accepted to embrace pedagogic (didactic) activity. The lists of medical contraindications and crimes that do not allow for practicing pedagogic (didactic) activity are defined by law”.

The Education Code defines the categories of staff within education institutions as follows<sup>20</sup>: administrative personnel, didactic staff, auxiliary didactic staff and non-didactic staff. For the administrative personnel, the law regulates (express) the obligation to submit a criminal record or a declaration of personal responsibility by the candidates to the positions of Principal/Deputy Principal of the education institution<sup>21</sup>. For the didactic staff, the legislation stipulates mandatory organization of a contest within the education institution, following a methodology approved by the ME (currently MECR). Such a methodology was developed in order to regulate the way in which didactic positions in higher education institutions are filled. As for the non-didactic and auxiliary staff, the Education Code provides by art. 57: “Recruitment of auxiliary didactic staff and non-didactic staff in education institutions is performed based on an individual work agreement with the Principal of the institution, according to the acting legislation”.

As for the employees from the medical system, national legislation regulates the restrictions that refer to previous commitment of crimes in circumstances related to fulfillment of their duties, or who were applied the interdiction to exercise the profession of doctor, without specifying restrictions related to previous commitment of offences related to SESAC<sup>22</sup>.

In the field of social protection, both the Law on social protection no. 547 of 25.12.2003<sup>23</sup>, and the Government Decision no. 24 of 10.01.2007 for approving the Regulations on the procedure for recruiting social assistants,<sup>24</sup> do not specify the condition that the person employed for the position of social assistant to have no criminal record. Exceptions are the social assistance staff who have the status of public servant,

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18 Semi-structural interview no. 4, non-governmental institution.

19 Order of MYS no. 773 of 19.12.2014 on approving the Deontological Code of Teachers-Trainers.

20 Education Code of the Republic of Moldova, art. 53.

21 [http://www.edu.gov.md/sites/default/files/ordinul\\_163\\_din\\_23\\_martie\\_2015\\_0.pdf](http://www.edu.gov.md/sites/default/files/ordinul_163_din_23_martie_2015_0.pdf)

22 Law no. 264 of 27.10.2005 on the practice of the medical profession, art. 8, par. (2).

23 Law no. 773 of 19.12.2014 on social assistance. (Official Monitor of the Republic of Moldova, 2004, no. 42-44, art. 249.)

24 Government Decision no. 24 of 10.01.2007 on approving the Regulations for employment of social assistants. (Official Monitor of the Republic of Moldova, 2007, no. 003, art. 25.)



since one of the conditions for candidates to public jobs is the lack of a criminal record for intentional offences<sup>25</sup>. At the same time, there are also restrictions for the staff employed in day-care centers for children at risk and for the specialist in charge of the service within the territorial social assistance structure. Persons who were previously charged with committing intentional crimes against the life and health of a person, against the freedom, honor and dignity of a person, against sexual life of a person or against family and children cannot be employed within these social services<sup>26</sup>.

In the justice system, one of the conditions to fill the position of **judge or prosecutor** is the lack of criminal record (art. 6, par. (1), it. d) from Law no. 544 of 20.07.1995<sup>27</sup> and art. 20, par. (1), it. g) from Law no. 3 of 25.03.2016<sup>28</sup>).

Some of the conditions for entering the police system are: not have a criminal record, and not be under criminal investigation for committing crimes, while having the status of candidate for joining the police forces. These are stipulated by art. 30 par. (1) it. e) from the Law no. 320 of 27.12.2012<sup>29</sup>.

Persons who intend to work in the fields of sport, culture or leisure within an education institution, should comply with the conditions and respect the criteria specified in the Education Code.

The Convention provisions on the conditions of selection and employment of persons who will have regular contacts with children in their activity do not directly refer to volunteers. Nevertheless, the Convention's Explanatory Report specifies quite clearly that these provisions can be equally applied to volunteers who conduct activities with children. The national legislation does not define any restriction when employing youth in volunteering activities which would refer to the lack of criminal record (Law on volunteering no. 121 of 18.06.2010,<sup>30</sup> which regulated the general framework for organizing volunteering activities in the Republic of Moldova). Nevertheless, the Law no. 137 of 29.07.2016 on rehabilitation of victims of crimes<sup>31</sup> provides some specific regulations in this regard. Art. 4, par. (3) of this law stipulates the following: "A person can become a volunteer if he/she has no criminal record and whose moral qualities correspond to the activity related to rehabilitation of victims of crimes. Also, a volunteer cannot provide support services to victims of crimes in case there is conflict between the fulfillment of his/her duties and his/her personal interests as an individual, which could negatively influence the objective and impartial fulfillment of his/her obligations and responsibilities provided by law".

## 2.3. Education measures for children

*By art. 6 the Lanzarote Convention regulates the obligation of signatory states to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.*

The national education system tries to comply with the mandatory requirement to include subjects that refer to risks of sexual abuse and sexual exploitation of children in school curricula. Mandatory curricula include

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25 Law no. 158 of 04.07.2008 on state functions and status of the public servant, art. 27.

26 GD no. 441 of 17.07.2015 on approving the regulatory framework on organization and functioning of the day-care social center for children at risk and the minimum quality standards. (Official Monitor of the Republic of Moldova, 2015, no. 190-196, art. 498.)

27 Law no. 544 of 20.07.1995 on the status of judge. (Official Monitor of the Republic of Moldova, 2002, no. 117-119, art. 946.)

28 Law no. 3 of 25.02.2016 on prosecution. (Official Monitor of the Republic of Moldova, 2016, no. 69-77, art. 113.)

29 Law no. 320 of 27.12.2012 on the activity of police and the policeman status. (Official Monitor of the Republic of Moldova, 2013, no. 42-47, art. 145.)

30 Law on volunteering, no. 121 of 18.06.2010. (Official Monitor of the Republic of Moldova, 2010, no. 179-181, art. 608.)

31 Law no. 137 of 29.07.2016 on rehabilitation of victims of crime. (Official Monitor of the Republic of Moldova, 2016, no. 293-305, art. 618.)

several subjects related to sexuality and sexual exploitation, but only for a few age categories. For example, the civic education curriculum for the 8th grade includes subjects related to sexual education, such as: factors that influence participation in or abstention from sexual activity, individual and social consequences of starting sexual life, unintended pregnancy. Also, the civic education curriculum for the 9th grade includes the subject of sexual exploitation and trafficking in persons.

Since 2005, integration of the sexual education subject in the education system has been a priority in national public policy documents (National Strategy for Reproductive Health<sup>32</sup> – further on NSRH). Nevertheless, the Final Evaluation Report of the NSRH<sup>33</sup> reveals serious gaps in conducting the sexual education course in schools. Before 2015, teaching sexual education in schools was sporadic, organized with the support from the civil society. Some aspects related to reproductive health were included as subjects within specific mandatory courses (civic education). At the same time, two optional courses were institutionalized, which included subjects related to reproductive health: “Education for health” (in the gymnasium cycle) and “Education for family life” (in the lyceum cycle). In addition, there are no clear data about education activities organized for parents for teaching them how to share information about sexual and reproductive health with their children.

In 25 schools from several districts around the country, with the support of civil society (Y-Peer Moldova) various activities are being conducted from peer to peer, promoting the health and the sexual-reproductive rights of youth. Also with the support of the civil society, in 2016, a course on sexual education was piloted in two education institutions (for the 8th and 9th grades). Up to this moment, this course has not been institutionalized.

The subject of risks associated with the use of new information technologies is not included in the curriculum. The informatics curriculum for the 5th-6th grades includes subjects related to safety online, such as: interpersonal communication on the Internet, behavior on the Internet, code of conduct, browsing security. For the 8th-9th grades, both the informatics course and the optional course “Information and communications technology” do not include subjects related to risks in using new information technology.

With the support from the civil society (PA International Center “La Strada”) various activities were organized for children on safety online. Thus, in 2016 approximately 1.200 children from 30 schools around the country were informed about the safe use of the Internet.

Informing children and youth about the risks of the online environment and educating them on safe browsing on the Internet, as well as making them accountable of creating online content is a priority for the NAP on promoting safety on the Internet for children and youth for 2017-2020 (it. 9, Chapter III). In this regard, several actions were planned: taking over, translating and distributing an electronic training course on safety online, and distributing the “Guidelines on human rights for Internet users” within education institutions.

## 2.4. Preventive intervention programs and measures for potential aggressors

*Art. 7 of the Lanzarote Convention stipulates that the signatory states should take actions for developing effective intervention programs or measures designed to evaluate and prevent the risk of offences being committed. The Explanatory Report of the Lanzarote Convention defines two categories of individuals who may benefit from these measures or programs: persons who fear that they might commit offences of sexual nature towards a child and persons who committed such offences, but were not identified by the authorities.*

In the Republic of Moldova there are no specialized services for persons who fear that they might commit the offences established in accordance with the Convention. Although there is a possibility to benefit from private psychologic assistance services, the professional development level of specialists, whom this

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32 Government Decision no. 913 of 26.08.2005 on approving the National Strategy for Reproductive Health. (Official Monitor of the Republic of Moldova, 2005, no. 119-122, art. 990.)

33 Borbala Koo, Mihail Stratila, Victoria Ciubotaru. Final Evaluation Report of the National Strategy for Reproductive Health for 2005-2015.

category of beneficiaries could address to, is quite low<sup>34</sup>.

The majority of states that ratified the Lanzarote Convention, including the Republic of Moldova, do not have specialized services for this category of beneficiaries. Nevertheless, in some states these persons can access mental health services, available to all (Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Island, Lithuania, Malta, Romania, San Marino, Serbia and Turkey). Austria, Denmark, Finland, Netherlands etc., have developed counselling, therapy and consulting services for persons who fear that they might commit the offences established in accordance with the Convention. In Germany, in order to prevent the committing of such offences, a long-term therapy project is being implemented, which provides therapeutic measures to persons who feel sexually attracted by children or teenagers.

## 2.5. Measures for the general public

### 2.5.1. awareness campaigns on the SESAC issue

In accordance with art. 8 of the Lanzarote Convention,<sup>34</sup> each signatory state shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children.

Since 2010, civil society in cooperation with public authorities has been developing and promoting many awareness campaigns on SESAC. Thus, during 2010-2011, the social campaign "Let's protect children from sexual exploitation" was organized with the support from the International Center "La Strada". This campaign aimed at raising public awareness of commercial sexual exploitation of children (child pornography, sexual tourism, luring children via Internet etc.). Also, in 2011, the regional campaign on preventing sexual abuse "Indecent touch" was organized in the Republic of Moldova with the support from the NCCAP. This campaign aimed at raising awareness of decision makers and general public on the issue of sexual abuse of children in the Republic of Moldova. In 2012, the International Center "La Strada" organized the awareness campaign "Travel with care. Care for children", focused on preventing and combating commercial sexual exploitation of children. And in 2013, the International Center "La Strada" organized the awareness and promotion campaign for a safer Internet for children: "Promoting a safer Internet for children". Following this campaign, the [www.siguronline.md](http://www.siguronline.md) portal was created, which is an online platform for reporting cases of online abuse against children. Also, the spot called "Are you sure who is your child talking to online?" was produced and broadcasted in 2013 on several TV stations, following the recommendation from the Council for Coordination of the Audiovisual activity (further on – CCA).

In 2015, the campaign "**Here we don't touch**", addressing parents, educators and caregivers of infants aged 0-7. The campaign was part of the cycle of actions for combating sexual violence against children ONE IN FIVE, organized by the Council of Europe. Public authorities got involved in the promotion of campaigns organized by civil society, in facilitating the organization of several awareness raising and information activities within the campaigns or distributing information materials.

For 2017-2020, two awareness raising campaigns are being planned, initiated by the Council of Europe, aiming at preventing sexual abuse of children<sup>35</sup>. The reasoning of taking over the campaigns developed by the Council of Europe and implementing them at the national level results from the high level of expertise of the Council, and the facilities for providing necessary instruments to public institutions, professionals, parents and children<sup>36</sup>.

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34 Semi-structural interview no. 6, public institution.

35 Action Plan for 2016-2020 for implementing the Child Protection Strategy for 2014-2020, annex to Government Decision no. 835 of 4 July 2016.

36 Semi-structural interview no. 7, public authority.

## 2.5.2. Regulations on treating the subject of sexual exploitation and sexual abuse against children in media

By art. 8, par (2) the Lanzarote Convention provides for the obligation of signatory states to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention.

The state took measures to prevent publishing materials and broadcasting reportages about SESAC. A legislative framework was developed and adopted, regulating the exhaustive list of information the distribution of which should be restricted or forbidden –the Law on child protection against the negative information impact<sup>37</sup>. In these, we can also find information of pornographic nature accessible for public, information that encourages violence and sexual exploitation, materials that promote sexual abuse committed against children or sexual relations between children. Although it is not provided express, this classification of information that is illegal and harmful for the normal development of children also relates to the online environment<sup>38</sup>.

The authorities that classify the information accessible for public as information with negative impact on children are: CCA and the State Agency for Protection of Morals (further on SAPM). In accordance with the acting legislation, the function of control of the Coordinating Council for Audiovisual activity can be exercised only after the broadcast, and in no case in advance, for preventive purposes<sup>39</sup>. As for the SAPM, it can be informed, or it can take self-notice, but in any case, SAPM only exercises consultative function and cannot sanction the economic agents who violate the morality.

Several decisions of a normative nature of the CCA concern the broadcast of TV programs, audio programs and the conditions for participation of children in these programs, in order to protect their rights (Decision no. 44 of 30.03.2010, Decision no. 98 of 19 July 2012, Decision no. 99 of 19 July 2012). Other special regulations on the protection of minors can be found in the Deontological Code of the journalist. These include the obligation to protect the identity of minors involved in negative events (accidents, offences, family disputes, suicides etc.), including as witnesses. To achieve this, video recordings and pictures should be modified, in order to protect the identity of minors.

## 2.6. Participation of private sector, media and civil society in preventive activities

*By art. 9, par. (2) the Lanzarote Convention regulates the obligation of states to encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation.*

### Participation of the ICT sector in preventive activities

Internet service providers often get involved in online activities of awareness raising and providing general information about the rights of children and youth, promoting the knowledge of information about risks and applicable solutions (for example: “We appreciate intelligence”, “The rural network for increasing the capacity in information technology (RNICIT), TockIT Academy and others, implemented by “Starnet” company). Nevertheless, such participation is not a priority for the National Association of ICT Companies, which aims at developing and ensuring partnerships between companies, promoting their competitiveness and attracting investments in the field. Thus, except for several activities designed to contribute to the development of digital education of children and youth, other activities to prevent sexual exploitation and sexual abuse against children have not been organized by the ICT private sector.

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37 Law no. 30 din 07.03.2013 on protection of children against the negative impact of information. (Official Monitor of the Republic of Moldova, 2013, no. 69-74, art. 221.)

38 Semi-structural interview no. 15, public institution.

39 Semi-structural interview no. 19, public institution.

The lack of normative regulations that would allow for managing the informational content shared on the Internet creates obstacles in organizing activities or developing self-regulating norms. The principle of Internet neutrality and protection of human rights and freedoms justifies the lack of action for self-regulation among private ICT companies<sup>40</sup>.

Nevertheless, there is need for developing self-regulating measures referred to filtering the content that has a negative impact on children. Currently, preventing measures for sharing illegal content or content that is harmful for children are taken by applying the parental control service on televisions broadcasting through IP networks (further on IPTV). The opportunity of developing parental control option on the Internet was also defined, but currently, there is no legal framework to regulate this option. In this regard, it is planned to promote the draft-law for modifying article 5, paragraph (8) of the Law no. 30 of 7 March 2013, in order to oblige the providers of networks and/or electronic communication services to provide, upon users' request, in accordance with the agreement, the service for filtering Internet content that has a negative impact on children<sup>41</sup>.

### **Participation of private sector from tourism and travel industry in preventive activities**

Up to this moment there was only one attempt to involve representatives from the tourism, airway and hotel sector in activities related to information and awareness raising about SESAC, and also to motivate them to act in order to prevent committing such offences against children through designing some practices of corporate social responsibility or codes of conduct. Thus, with the support from civil society an International Conference was organized, followed by several thematic trainings for the staff of tourism agencies, avia agencies and hotel networks, aiming at promoting a child-friendly approach and international practices in preventing SESAC among the private sector, as well as opportunities for developing public-private partnerships. Further on, the participants had to design or adopt a Code of Conduct. This activity still hasn't been accomplished, which indicates to lack of interest of the private sector in the field on tourism and travel to get involved in activities preventing SESAC.

### **Participation of banking and finance sector in preventive activities**

During the interviews we identified the lack of relevant practice of participation of the banking and finance sector in activities to prevent SESAC. Moreover, no cooperation partnerships were established in the field of combating child pornography, since there is no payment practice for visualizing web pages that show child pornography<sup>42</sup>.

### **Participation of civil society in preventive activities**

Non-governmental institutions have a key role in organizing awareness raising activities, trainings and research of the SESAC phenomenon. Concrete examples of non-governmental organizations' activity on preventing SESAC are given in Chapter II.

As for the practice on self-regulations in non-governmental organizations, the Alliance of NGOs acting in the field of social protection of the child and family designed and approved a child protection policy. Although all the NGOs members of the Alliance subscribe to this protection policy, there is need for developing own organizational policies, adapted to the specific activity of the organization. For example, the protection policies of the NGO-s working directly with different categories of children will substantially differ from the protection policies of other NGOs, which do not practice direct contact with children<sup>43</sup>.

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40 Semi-structural interview no. 18, non-governmental organization.

41 Semi-structural interview no. 8, public authority.

42 Semi-structural interview no. 17, law-enforcement authority.

43 Semi-structural interview no. 4, non-governmental organization.

## Reporting on SESAC phenomena in media

*Art. 9, par. (3) of the Lanzarote Convention stipulates that each party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.*

To ensure proper reporting on sensitive subjects related to children in media, civil society engaged to monitor written press, monitor the audio-visual content, and also to develop the capacity of journalists and media institutions in writing articles on this subject.

In 2010, with the support from civil society (Association of Independent Press), 16 newspapers, magazines, press agencies and information portals were monitored in 6 months. Based on the monitoring results monthly reports were prepared which identified and examined the main problems and deviations from the journalistic deontological norms while communicating about children, and also provided recommendations on strengthening journalistic standards<sup>44</sup>.

In 2012, also with the support from civil society, a training session for journalists was organized on ethic norms when writing and documenting articles about child rights. At the same time, individual working meetings were conducted with representatives of press services from public authorities which defend, protect and promote the rights of children, in order to improve cooperation practices with media. These activities continued till 2015 and resulted in designing four internal regulations and instructions for public authorities on efficient communication with media (MH – current MHLSP, ME – current MECR, MIA and MLSPF – current MHLSP), organization of trainings for public servants at the central and local level to inform them about ways to interact with press and organization of three specialized workshops for journalists focusing on reporting on subjects featuring children, victims of abuse or violence<sup>45</sup>.

An important role in supervising respect for journalistic ethics and ensuring responsibility of publications for information consumers has the Press Council – an independent structure for self-regulation of press in the Republic of Moldova, in charge of examining the complaints that refer to the editorial activity of newspapers and magazines edited in the Republic of Moldova. The exact number of all complaints examined by the Press Council on cases of sexual abuse and sexual exploitation against children is unknown. However, for example, in the activity report of this independent structure for July 2012 – August 2013, the Press Council of the Republic of Moldova identified violations of deontological norms on protecting the identity of children, victims of abuse by a TV station, which interviewed a child, presumed to be victim of sexual abuse committed by another minor. The image of the victim was blurred, but sufficient information was provided, which can lead to disclosure of identity. In addition, the child had to remember the moments of sexual abuse that affected him physically and psychologically. Given the serious nature of violations, the Press Council requested sanctioning the TV station by the Coordinating Council for Audiovisual activity. As a result, on 28 June 2013, CCA examined the request of the Press Council and sanctioned the TV mentioned station.<sup>46</sup>

As for monitoring of TV programs, in 2014 the first exercise took place, aiming at supervising the way, in which the rights of children are respected in news bulletins. The short monitoring period (14 May – 30 June 2014) resulted in lack of serious violations related to protection of children victims' identity. Nevertheless, the monitoring identified the tendency of journalists to multiply the presentation of sensational or shocking cases, such as cases of rape against children. CCA was directly involved in monitoring the news bulletins from the aspect of child protection (both during the first monitoring exercise in 2014, as well as later in 2016)<sup>47</sup>.

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44 Semi-structural interview no. 13, non-governmental organization.

45 Semi-structural interview no. 13, non-governmental organization.

46 Activity Report for July 2012 – August 2013 of the Press Council from the Republic of Moldova.

47 Semi-structural interview no. 19, public institution.

## Public funding of civil society activities related to SESAC

*By art. 9, par. (4) the Lanzarote Convention regulates the obligation of parties to encourage the financing, including, where appropriate, by the creation of funds, of the projects and programs carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.*

National legislation regulates for several financial support mechanisms for public associations, all of them depending on obtaining the statute of public utility. As general mechanisms, the state can provide support to public associations through the following: funding social, scientific or cultural programs, signing contracts for execution of works and provision of services, by launching calls for social proposals to implement various state programs to an unlimited number of public associations<sup>48</sup>. As for non-commercial organizations that have public utility and develop their activity in the field of offence victims' rehabilitation (including children-victims of SESAC), the legislation regulates (express) partial exemption from paying specific taxes and preferential conditions for renting premises.

The current situation indicates for minimal and singular achievements in the efforts to provide financial funding to civil society organizations through private-public partnerships. These are basically limited to support of assistance centers for victims or potential victims. For example, the memorandum signed in 2007 between public authorities (MDCRP) and one of the civil society organizations (NCCAP) on the activity of the Center for psycho-social assistance of child and family "Amicul", stipulates the division of responsibilities between the state and the associative sector, where the state provided the premises, and the funding of activities was covered by external donors. Another example could be the Center for assistance and protection of victims and potential victims of human trafficking, which started its activity in 2001 as a private institution, and in 2008 became a public institution subordinated to the MLSPF, the current MHLSP.

Also, progress is observed by approval and implementation of the percental designation mechanism (2% mechanism). By this mechanism, the state supports the activities of the civil society through redirecting some of the income that would be normally assigned to the state. During the interviews, one of the representatives of civil society specified the opportunity to diversity of funding sources ever since the implementation of this mechanism, but also the risks, which mostly consist in the low level of trust of population in NGOs, So the amounts transferred will be relatively small, and organizations will have to organize media campaigns, in order to create their own visibility<sup>49</sup>.

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48 Law no. 837 of 17.05.1996 on public associations. (Official Monitor of the Republic of Moldova, 2007, no. 153 – 156, art. 153-156).

49 Semi-structural interview no. 20, non-governmental organization.

## Conclusions to Chapter II

Specialists from education, health, social protection, police, justice, sport, culture and leisure sectors were trained with the support from civil society on child rights as a general concept. As for the thematic training on identification of and assistance to victims of child trafficking and on interventions in cases of children at risk, these were sporadically organized for the members of multidisciplinary teams. Initial and continuous training programs for specialists do not include the subject of SESAC. The state made some efforts by formulating recommendations for integrating aspects related to prevention and protection of children from violence in the initial and continuous training curricula for professionals working in the field of child protection, but these are still not sufficient. The analysis of this aspect of the problem suggests the following conclusions.

- Selection of volunteers who participate in various activities with children is not restricted by the legal framework provisions that regulate the organization of volunteering activity, except for the volunteers who provide support to victims of offences or participate in activities organized in this regard, and who will have to submit their criminal record.
- The national education system included the subject on the risks of SESAC in several mandatory and optional curricular programs only for specific age categories. Currently, information about SESAC in the context of sexual education in schools is almost impossible, as the sexual education course is not institutionalized, and the information about sexual and reproductive health is provided to students sporadically, with the support from civil society. Neither the subject of risks related to the use of new information technologies was included in the curricula, except for some aspects related to online safety for the 5th-6th grades. With the support from civil society several awareness raising and information activities were organized, focusing on safe use of information technologies.
- The state did not take necessary measures to prevent the risk of committing offences among persons who fear that they might commit them or who had already committed them but were not identified by authorities.
- Private sector keeps having a passive role in preventing SESAC. Civil society made efforts to involve the tourism and travel sector in preventive activities, but the sustainability of these activities was not made possible. The private ICT sector assumed the priority of providing digital education to children and youth, also promoting several parental control products.
- In order to ensure protection of child rights and avoid their revictimization in media, public authorities supported the organization of several measures that contributed to the development of journalists' skills in writing articles on sensitive subjects related to children. Also, several activities were organized to monitor the articles that feature children in media outlets.
- As for the public funding of civil society activities related to SESAC, although the legal framework provides premises and conditions for partial exemption from specific taxes or for preferential renting conditions, in practice there are still minimal accomplishments in this regard.

### 2.7. Recommendations

- Continuous and systematic organization of awareness raising trainings on for professionals from education, health, social protection, police, sport, culture and leisure systems. Specific attention should be paid to continuous training programs, which contribute to the collective organization of training activities.
- Organize activities for developing parent's skills in ensuring a proper sexual education to their children, and also developing their skills in communicating with children about the risks of SESAC.



- Continue the education efforts in schools, in order to inform children and youth about the risks of SESAC and providing advice on how to protect themselves and how to ask for help. Due to complexity of this subject, information about these risks should be provided along with the information activities on safe use of the Internet by children and with the sexual education courses, all being adapted to children's perception level.
- Develop counselling services for persons who feel attracted to children and teenagers and fear that they might commit the offences established in accordance with the Convention. These services should differ from assistance services to persons who had already become suspects, defendants or culprits (specified in Chapter III of the Lanzarote Convention), considering the fact that the goal of preventive intervention services is to prevent the committing of offences.
- Develop organizational policies on child rights protection within private companies and non-governmental organizations (ICT, tourism, avia etc.). These organizational policies can be Codes of Conduct aiming at preventing sexual exploitation and sexual abuse against children and promoting the superior interest of the child in daily activities. These should be adapted to the specific activity of the company or non-governmental institution. Individual work agreements could include clauses on zero tolerance towards SESAC and normative obligation of employees to respect this clause.

### **3. PROTECTION OF AND ASSISTANCE TO CHILDREN-VICTIMS**

### 3.1. General principles for providing assistance to children-victims of sexual exploitation and sexual abuse

*In accordance with art. 11, par. (1) of the Lanzarote Convention, parties shall establish effective social programs and set up multidisciplinary structures to provide the necessary support for victims, their parents, their close relatives and for any person who is responsible for their care. In addition, another principle for providing assistance to children-victims of SESAC, regulated by art. 11, par. (2) is 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.*

The anti-trafficking legislation and the legislation that regulates the situation of children at risk promotes the principle of multidisciplinary approach to cases by responsible authorities or structures. The operational structures within the institutional mechanism for protection of and assistance to victims and potential victims of human trafficking are the territorial multidisciplinary teams. The normative framework regulates the conditions for creation, the responsibilities, the ways to ensure technical-organizational activity, record of documents and training of territorial multidisciplinary team members<sup>50</sup>. Also, one of the principles for intervention in cases of children at risk is the complex approach by creating teams of professionals from different fields with attributions in child protection, such as social assistance, education, health, law enforcement<sup>51</sup>. In practice, if the child is placed in a service, the representatives of this service must necessarily be part of a multidisciplinary team, so that all parties involved know their responsibilities<sup>52</sup>.

The national legal framework establishes that the victims of human trafficking will be treated as children and special protection measures will be applied to them, provided by law for minors, when there are reasons to believe that the victim did not yet reach the age of 18, pending verification of his or her exact age<sup>53</sup>. One of the problems that could come out at this phase is that many minor girls can seem older than their actual age, thus eliminating the “presumption of being a minor” and the possibility to benefit from special protection measures, specific for children. In case the documents that confirm the age of the person are missing or their veracity is doubtful, a mandatory expertise is needed, and the existing doubts to be perceived in favor of the person<sup>54</sup>.

The Report on monitoring the implementation of the National Referral System Strategy for protection of and assistance to victims and potential victims of human trafficking for 2015 reveals the problem of lacking identity and civil state documents. Providers of services for victims and potential victims of THB are frequently facing this problem, which creates barriers for taking necessary assistance and protection measures (for ex: the beneficiary cannot receive any social assistance benefits). Participation of civil state and population documentation authorities in the work of multidisciplinary teams is a quite valuable resource when it comes to assisting with documenting beneficiaries. At the request of the competent authorities in the field of preventing and combating THB, MICT in cooperation with “ÍȘ CRIS Registru” provides information about individuals (foreign citizens, stateless persons, receivers of humanitarian protection, refugees), using all the informational sources that containing personal data possessed by the MICT: automated – SIA “State population register”, as well as non-automated – manual personal file records, files with requests for issue of soviet passports etc.<sup>55</sup>

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50 GD no. 228 of 28.03.2014 on approving the Regulations of Activity of the Territorial Multidisciplinary Teams within the National Referral System. (Official Monitor of the Republic of Moldova, 2014, no. 80-85, art. 251.)

51 Law no. 140 of 14.06.2013 on social protection of children at risk de risk and of children separated from parents. (Official Monitor of the Republic of Moldova, 2013, no. 167-172, art. 534.)

52 Semi-structural interview no. 9, non-governmental organization.

53 Law no. 241 of 20.10.2005 on preventing and combating trafficking in human beings. (Official Monitor of the Republic of Moldova, 2005, no. 164-167, art. 812.)

54 Barriers to Access to Justice for Child Victims of Sexual Exploitation. Legal framework and Insights from professionals in the Criminal Justice System in Moldova. ECPAT International, 2017.

55 [http://msmps.gov.md/sites/default/files/document/attachments/snr3223\\_0.pdf](http://msmps.gov.md/sites/default/files/document/attachments/snr3223_0.pdf)

### 3.2. Reporting suspicions of sexual exploitation and sexual abuse against children

*Art. 12, par. (1) and par. (2) of the Lanzarote Convention specifies the need for regulations in the internal law to allow reporting to the services responsible for child protection any situation where there are reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse, even though these specialists comply with specific confidentiality rules. Also, the signatory states should encourage reporting suspicions of SESAC to the competent services.*

In the Republic of Moldova non-disclosure of professional secret or information learned while carrying out job responsibilities is a legal obligation for many categories of professionals. Still, the national legislation on child rights protection regulates the mandatory reporting in case of suspicions of actions related to SESAC.

The instructions on the inter-sector cooperation mechanism for identification, evaluation, referral, assistance and monitoring of children, victims and potential victims of violence, neglect, exploitation and trafficking define the obligation of representatives from education, medical-sanitary and social assistance institutions to register reporting of abuse, violence, neglect, exploitation or trafficking cases and immediately inform the tutelary authority (according to the situation – the territorial police inspectorate and the prosecutor's office, medical emergency services, and the State Labor Inspectorate).

The law stipulates for mandatory examination of all reported complaints by making an initial evaluation of the case. At this phase a protection interview with the child takes place, which is the first discussion with the child, aiming at defining the child's security level and inform him/her about his/her rights, assistance services and protection measures in case his/her life and/or health is in danger. It is also the responsibility of the specialist who performs the interview to ensure respect of confidentiality of the data collected. Nevertheless, despite the confidential nature of collected information, if the specialist senses a possible danger for the child, that would require participation of other specialists to solve the problem, **the specialist must explain the child the need to share this information at the beginning of the protection interview, and also explain the goal for collecting information and the way it will be used.**

### 3.3. Assistance helplines for victims and their relatives

*Art. 13 of the Lanzarote Convention stipulates that each party shall take the necessary measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.*

Before 2014, in the Republic of Moldova all cases of SESAC could be reported at the Hotline – telephone service developed and monitored by one of the civil society organizations. Starting with 2014, the Child Helpline – a free telephone assistance service for children – was established. This service is managed by the MLSPP (the current MHLSP) and implemented by a non-governmental organization, based on a cooperation agreement. The goal of the telephonic service is to facilitate access of children at risk to adequate assistance. Also, it is the first telephonic service that provides specialized assistance to children, including psychologic counseling, information about child rights, consulting in child protection, guidance and referral to institutions providing the necessary assistance. All the calls to the Child Helpline are confidential, and if a suspicious case of abuse or exploitation is reported, the caller has the right to keep his/her personal data confidential. Still, the reporting complaint must be filled in indicating the name and surname of the child-victim. The lack of such data can delay the intervention on the case<sup>56</sup>.

Also with the support from civil society, [www.siguronline.md](http://www.siguronline.md) online platform was developed, aiming at informing, counselling and facilitating access of children-victims of online abuse to the assistance they might need. The goal of this platform is to contribute to prevention of cases of SESAC, by promoting digital education among children and youth, and also to facilitate access to services based on the identified needs. In this regard, a cooperation memorandum was signed with GPI, which stipulates that the non-governmental organization in charge of the portal's activity takes the responsibility to refer the reported cases to law enforcement authorities, and the law enforcement authorities are obliged to inform children-victims about

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56 Semi-structural interview no. 10, non-governmental organization.

their rights, ensuring respect for the superior interest of the child from the very first contact with the justice system.

The interest of public authorities in promoting and developing the existent assistance helplines resulted in inclusion of service promotion activities as a priority in national policy documents (the Action Plan for 2016-2020 on the implementation of the Strategy for child protection for 2014-2020: MLSPF got the responsibility to develop and promote the free telephonic assistance service for children; MIA got the obligation to design, develop and promote information and prevention materials regarding online safety of children, disseminated through an online platform).

### **3.4. Assistance in physical and psychologic recovery of the child-victim**

#### **3.4.1. Short-term and long-term assistance to victims**

*Art. 14, par. (1) of the Lanzarote Convention stipulates that the signatory states shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. These measures shall take due account of the child's views, needs and concerns. Also, art. 14, par. (2) indicates the obligation of public authorities to cooperate with non-governmental organizations, other relevant organizations or other elements of civil society engaged in assistance to victims.*

The legal framework provides for a special statute for children-victims of child trafficking, committed including for sexual exploitation purposes. The Law no. 241 of 20.10.2005 sets up the obligation of the state to ensure protection of and assistance to children-victims of trafficking, from the moment there are reasons to believe that they are victims up to their identification, integration and full recovery, regardless of their openness to cooperate with the authorities. The legal framework guarantees long-term care and protection of children-victims of trafficking until their full recovery. There are special protection measures for children-victims of trafficking who were left without parental care –they are urgently assisted in finding a family or they are provided with a tutor or a foster care in accordance with the law.

The Report on monitoring the implementation of the National Referral System Strategy for protection of and assistance to victims and potential victims of human trafficking for 2015 defines the types of assistance provided by the multidisciplinary teams and NGOs acting in the field of prevention and protection of victims of human trafficking. One of the problems identified in the Report is the lack of sufficient resources for solving extremely difficult cases featuring potential victims of human trafficking. For this reason, specific interventions are referred to donors for their support. In addition, one of the most expensive needs of the individual assistance plan for reintegration of the NRS beneficiaries is provision of living space. Currently, this social support is mostly uncovered, including by donors<sup>57</sup>.

In 2015-2016, a normative framework was approved, which regulates the organization, functionality and the minimal quality requirements for social services dedicated to children-victims of SESAC: social services for children at risk<sup>58</sup> and assistance to and protection of victims of human trafficking<sup>59</sup>. Generally, the minimal quality standards imply for beneficiaries to be treated individually, following their individual needs. In order to identify and evaluate them, a specific working methodology will be applied. In addition, in case of services for children at risk, the legislation also provides (express) for the obligation to systematically adapt the child assistance to his/her individual needs, based on age, development level, health condition ethnic and religious peculiarities, and taking into account his/her opinion. The opinion of children and their parents or legal representatives has to be taken into consideration including when evaluating the quality of services and planning activities.

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57 [http://www.mmpsff.gov.md/sites/default/files/document/attachments/snr3223\\_0.pdf](http://www.mmpsff.gov.md/sites/default/files/document/attachments/snr3223_0.pdf)

58 GD no. 441 of 17.07.2015 on approving the regulatory framework on organization and functioning of the day-care social center for children at risk and the minimum quality standards. (Official Monitor of the Republic of Moldova, 2015, no. 190-196, art. 498.)

59 GD no. 898 of 30.12.2015 on approval of the Framework Regulations on organization and functioning of the Service on assistance and protection of the victims of human trafficking and the minimum quality standards. (Official Monitor of the Republic of Moldova, 2016, no. 2-12, art. 5.)

In 2016, the legal framework was adopted to systemize the processual rights of victims and create new support services, aiming at providing consultation and support in communication of victims with public authorities and assistance for physical, psychologic and social recovery. From 2018, the victims of sexual offences, victims of child trafficking and of child pornography will receive financial compensation for the prejudice caused by the offence. Victims will also benefit from information and psychologic counseling. Information counseling will be provided by the staff of the identifying authority. Psychologic counseling will be provided by psychologists from territorial subdivisions for social assistance, non-commercial organizations or legal entities with working purpose that work in the field of rehabilitation of victims of offences, on a short term (up to 3 months) and on a long term (up to 6 months).

One of the problems that could appear at the law implementation phase could be the professional level of specialists, particularly of psychologists from territorial subdivisions of social assistance in counseling children victims of sexual exploitation and sexual abuse. Also, the most problematic aspect related to provision of adequate support to the child is the lack of a competent authority that would provide continuous specialized training and would certify these specialists. In absence of qualified specialists, the psychologic evaluation of the child-victim and provision of qualitative support is practically impossible<sup>60</sup>.

Assistance and protection measures are mostly provided by non-governmental organizations. These organizations have assistance programs both for victims, as well as for their parents or caregivers. At the local level there are no sufficient services specialized in assisting children, victims of SESAC. The same problem exists on the municipal level. There is no municipal state center specialized in assisting children, victims of SESAC. Public authorities cooperate with non-governmental organizations which provide services for these children<sup>61</sup>.

The services offered by civil society organizations should be also developed in the regions. Thus, service providers should have the possibility to refer these children-victims to specialized services. In their case placement for rehabilitation is not required –the services should be as close as possible to the beneficiary; the transportation costs of victims who come to receive rehabilitation services without placement should be covered<sup>62</sup>.

The legal anti-trafficking framework regulates the cooperation between state institutions and civil society organizations – as the main principle in developing activities for protection and assistance to victims (art. 15, Law no. 241 of 20.10.2005). Thus, the existent mechanism for cooperation and coordination of state and civil society efforts created legal opportunities for strengthening partnership between the actors in the field and ensuring protection of rights of the victims of human trafficking, in order to recover their rights and prevent this phenomenon.

On the other hand, the existent mechanisms for protection and assistance to children at risk created premises for cooperation of non-governmental organizations with public institution at the phase of mechanism implementation, development of sectorial procedures and facilitation of applying inter-sector cooperation procedures among the authorities and development of professionals' capacities to apply these mechanisms in practice.

### **3.4.2. Measures to remove children-victims from abusive families and to remove the perpetrator from his family environment**

*By art 14, par (3) the Lanzarote Convention regulates the intervention procedures when parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, specifically: the possibility of removing the alleged perpetrator and the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.*

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60 Semi-structural interview no. 10, non-governmental organization.

61 Semi-structural interview no. 3, public authority.

62 Semi-structural interview no. 4, non-governmental organization.

The Recommendation of the Council of Europe Committee of Ministers on child rights in residential institutions<sup>63</sup> provides the following: "Situations of sexual abuse and neglect against children require support services, that would help avoiding the removal of the child from his/her family. Still, keeping the integrity of the family should not be a goal per se. If it is in the interest of child, his/her removal from family can have a positive effect. In addition, the Committee of Ministers recommends to apply the measure of removing the perpetrator from the family as a preferential measure in all cases.

The legal framework stipulates the possibility to request immediate removal of the child from parents or persons who have care of the child, in case an existent imminent danger for the life and health of the child is identified. In these cases, the foster care authority is responsible to inform the prosecutor about the measures taken in 24 hours. At the same time, the foster care authority should request for immediate placement of the child in the family of relatives or other persons with whom he/she had close relations, and to submit a request to the court, informing about the removal of the child from his/her parents (with or without deprivation of parental rights).

National legislation also regulates the situations in which only one parent has an abusive behavior that endangers the life or health of the child, and other adult members of the family have a protective behavior. In such situations, the foster care authority can submit a request to the court and solicit the issue in 24 hours of the protection order to the child-victim. If the parent/caregiver/curator who has a protective behavior doesn't have solutions for ensuring a safe space for the child before the issue of the protection order, the local foster care authority, together with the territorial foster care authority must provide placement to the child and the adult.

### **3.4.3. Assistance to persons who are close to the victim**

*By art 14, par (4) the Lanzarote Convention regulates the obligation of signatory states to take measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.*

Currently, day-care centers for assistance and protection of victims of human trafficking provide information services, psychologic counseling and legal aid to both for the victim and for the members of his/her family. At the same time, one of the organizational principles of the Service for children at risk is to provide counseling to family members of children at risk.

This practice is also used in the activity of non-governmental organizations providing assistance and protection of children, victims of SESAC. Parents or caregivers can receive counseling, legal aid or psychologic assistance. In some cases, it is necessary to assist parents and guide them in the relationship with their child, even when the parent does not necessarily ask for this. For example, if the specialist (psychologist, social assistant) observes that the parent does show a correct approach in the relation with the abused child, or that he/she is deeply affected by the situation, the specialist should enforce the parent in order to make him/her become a supportive resource for the child and not harm him/her with negative attitude<sup>64</sup>.

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63 Council of Europe, Committee of Ministers, Recommendation Rec(2005)5 of the Committee of Ministers to Member States on the Rights of Children Living in Residential Institutions, adopted by the Committee of Ministers on 16.03.2005.

64 Semi-structural interview no. 9, non-governmental organization.

## Conclusions to Chapter III

- The legislation in the field of child protection regulates the mandatory reporting in case of suspicions of actions related to SESAC. Nevertheless, there is no express regulation for the legal right of the specialist to disclose confidential information learned while performing professional duties, if there is a presumption that the information refers to SESAC. Although the information exchange between specialists is made as multidisciplinary intervention and approach, the limits of communicating such information are not regulated.
- In the Republic of Moldova there are several services providing assistance to children and their relatives, both telephonic, as well as online platforms. The management of these services is performed by non-governmental organizations, and the state structures are mostly missing from this segment.
- Professionals are still facing problems while providing assistance and protection services to children victims of SESAC, due to the lack of a unique professional training on the peculiarities of these cases.
- The specialized assistance services for children victims of SESAC at the local level are missing.
- Although the legal framework on rehabilitation of victims of offences was designed, a mechanism to implement the stipulated guarantees should also be developed.
- Ensuring protection and qualified assistance to victims is performed by de non-governmental organizations, with the support from external donors, the state support is practically missing.

## Recommendations

- Operate modifications in the legal framework which would define the limits in communication between specialists about cases suspected of SESAC. The law should clearly indicate the offences that would allow for disclosure of professional secret and the conditions in which this can be done.
- Develop services at the local level that would provide assistance to children victims of sexual exploitation and sexual abuse: services of psychologic recovery of the child-victim, centers for temporary emergency placement.
- Modify the legal framework to ensure mandatory provision of all protection measures guaranteed to minors, victims of all forms of SESAC, in situations when the exact age of the victim is not known, but the victim is presumed to be a minor.
- Develop the normative framework for implementation of the Law no. 137 of 29.07.2016.
- Train professionals who provide assistance to children, victims of sexual exploitation and sexual abuse.
- Support the functioning of telephone and online assistance services for children-victims.



## **4. IV. INTERVENTION PROGRAMS OR MEASURES FOR ABUSERS**

*By art. 15 and 16 the Lanzarote Convention stipulates that the main measures that shall be taken by the signatory states for persons subject to criminal proceedings for any of the offences established in accordance with this Convention with a view to preventing and minimizing the risks of repeated offences of a sexual nature against children. The Lanzarote Convention provides that such programs or measures shall be accessible at any time during the proceedings, inside and outside prison.*

In 2008, probation system was created in the Republic of Moldova, which focuses on implementing resocialization and reintegration measures for offenders. This system should be useful at the pre-sentencing stage, by supporting the judicial authorities in individualizing punishments, at the sentencing stage, by supervising the way in which non-custodial sentences are executed, and at the post-sentencing stage, by applying social reintegration programs for persons who had violated the law.

The Law on probation<sup>65</sup> provides by art. 3 that the individuals subject to probation are:

- suspects, defendants or culprits for whom the psychosocial personality evaluation report was requested;
- minors exempted from criminal liability;
- persons conditionally exempted from criminal liability;
- persons exempted from criminal liability;
- persons released from detention who requested for post-penitentiary assistance;
- persons convicted or sanctioned with unpaid community service, as well as persons deprived of the right to accede to a specific position or conduct a specific activity.

#### **4.1. Intervention programs for adult and minor sexual aggressors at the pre-sentencing stage**

At the pre-sentencing stage, probation authorities can be requested to perform the pre-sentential psychosocial evaluation report of the suspect's/defendant's/culprit's personality. The person subject to probation will be under the supervision of the probation authority only during 19 working days, which include 14 mandatory days, a term that can be extended by 5 optional days<sup>66</sup>.

One of the problems identified at the stage of performing the pre-sentential psychosocial evaluation report is the lack of obligation for the social assistant to participate in the actions performed by the probation counselor. The community social assistant or a representative of the division for protection of child rights should always escort the probation counselor to the living place of the child in conflict with the law or the person under criminal investigation<sup>67</sup>.

In order to elucidate the role of psychosocial assistance at the pre-sentencing stage, in 2013, a Methodology was approved to describe the phases for providing psychosocial assistance at the pre-sentencing stage, the application methods and techniques, as well as the intervention responsibilities of each institution or community actor in each phase of providing psychosocial assistance<sup>68</sup>. This assistance should include medical, psychologic, social, vocational and legal support. The probation counselor is the one who should design the map of social services and inform about governmental and nongovernmental organizations that can provide these services. Partners of the probation service can be: the public health division, non-governmental organizations, local public administration, civil state service, foster care authority etc.

Several shortages of the assistance system for children in conflict with the law have been identified at the stage of criminal investigation and during the case trial, before the issue of a conviction sentence.

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65 Law no. 8 of 14.02.2008 on probation. (Official Monitor of the Republic of Moldova, 2008, no. 103-105, art. 389.)

66 Semi-structural interview no. 11, public institution.

67 Semi-structural interview no. 10, public authority.

68 Methodology on psychosocial assistance at the pre-sentencing stage, approved by the CPO Order no. 163 of 16.12.2013.

- At the stage of criminal investigation, children cannot be subjects of probation, unless a pre-sentencing report is required.
- There are no services to provide specialized psychological assistance and psychological assessment of children in conflict with the law. Currently, the psychological evaluation of children in conflict with the law can be done, upon request, by the specialists of the District psychological and pedagogical services.
- There is no mechanism for referring children in conflict with the law<sup>69</sup>.

Besides the services of the probation authority at the pre-sentencing stage, there are no other services and programs for persons who are suspected, accused or indicted in a case concerning one of the offenses established in accordance with the Lanzarote Convention. There is only one specialized center for family aggressors – the Center for Assistance and Counseling for Family Aggressors from Drochia. It offers social and psychologic assistance, legal and medical aid, recovery and rehabilitation activities, behavior change and social reintegration of family aggressors. There is no specialized service for children in conflict with the law before the issue of conviction sentence (both when applying preventive arrest, and home detention). Providing assistance after more than one year after the person interacted with the justice system is already too late<sup>70</sup>.

## **4.2. Intervention programs for adult and minor sexual aggressors at the sentencing stage**

The intervention programs at the sentencing stage are developed and applied by the penitentiary institutions. Until recently, detainees who committed sexual offenses, including against minors, did not benefit from specialized assistance programs. The statistical information published by the Department of Penitentiary Institutions, on January 1, 2017, shows that 604 people were convicted for sexual offenses from the total of 6,377 convicted<sup>71</sup>. The relatively large number of people convicted for sexual offenses was the basis for developing a specific program for these categories of detainees. At the same time, the need to pilot programs related to criminal behavior was justified by the large number of children who committed sexual offenses among the total number of detainees (about 25% of the total number of juvenile delinquents)<sup>72</sup>.

In 2016, with the support of external donors, several actions aiming at strengthening the probation system and the penitentiary system were organized. With the assistance of a foreign expert a psychosocial intervention Program was designed to reduce the risk of relapse of sexual aggressors executing a custodial sentence. It was dedicated to adult sexual aggressors who committed sexual offences against an adult, to those who committed sexual offences against children, and to minor sexual aggressors. Also, an intervention plan for detainees was designed, and became the instrument of the multidisciplinary team. Specialists attended several training rounds on the implementation of this Cognitive-Behavioral Change Program. The program is piloted in several penitentiary institutions, and further on the institutionalization of the two programs is planned, both for adults and for minors.

## **4.3. Intervention programs for adult and minor aggressors at the post-penitentiary stage**

Six months before the release from detention or from the moment of submitting a request for conditional release, any detainee becomes a beneficiary of probation system, which offers the possibility to receive information assistance and facilitates access to specific services. Currently, probation counselors have mostly the role to inform and refer to competent services and not to assist beneficiaries. On one hand, probation counselors do not have the necessary abilities to provide quality services within resocialization programs, and on the other hand, there is lack of technical conditions and space for organizing activities with ex-detainees. The probation institution can be developed through concrete actions, so that the services provided by the probation counselors are really efficient, focused on resocialization and not only on

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69 Semi-structural interview no. 10, non-governmental organization.

70 Semi-structural interview no. 25, non-governmental organization

71 <http://penitenciar.gov.md/ro/statistica>

72 Semi-structural interview no. 6, public authority.

information. A solution proposed by one public institution is to let non-governmental organizations conduct the resocialization programs, and the probation counselors would be trained as facilitators<sup>73</sup>.

Before the release of detainees, resocialization and reconciliation with family is emphasized. In case of children who are about to be released, the problem consists in the lack of cooperation with the authorities responsible of taking over the child in the community<sup>74</sup>.

At the same time, in order to strengthen the role of probation in resocialization and reintegration of minors, in 2016, a draft for modification and amendment of specific legislative acts was designed<sup>75</sup>. It aims at dissolving special education institutions, re-education institutions and medical institutions. In accordance with the provisions of art. 93 of the Criminal Code, minors convicted for committing a minor, less serious or serious offence, may be exempted from punishment by the court, if it is found that the purposes of the punishment can be achieved by enrolling them in a special educational institution or by placing them in a medical or re-education institution, but also by applying educational constraint measures provided by art. 104 CC RM<sup>76</sup>.

#### **4.4. Assessing the risks of relapse**

At the pre-sentencing stage, the probation counselor should apply two working instruments: the psycho-social evaluation form and the relapse risk evaluation form. In practice, probation counselors do not always apply both instruments because the first psycho-social evaluation form includes a paragraph where the "reintegration perspective" can be indicated, and this allows for specifying the risk of relapse without using the second instrument. This practice is malfunctioning, and the activity of probation counselors should be systematically monitored, in order to ensure a strict use of both evaluation forms<sup>77</sup>.

At the sentencing stage, during the first two months in detention, the detainee goes through the initial evaluation procedure, which implies the identification of his/her needs and the development of an individual intervention plan. In practice, the risk of relapse assessment is usually requested in the moment when the detainee prepares to leave the penitentiary and is very important in cases of conditional release prior to the expiration of sentence. Nevertheless, it is important to know about the risks of relapse from the very beginning of the detention punishment execution, as this could motivate the detainee to participate in more programs that would change his offensive behavior<sup>78</sup>.

#### **4.5. Assessing the efficiency of programs or measures**

With the piloting in several penitentiary institutions of the Psychosocial Intervention Program to reduce the risk of relapse of sexual aggressors who were convicted to imprisonment, a post-piloting assessment will be made to observe the results of piloting, the needs for adapting the program and the eventual possibilities of institutionalization.

#### **4.6. Information and consent of beneficiaries of intervention programs**

*Art. 17 of the Lanzarote Convention regulates the obligation of states to ensure that the persons to whom intervention programs or measures have been proposed are fully informed of the reasons for the proposal and consent to the programs or measure in full knowledge of the facts. Persons to whom intervention programs or measures have been proposed may refuse them and, in the case of convicted persons, that they are made aware of the possible consequences a refusal might have.*

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73 Semi-structural interview no. 11, public authority.

74 Semi-structural interview no. 25, non-governmental institution.

75 [http://www.cna.md/public/files/rapoarte\\_expertiza/pr.lege04.01.16executarepenal.pdf](http://www.cna.md/public/files/rapoarte_expertiza/pr.lege04.01.16executarepenal.pdf)

76 Semi-structural interview no. 22, public authority.

77 Semi-structural interview no. 11, public authority.

78 Semi-structural interview no. 11, public authority.

## **Mandatory nature of probation programs**

The law provides for mandatory participation of convicted persons in specific probation programs in accordance with the following provisions:

- art. 90 par. (6), it. f) CC of RM: "Applying conviction with conditional suspension of the execution, the court can oblige the culprit to participate in probation programs".
- art. 92 par. (12) CC of RM: "At the moment of examining the possibility of replacing the unexecuted part of the punishment with applying a less severe punishment towards persons who are sentenced to imprisonment, the detainee should have an available space to live, to participate in probation programs, and, upon the case, to finalize treatment from alcohol addiction, drug addiction or addiction to toxic substances".

## **Pre-sentencing stage**

At the pre-sentencing stage, probation subjects can receive psycho-social assistance only at their request. It is in the competence of the probation counselor to convince persons about the need of filing a request. Usually, persons do not understand the need for filing a request and do not want to file it that is why, often probation counselors offer information services without respecting this provision<sup>79</sup>.

## **Sentencing stage**

The persons in detention can benefit from three types of programs: education, psychologic counseling and social assistance. These can be mandatory or optional. Usually, the mandatory programs focus on the issue of offensive behavior. Thus, in the hypothesis of identification of specific needs while changing the aggressive behavior of the detainee a program of behavioral change should also be mandatorily applied. The optional programs are usually related to social therapy. These do not change the offensive behavior, but can influence the pro-social behavior (artistic measures, sport etc.). As for the programs for children, these are adapted to the specific age categories. It is believed that the risk of relapse among minors depends on the level of their education. Thus, general and professional education programs are mandatory. The psycho-social intervention program aiming at reducing the risk of relapse among sexual aggressors is mandatory for both: adults and children<sup>80</sup>.

## **Post-penitentiary stage**

Assistance and counseling at the post-penitentiary stage can be made only with the approval of the detainee, following an agreement signed by the two parties, based on an intervention plan designed by probation counselors. Currently, there are no psychologic assistance programs for former detainees who committed sexual offences<sup>81</sup>.

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79 Semi-structural interview no. 11, public institution.

80 Semi-structural interview no. 6, public institution.

81 Semi-structural interview no. 11, public institution.

## Conclusions to Chapter IV

- During the pre-sentencing stage, at the criminal investigation phase and during the case trial, before the issue of condemning sentence, children and adults can use the service of psychologic evaluation report of the suspect's/defendant's/culprit's personality. Besides that, at this stage children and adults cannot make use of other programs of the probation authorities, and other specialized services for this category of beneficiaries do not exist.
- At the sentencing stage the penitentiary institutions are responsible for designing, implementing and monitoring intervention programs for sexual aggressors. In 2016, the first psychologic intervention Program has started to reduce the risk of relapse of sexual aggressors who were convicted to imprisonment, dedicated to adults who committed sexual offences both against an adult or against a child. This module has a special chapter dedicated to intervention methods for children who sexually abused other children.
- At the post-penitentiary stage, probation subjects can benefit from informational assistance or assistance in accessing specific services. Resocialization of detainees is not fully accomplished by the probation authorities, because currently, the probation counselors are lacking the necessary ability to provide qualitative services within social reintegration programs. At the same time, there are also logistic barriers, such as lack of space for organizing re-socialization activities, or the fixed-hour program of probation counselors and the remuneration conditions that do not motivate them to exceed their working hours.
- Assessment of the relapse risks is mandatory both at the pre-sentencing stage, when the pre-sentencing report is developed, and also at the sentencing stage. At the sentencing stage the risk of relapse assessment is usually requested in the moment when the detainee prepares to leave the penitentiary and is very important in cases of conditional release prior to the expiration of sentence.
- At the pre-sentencing stage, the consent of the person for receiving psycho-social assistance is mandatory. At the sentencing stage there are both mandatory and optional programs. Mandatory programs aim at changing the offensive behavior and influencing the pro-social behavior. Social therapy, which focuses on developing a pro-social behavior, is usually optional. At the post-penitentiary stage assistance and counseling is provided only with the consent of the detainee, following an agreement signed by the two parties, based on an intervention plan designed by probation counselors.

## Recommendations

- Assess the implementation of the psychologic intervention program for reducing the risk of relapse of sexual aggressors who were convicted to imprisonment and based on findings, adapt and institutionalize this program.
- Develop services available at the criminal investigation phase for children or adults who had committed offences established in accordance with the Convention. In this regard, the Law on probation could be modified, in order to include also this category as beneficiaries of the probation system.
- Since currently the psychological evaluation of children in conflict with law can be performed on request by specialists from district psycho-social services, it is recommended to train the psychologists in offering assistance to sexual aggressors and equip them with the instruments they might need for providing qualitative psychologic evaluation services.
- Evaluate the risk of relapse at the sentencing stage from the very beginning of the detention punishment execution, as this could motivate the detainee to participate in more programs that would change his offensive behavior.

# **5. V. COORDINATION AND COOPERATION**

## 5.1. Public policy framework on sexual exploitation and sexual abuse against children

Currently, there is no public policy document that would define the goals, the objectives and the actions for preventing and combating sexual exploitation and sexual abuse against children. Although the Lanzarote Convention does not stipulate (express) the need for designing such a document, the provisions of art. 9 par. (1) indicate indirectly that states shall develop and implement policies concerning the fight against SESAC. In some states, the development of public policy documents dedicated exclusively to preventing and combating SESAC is a viable practice (Cyprus: "National Strategy and Action Plan for combating sexual exploitation and abuse and child pornography for 2016-2019"; Germany: "Action Plan for 2011 of the Federal Government of Germany for Protection of Children and Youth against Sexual Violence and Exploitation"; Sweden: "National Action Plan on protection of children from sexual exploitation" – published on 02.11.2008; etc.).

In the national public policy documents on children at risk there is a generic approach for all forms of abuse and exploitation of children. Often the law makes use of the following formulation: "abuse, violence, neglect, exploitation and trafficking", and this general concept also includes sexual abuse and sexual exploitation against children.

The most complex national document of public policies which includes several actions that would contribute to the development of the child protection system and aligning it to European and international standards and engagements is the Strategy on child protection for 2014-2020 and the Action Plan for 2016-2020 on its implementation<sup>82</sup>. The following activities are specifically focused on SESAC:

- 2.2.15 – Development of a rehabilitation and integration program for children-victims of sexual exploitation, including for commercial purposes.
- 2.2.18 – Design and institutionalization of the curriculum on preventing and combating offences of sexual nature committed against a child by using informational technologies, for representatives of law-enforcement authorities and justice system.
- 2.2.14 – Development of rehabilitation services for aggressors, including sexual aggressors.
- 2.1.23 – Periodic organization of two awareness raising campaigns designed by the Council of Europe, on preventing sexual abuse of children.

Some actions related to SESAC were also included in the *National Plan for preventing and combating trafficking in human beings for 2014-2016*<sup>83</sup>. These focused on:

- taking general measures for coordinating anti-trafficking activities, harmonizing legal and regulatory framework, building capacity, ensuring availability of information and data on this phenomenon, analyzing, monitoring and evaluation national anti-trafficking policies, and also mobilizing resources and necessary budget;
- organizing preventive activities by raising awareness and educating the general public, and by reducing the vulnerability of victims;
- ensuring assistance and social protection to victims and witnesses;
- improving criminal investigation in justice;
- developing international cooperation.

Chapter V "Justice and Human Rights", subchapter C "Human Rights" of The Government Action Plan for 2016-2018<sup>84</sup> includes several actions aiming at ensuring protection to children:

develop mechanisms for preventing and combating all forms of exploitation, abuse, neglect and violence against children (it. 6);

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82 GD no. 835 of 04.07.2016 on approval of the Action Plan for 2016-2020 for implementing the Child Protection Strategy for 2014-2020. (Official Monitor of the Republic of Moldova, 2016, no. 204-205, art. 905.)

83 GD no. 484 of 26.06.2014 on the approval of the National Plan for preventing and combating trafficking in human beings for 2014-2016 and modification of the Government Decision no. 472 of 26 March 2008. (Official Monitor of the Republic of Moldova, 2014, no. 174-177, art. 529.)

84 The Government Action Plan for 2016-2018, approved by the Government Decision no. 890 of 20 July 2016.



improve the system for identification and assistance to vulnerable children, which implies participation of children in the decision-making process (it. 7);

implement measures focused on promotion of child rights in families and institutions, and develop the capacity of parents and caregivers to ensure the development of the child (it. 8);

improve the institutional capacity of the rooms for interviewing minors, including the interviewer's institution; professional training for justice specialists in charge for working with minors; create and develop the Center for assistance to children victims and witnesses of offenses (it.9) and others.

## **5.2. Coordination and cooperation at the national level**

The Republic of Moldova is going through its initial phase of developing public policies for preventing and combating SESAC. For this reason, coordination of efforts in activities aiming at preventing and combating SESAC will be analyzed from the following perspectives: identification of the main coordination systems (at the national or local level), training of specialists on their common activity, the way in which data on cases of SESAC are collected and how much these data are used to analyze the evolution of this phenomenon.

### **5.2.1. Coordination on preventing and combating sexual exploitation and sexual abuse against children**

*Art. 10 of the Lanzarote Convention regulates the obligation of the signatory states to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against SESAC, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities. Also, this cooperation should involve civil society.*

In the Republic of Moldova inter-sector and intra-sector activities in the field of combating cases of abuse or commercial sexual exploitation of children are regulated by the legal and normative framework on protection of children at risk (Law no. 140 of 14.06.2013 and GD no. 270 of 08.04.2014), and also by the framework that regulates prevention and combating trafficking in human beings and child trafficking (Law no. 241 of 20.10.2005, GD no. 257 of 5.12.2008, GD no. 228 of 28.03.2014 etc.). Children victims of SESAC are subject to two existing mechanisms that intersect through the categories of beneficiaries.

At the central level, the MLSPF (current MHLSP) is the authority responsible to design and promote the implementation of state policy on child protection. Territorial tutelar authorities in charge of ensuring respect for child rights are the social assistance and family protection sections/divisions or the Municipal Division for Child Protection from Chisinau, and the local ones are the mayoralties from villages and towns. The National Legal Framework stipulates that one of the attributions of the tutelar authority is to coordinate the examination of reported complaints about violation of child rights, coordinate the monitoring of families with children at risk and of children separated from parents, but also coordinate the analysis of the situation of these children at the local level<sup>85</sup>. At the same time, the normative framework created an inter-sector cooperation mechanism, which was used to approve instructions for identification, evaluation, referral, assistance and monitoring of cases of violence, neglect, exploitation and trafficking and a unique reporting instrument for the MLSPF (current MHLSP), ME (current MECR), MH (current MHLSP) and MIA<sup>86</sup>.

#### **Cooperation and coordination within the ICM**

Cooperation of key actors for ensuring assistance and protection to children is performed within a multidisciplinary team, convoked by the specialist in child protection, and in his/her absence, by the community social assistant. Thus, right after the registering of a suspect case, the local foster care authority will immediately request immediate evaluation of the child's situation by the case manager. If needed or the

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85 Art. 6, par. (1), Law no. 140 of 14.06.2013.

86 GD no. 270 of 08.04.2014 on approving the Instructions on inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. (Official Monitor of the Republic of Moldova, 2014, no. 92-98, art. 297).

complexity of the case requires so, the case manager can involve specialists in health, education or security at the initial evaluation phase. Further on, if the reported case is confirmed, a case file will be opened and the case manager, together with the multidisciplinary team, will perform the complex evaluation of the case in 10. The case manager will be responsible of coordination and monitoring of interventions, based on the individual assistance plan, with the possible involvement of the multidisciplinary team, legal representatives of the child, or territorial foster care authority.

From 2013, during the piloting phase of the inter-sector cooperation mechanism several activities were organized to strengthen the capacity of multidisciplinary team members at the local level, but also continuous training consisting in support and monitoring visits through organization of group sessions with the multidisciplinary teams. After the institutionalization of the inter-sector cooperation mechanism, trainings for multidisciplinary team members continued. The data from 2016 show a number of 3.382 specialists around the country who increased their knowledge and developed skills within 31 workshops related to the implementation of the GD no. 270 of 08.04.2014 and the Law no. 140 of 14.06.2013. The participants (community social assistants, pedagogues, doctors, police officers, local public authorities, local NGOs,) got also familiarized with the child wellbeing indicators<sup>87</sup>.

With the support from civil society, public authorities developed their own intervention and monitoring procedures. In the education institutions, principals/managers of the education and residential institutions designated a person from the administration members as coordinator of preventing, identification, reporting referral and assistance actions in cases related to violence against children. According to the procedure, the coordinator (or principal) receives all the reported complaints on children at risk from the education institution staff. Further on, the coordinator (or principal) decides upon solving cases in the premises of the education institution or informing the General Division for education, youth and sport of the ME (currently MECR). The activities related to monitoring the procedures of identification, registering and evaluation of cases involving children at risk is performed all year round.

In the health system, several problems were identified that referred to registering the cases of children at risk. Thus, although a unique reporting instrument was approved – the reporting sheet – it was not clear who was supposed to fill it in. If the child-victim was dealing with several specialists (family doctor, first aid doctor, medical assistant etc.), the specialists were passing over to others the responsibility of registering the case. A big problem is the staff turnover, especially among the main specialists in medical assistance to mother and child. Another challenge refers to collection and desegregation of data. The first monitoring exercise was supposed to be organized with the support from civil society in 2016<sup>88</sup>.

The police sector cooperates with the non-governmental sector in organizing preventing activities and strengthening the capacity of police staff (with NCCAP, Terre des Hommes, International Center “La Strada”). As for the role in the multidisciplinary team, the police officer can be involved both: during the initial and complex evaluation of the child. Moreover, the police officer can conduct the protection interview with the child, since in some cases children are more likely communicating with police officers<sup>89</sup>.

Although the state made efforts to improve the legal and normative framework in the field, it is still important how the cooperation takes place internally, between specialists from different fields. For example, one of the problems identified is the lack of efficient cooperation between the education sector and the other sectors for preventing and assisting children at risk. One of the causes could be the fact that training for the specialists from other sectors started later. There is no trustworthy relationship between the specialists, which makes the cooperation depend on personal relationships between them and cases be referred to specialists who know each other<sup>90</sup>. In addition, the system is created in such a way that everyone performs his/her duties, having the habit to pass over responsibilities and send the case from one institution to another. There is a great need for cooperation and discussions for every case, in order to find the best

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87 [http://antitrafic.gov.md/public/files/Anexa\\_nr\\_1\\_la\\_Raport.pdf](http://antitrafic.gov.md/public/files/Anexa_nr_1_la_Raport.pdf)

88 Semi-structural interview no. 2, public authority.

89 Semi-structural interview no. 5, law-enforcement authority.

90 Semi-structural interview no. 1, non-governmental organization.

solution. Although the bases of a cooperation system already exist, specialists should learn to apply it<sup>91</sup>.

Trainings for multidisciplinary teams at the local level should be organized systematically. These activities are required so that every specialist from those involved would act as a part of a team when performing his/her duties, even when it comes to preventing activities<sup>92</sup>.

Other barriers in the good functioning of the inter-sector cooperation mechanism in cases of children at risk are as follows:

- rigidity of public local authorities/mayoralities which do not respect the provision of Law no. 140;
- big turnover of staff in the social assistance and medical systems;
- high volume of activities for specialists, members of MDT;
- lack of emergency services for children at risk, including for children victims of sexual exploitation and sexual abuse;
- lack/deficit of substitutive family-type services in some regions;
- insufficient involvement of community in reporting suspect cases of abuse<sup>93</sup>.

### **Coordination and cooperation within the NRS**

In 2006, the National Coordination Unit for NRS was created within the MLSPF (current MHLSP), which ensures coordination of assistance and referral of victims and potential victims of THB at three levels (international, national and local/district). The operational units of the NRS at the territorial level are the territorial multidisciplinary teams, which include specialists from decentralized territorial structures, as well as specialists from non-governmental organizations in the field, who identify the beneficiaries of the NRS, evaluate their needs and provide direct assistants to beneficiaries. The activity of the multidisciplinary teams at the district level is coordinated by a specialist from the District Division/Section for social assistance and family protection, and at the community level by the social assistant from the mayorality. SNR was intended to strengthen the partnership between the actors in the field, ensure protection of victims of human trafficking in order to restore their rights and prevent the phenomenon by providing assistance to the most vulnerable categories of population that can become victims of THB or potential victims of THB. Members of the multidisciplinary teams and other participants (family doctors, social assistants and law enforcement authorities) were trained to provide adequate assistance to victims of human trafficking. From 2009, when the first multidisciplinary teams were created in several districts of the country, several initial and continuous trainings were organized for their members. Also, in 2014 the Regulations for the activity of the territorial multidisciplinary teams within the National Referral System were approved<sup>94</sup>. With the support from external donors, activities to strengthen the capacity of multidisciplinary team members are being organized. For example, in 2016, with the support of the IOM Mission to Moldova, 4 continuous training sessions were organized for multidisciplinary team members at the community level on aspects related to strengthening their capacity in working with the NRS beneficiaries, in four districts (Edinet – 128 specialists, Basarabasca – 28 specialists, Telenesti – 104 specialists and Drochia – 83 specialists)<sup>95</sup>.

NRS created an appropriate platform to facilitate cooperation between local public authorities and local NGOs. Identification and cooperation of local public authorities with local NGOs from the local public administration of the first and second level was a priority in national policy documents (it. 1.6.2, National Plan for preventing and combating trafficking in human beings for 2014-2016). Thus, in 2014-2016 several trainings were organized for representatives of Territorial Committees for combating human trafficking and representatives from local NGOs. NRS admits the importance of developing cooperation relations also with the NGOs acting in the field of anti-trafficking at the local and national level, in order to ensure appropriate assistance and protection to victims and witnesses of human trafficking.

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91 Semi-structural interview no. 14, public authority.

92 Semi-structural interview no. 5, law-enforcement authority.

93 Semi-structural interview no. 12, non-governmental organization.

94 GD no. 228 of 28.03.2014 on approving the Regulations of Activity of the Territorial Multidisciplinary Teams within the National Referral System. (Official Monitor of the Republic of Moldova, 2014, no. 80-85, art. 251.)

95 Annex 1 to GD no. 484 of 26 June 2014, National Plan for preventing and combating trafficking in human beings for 2014-2016.

## 5.2.2. Institutions responsible for promoting child rights

*By art. 10 the Lanzarote Convention stipulates that each party shall take the necessary legislative or other measures to set up or designate independent competent national or local institutions for the promotion and protection of the rights of the child, ensuring that they are provided with specific resources and responsibilities.*

At the national level, the **People's Advocate for child rights** is the authority that ensures respect and promotion of child rights by public authorities. The Law on the People's Advocate (Ombudsman) stipulates that the People's Advocate for the protection of child rights performs his/her duties to ensure respect of child rights and freedoms and respect for the provisions of the UN Convention on the Rights of the Child at the national level, by central and local public authorities, and by decision-makers at all levels.

The People's Advocate for Child Rights provides protection and assistance to the child at his / her request, without seeking the consent of parents or legal representatives. The child is informed of the outcome of the examination of the request in the form appropriate to his intellectual and mental maturity. However, the People's Advocate for Child Rights Protection has more of a monitoring and prevention role. By actions taken, this institution does not substitute public authorities, law enforcement authorities or courts of law.

In the case of recording complaints about sexual exploitation or sexual abuse of a child, depending on the stage at which the case is reported, the Ombudsman has the right to:

- solicit information from public authorities and from decision-makers at all levels;
- solicit the participation of authorities and decision-makers in order to control the circumstances that are to be elucidated;
- to issue reaction documents: notification with recommendations, complaints of negligence in performing duties, delay and bureaucracy;
- to initiate actions in court in order to protect the rights and freedoms of the child<sup>96</sup>.

## 5.2.3. Data collection

*Art. 10, par. 2, it. b) of the Lanzarote Convention provides for the obligation of states to create mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection.*

Collection of statistical data at the national level is made by several public authorities. The National Committee for combating trafficking in human beings has the task to collect data on human trafficking (including child trafficking), and to analyze the situation and the tendencies of this phenomenon. At the same time, since the creation of the inter-sector cooperation mechanism, MLSPF (currently MHLSP) has the obligation to collect data from MH, MIA, ME about registered cases featuring children at risk (which also include children involved in abuse, exploitation and trafficking). The designated authorities collect information about cases of SESAC depending on their specific responsibilities.

Public data on the number of registered cases of SESAC are contradictory, and sometimes there are significant differences between the information provided. This fact is due to the lack of unique data collection indicators, due to several sector data collection mechanisms acting in parallel and due to the lack of a unique entity which would stock, process and analyze these data.

**MIA** is the authority that manages the Register of Criminalistics and Criminological Information – a database that allows for monitoring the number of crimes committed against children, from the initiation of the criminal case until the conviction. The information included in this Register is not segregated in categories.

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96 Semi-structural interview no. 23, public authority.

The soft of the Integrated Information System was not yet adapted to collection of specific information on child trafficking offences. Thus, if there is need for analyzing cases according to specific indicators (as it happened in case of emergency monitoring by the Lanzarote Committee of SESAC cases among migrants and refugees), the quality of analysis will exclusively depend on the competence of the person responsible for this task and on the ability to interpret existent data<sup>97</sup>.

At the same time, in accordance with Law no. 263 of 19.12.2011, MIA is the authority responsible for collecting and stocking data on identity and genetic profile (DNA) of the convicted persons. On May 10, 2017, the Legal Committee for appointments and immunities unanimously approved the draft-law framework on genetic judicial registration which defines the regulation field, the persons and the objects susceptible to genetic registration, the basic requirements for genetic registration etc., for preventing and combating of specific categories of offences. This project provides for the creation of a molecular genetic testing laboratory, staff training and the creation of a legal genetic database. This issue is to be debated and voted in the plenary session of the Parliament.

In parallel, specialized institution form the National Inspectorate for Investigations (CCTHB and CCCC) are collecting data on initiated criminal cases as per their competence. CCTHB, as a partner of the anti-trafficking community, participates in the development of national reports on preventing and combating trafficking in human beings, annually prepared by the National Committee for combating trafficking in human beings. At the same time, CCTHB also develops its own monitoring reports on the situation in the field of human trafficking – from the perspective of the analysis of criminal status and dynamics, which implies that the collected data serve for analytical exercises performed periodically.

On the other hand, CCCC monitors and keeps the record of its own criminal cases initiated. Still, the annual activity reports are not developed, and in case of developing such a report, there is no authority to carry out the complex analysis of the SESAC phenomena in cases committed with the use of information technologies<sup>98</sup>.

**MLSPF** (current MHLSP) is the authority that yearly collects data on the implementation of instructions related to the inter-sector cooperation mechanism in cases of children at risk. One of the problems encountered is that this ministry does not have its own monitoring system, which leads to the submission of different data<sup>99</sup>.

With the support of external donors, the development of the Automated Information System of Social Assistance is being pursued. The process of reforming this system involves the introduction of indicators that would allow for disaggregated analysis of collected data and monitoring of cases of different categories (violence, abuse etc.). This will allow for a qualitative analysis of the actions undertaken by the community social assistants, but also of the planned interventions<sup>100</sup>.

With the support of civil society, ME created its own mechanism for monitoring the instructions related to interventions in cases of children at risk. From 2013, ME develops quarterly reports on cases of children at risk registered in the education community.

In 2015, MS had set up a centralized data collection system, which allows the senior specialist in medical assistance to mother and child to submit annual data about the cases. In 2016, with the support of civil society, the first report on monitoring the cases of children at risk registered by the staff from the medical system was supposed to be compiled.

Currently, the existing mechanisms for collecting data on SESAC do not allow for objective analysis of the evolution of the phenomenon and its trends. The National Committee for combating trafficking in human beings and CCTHB makes efforts to analyze data on child trafficking. Still, as for the children at risk, although the MLSPF (current MHLSP) is the authority which, by the GD no. 270 of 08.04.2014, collects data from all ministries, currently there are no quality reports developed on the SESAC phenomenon. Reports of other

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97 Semi-structural interview no. 16, public authority.

98 Semi-structural interview no.17, law-enforcement authority.

99 Semi-structural interview no. 1, non-governmental organization.

100 Semi-structural interview no. 7, public authority.

authorities are collected annually, which include statistic data on cases identified, but this information is not desegregated. Only numbers that reflect the amount of identified cases are collected, but there is no further monitoring of how many of these cases were confirmed and how many were not, as this already refers to case management<sup>101</sup>.

#### 5.2.4. Seeking children's opinion while drafting national policies and programs

*Art. 9, par. (1) of the Lanzarote Convention regulates the obligation of parties to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programs or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.*

Both at the national and local level, children can be associated to various structures, in order to participate in the decision-making process. With the support of civil society (PA "Partnerships for every child"), in 2014, the National Consultative Council of Children was created under the MLSPF (current MHLSP). Its goal is to create a platform for the effective realization of children's rights to participate in the elaboration and implementation of public policies. In practice, the role of this Council is limited. So far, there is no practical involvement of this child advisory forum in the development or implementation of policies, programs or other initiatives related to the fight against SESAC<sup>102</sup>.

At the local level, the **Consultative Councils of Children** develop their activity under the local public authorities. These Councils were created in 10 districts (Calarasi, Falesti, Ungheni, Cahul, Orhei, Sangerei, Telenesti, Nisporeni, Causeni, Soroca), partnering with the Divisions/Sections for social assistance and protection to family in designing, implementing, monitoring and evaluating the local social services, policies, programs and projects for children. The members of the Councils of Children participate in the District Councils' meetings for protection of child rights, when such subjects as application of national strategies and programs for protection of child and family rights, development of local programs and action plans on child and family protection are discussed. One of the activities in which authorities involved the members of Consultative Councils of Children was monitoring and evaluation of social services for children, when members of Councils provided recommendations to social service providers.

Another form of organization of children for their participation, are the **Student Councils in the educational institutions**. This consultative structure under ME (the current MECR) provides the ministry with the opportunity to obtain information from the first source on the problems faced by the educational system. At the same time, this platform gives students the opportunity to make their voice heard on all aspects of the activity of educational institutions, being a consultation mechanism in the development of educational policies.

With the support of civil society, several activities have been carried out with children within these Councils in order to inform them of their rights, ways of reporting in cases of violation of their rights and monitoring of rights, including the right to be protected of any form of violence. Annually, meetings with children from the Councils from 9 regions of the country are organized. The discussions mostly refer to general subjects and the role of Children's Councils. Although they are taught to monitor their rights, this is a long-term objective, which is difficult to achieve in practice. Participation of children within the school Councils is less visible, and this is due to the fact that often the managerial staff are lacking the capacity to listen to the voice of children. On the one hand, it is important that professionals in the field receive training to develop their skills in working with children, so that they can later involve them in evaluations, monitoring, designing documents, but also be able to hear the findings and recommendations made by children. On the other hand, it is necessary to strengthen the capacity of children, in order to make them understand the role of the Council they are members of, know their own rights, and to be enforced in recognizing the violations of their rights and the methods to be used to defend them<sup>103</sup>.

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101 Semi-structural interview no. 7, public authority.

102 Semi-structural interview no. 7, public authority.

103 Semi-structural interview no. 1, non-governmental organization.

Another initiative to associate children is the creation of reflection groups, which would include 24 children aged 12-17 from several districts of the country (Calarasi, Falesti, Leova, Orhei, Ungheni and Chisinau municipality). Several interactions between authorities and children's groups took place and there are several examples when the authorities were open to take into consideration the opinions of children. During the development of the Strategy for child protection a group of children was created ad-hoc, who developed a set of priorities that were included in the current Strategy. Children from the reflection group also participated in the development of Child Helpline concept. Some arguments submitted by children motivated the public authorities to initiate the program Child Helpline 24/24<sup>104</sup>.

Exercising the right of children to participate in the design and implementation of policies, programs or other initiatives related to the fight against the SESAC is at the initial stage and faces difficulties in practice. One of the problems identified is ethical, as a child who has not experienced SESAC experience cannot provide concrete details related to the institutional framework. Children usually tell their opinions on situations related to their comfort. Since the subject of SESAC is a sensitive one, involving children in policy-making in this field is a difficult task.<sup>105</sup>

Nevertheless, children could be involved in monitoring the services provided to their peers. Still, in any case, children should be guided on how to participate in the decision-making process<sup>106</sup>. For a qualitative participation of children in implementation of policies of preventing and combating sexual exploitation and sexual abuse, the capacity of these children should be developed, so that they are able to perceive correctly the sexual exploitation and sexual abuse phenomena, and understand their role in the children groups or councils they are part of.

### **5.3. International cooperation in preventing and combating sexual exploitation and sexual abuse against children**

*Art. 38 of the Lanzarote convention sets up the general principles that should govern the international cooperation and the areas in which this cooperation should be performed: prevention and combating SESAC, ensuring protection and assistance to victims and investigations or proceedings concerning the offences established in accordance with this Convention.*

The legal anti-trafficking framework and the national legislation for protection of child rights ensures international cooperation through state and non-state structures. The Law no. 338 of 15.12.1994 on child rights<sup>107</sup> stipulates the obligation of the state to ensure international cooperation in the field of protection of child rights. At the same time, the Law no. 241 of 20.10.2005 regulates the specific responsibilities of different public authorities (the Ministry of Foreign Affairs and European Integration (further on – MFAEI), MIA) and of civil society organization in issues related to international cooperation.

International cooperation for **preventing and combating** SESAC was initiated by affiliating specialized law-enforcement authorities to various databases and international platforms, but also by signing cooperation agreements with the governments of other states. Thus, in 2011-2016, the Child Protection Division from CCCC was connected to the international database "ICSE" dedicated to analytic activity within a common international platform on images and video recordings containing child pornography, identified by the Interpol member states, in view of identifying children victims of SESAC and their abusers. From 2016, changes were to be done to the "ICSE" database, which will allow to perform more efficiently the analysis of materials containing child pornography, and also will include a new function – to analyze video materials. At the same time, the procedure of connection and integration of the national database of the Republic of Moldova to the "ICSE" database of the Interpol was initiated. Also, the Child Protection Division from CCCC

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104 Semi-structural interview no. 1, non-governmental organization.

105 Semi-structural interview no. 7, public authority.

106 Semi-structural interview no. 7, public authority.

107 Law no. 338 of 15.12.1994 on child rights. (Official Monitor of the Republic of Moldova, 1995, no. 13, art. 127.)

was connected to the International Police Database GRIDCOP, designed for combating child pornography in the Internet and to the "IPSG" platform of the Interpol. In order to facilitate the exchange of information and import of best practices, the Child Protection Division also established cooperation relations with the National Center for Missing and Exploited Children from the US<sup>108</sup>.

At the same time, in order to facilitate international cooperation in the field of preventing and combating human trafficking and child trafficking, the Republic of Moldova signed several cooperation agreements with the Government of Turkey<sup>109</sup>, with the Government of Sweden<sup>110</sup>, with the Government of the United States<sup>111</sup>, with the Community of Independent States<sup>112</sup> etc. Also, cooperation agreements were signed between the Republic of Moldova and the EU states on European integration, which emphasizes cooperation and exchange of experience, including in the field of preventing and combating human trafficking<sup>113</sup>.

As for the international cooperation for **ensuring assistance and protection to victims**, the state made significant efforts to develop cooperation in the field of repatriation of victims of child trafficking. Since 2009 the Government has initiated negotiations on the draft-Agreement between the Government of the Republic of Moldova and the Government of the Russian Federation on cooperation in the field of repatriation of victims of human trafficking, child trafficking, illegal migrant trafficking, unescorted children and migrants in difficult situation. Later, in 2013 negotiations were initiated on the draft-Agreement between the Government of the Republic of Moldova and the Cabinet of Ministers from Ukraine on cooperation in the field of protection and repatriation of victims from the same category<sup>114</sup>. Currently, these Agreements haven't been approved.

The MFAEI also has an important role in assisting victims of human trafficking and child trafficking. In cases of SESAC consular officers are responsible for informing the competent authorities, issue free traveling documents, conduct interviews with victim and provide assistance in repatriation of victims of human trafficking and child trafficking. In 2014-2016, consular offices have not identified cases of SESAC<sup>115</sup>, which means that they have a more reactive role in identifying victims, rather than pro-active.

In order to inform the staff of MFAEI with the field of human trafficking, from 2012, the General Division for Consular Affairs, in cooperation with external donors, organizes annual training seminars on practices for identification of victims of human trafficking and the role of the staff from diplomatic missions and consular offices. During these seminars the staff from MFAEI are also trained in identifying and conducting interviews with children victims of child trafficking<sup>116</sup>.

In the field of **investigations**, specialized subdivisions of the police (CCTHB and CCCC) made efforts to strengthen international cooperation. For investigating child pornography offences, CCTHB cooperates with:

- 1. Interpol
- 2."K" Division of the MIA of the Russian Federation

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108 Semi-structural interview no. 17, law-enforcement authority.

109 Protocol between the Government of the Republic of Moldova and the Government of the Republic of Turkey on cooperation in combating trafficking in human beings within the Agreement on the fight against illicit drug trafficking, international terrorism and other organized crime, signed in Ankara on 80.02.2006, in force from 26.02.2007.

110 Agreement between the Government of the Republic of Moldova and the Government of the Kingdom of Sweden on law enforcement cooperation, signed in Chisinau on February 6, 2017.

111 Letter to Agreement no. 2001 of 28.08.2001 on law enforcement between the Government of the United State of America and the Government of the Republic of Moldova, published on 30.12.2009 in the National Treaties no. 42, in force from 28.08.2001.

112 GD no. 327 of 4.05.2011 on cooperation of Ministries of Internal Affairs (police) of the member-states of the Community of Independent States in fight against trafficking in human beings, signed at Sankt Petersburg on 17 September 2010. (Official Monitor of the Republic of Moldova no. 78-81 of 13.05.2011, in fore from 13.05.2011.)

113 <https://rm.coe.int/168063bc32>

114 GD no. 874 din 06.11.2013 for starting negotiations on the draft-Agreement between the Government of the Republic of Moldova and the Cabinet of Ministers from Ukraine on cooperation in the field of protection and repatriation of victims of human trafficking (adults and children), unescorted children and migrants in difficult situation. (Official Monitor of the Republic of Moldova, 2013, no. 252 -257.)

115 Semi-structural interview no. 21, public authority.

116 Semi-structural interview no. 21, public authority.



- 3. National Crime Agency from the Great Britain
- 4. UN Office on Drugs and Crime
- 5. The Service for Combating Cybercrime and THB from Ukraine
- 6. "EC3" – European Cybercrime Center.

Also, the Child Protection Division from the CCCC is connected to the European Platform for Experts (EPE), managed by EUROPOL, dedicated to law-enforcement authorities and specialized in exchange of information and experience in the field of cyber-crimes investigation. Thus, the platform is a resource for immediate exchange of practical experience, knowledge and opinions on questions that raise while performing professional activity.

As for investigating offences of human trafficking, including child trafficking CCTHB has experience in applying special investigation measures, in cooperation with the law enforcement authorities from other states, for the documentation of criminal groups. For example, in 2016, the General Prosecutor's Office submitted to competent authorities 7 requests for rogatory commissions on criminal cases that refer to the offences provided by art. 165 CC and 206 CC, of which 5 requests to the Russian Federation, 1 to Cambodia and 1 to Portugal. In 2015, the number of these request was significantly higher: a total of 17 requests (9 requests to the Russian Federation, 2 to Greece, 1 to Italy, 1 to Switzerland, 1 to Romania, 1 to Germany, 1 to Estonia).

Nevertheless, international cooperation of the MIA divisions with other states is mostly resumed to exchange of information. As for cooperation on investigating cases of SESAC, the Republic of Moldova is still at the initial stage<sup>117</sup>.

#### **Programs provided to other states**

The Republic of Moldova did not yet develop assistance programs for other countries and did not integrate preventing and combating sexual exploitation and sexual abuse against children in developing programs of third-world countries, given the fact that the Republic of is part of this group of states and needs to be assisted.

An example of implementing a program provided by third parties in the Republic of Moldova is "Prevention of child trafficking among children who were deprived of parental care in the Republic of Moldova", implemented by the OSCE with the support of San Marino.

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<sup>117</sup> Semi-structural interview no. 16, public authority.

## Conclusions to chapter V

- In the Republic of Moldova inter-sector and intra-sector activities in the field of combating SESAC are regulated by the legal and normative framework on protection of children at risk, and by the anti-trafficking framework. Children victims of SESAC are subject to two different intervention and cooperation mechanisms that intersect through the categories of beneficiaries. Coordination of public authorities' efforts in identifying and assisting children at risk is performed by the MLSPF (current MHLSP). MLSPF (current MHLSP), MS (current MHLSP), MIA and ME (current MECR) ensure vertical coordination of activities, in accordance with the sectorial intervention and monitoring procedures. At the operational level, cooperation between key actors for ensuring assistance and protection of children is performed within a multidisciplinary team. On the other hand, coordination of efforts for preventing and combating child trafficking is performed by the National Coordination Division of the NRS. This coordination is complex, being performed at the international, national, local and district level. In order to increase the efficiency of multidisciplinary teams in the field of anti-trafficking, the normative framework that regulates the activity of these teams was approved. Also, activities to strengthen capacity of specialists were organized.
- The existing mechanisms created platforms for cooperation between local public authorities and local NGOs. Developing cooperation with the civil society sector is still a priority in the national policy documents.
- Although the Ombudsman for child rights is the authority that ensures respect and promotion of children's rights by public authorities, currently the role of this institution in cases related to SESAC is limited.
- There is no unique mechanism for collecting and processing data on victims of SESAC. Data collection is currently being done by several public authorities in the limits of their competence. On one hand, the National Committee for combating trafficking in human beings has the task to collect data on human trafficking and child trafficking at the national level, and to analyze them. On the other hand, data on reported cases of sexual exploitation and sexual abuse are also collected within the inter-sector cooperation mechanism. Sectorial data are currently not analyzed, due to the lack of some unique indicators and desegregated data their qualitative analysis is not possible.
- Monitoring the number of crimes committed against children is performed by MIA, the authority that manages the Register of Criminalistics and Criminological Information and the soft of the Integrated Information System. In parallel, specialized institutions form the NII are collecting data on initiated criminal cases as per their competence. Data on child trafficking are analyzed as part of national reports on preventing and combating human trafficking, developed annually. As for the offences related to SESAC committed by using information technologies, no qualitative studies were conducted on such offences.
- Involving children at the decision-making process in the Republic of Moldova is at the initial stage. There are several initiatives and examples of associating children for participating in the decision-making process, nevertheless, currently their role is yet limited.
- The state made efforts to develop and strengthen international cooperation in view of preventing and combating SESAC, ensuring assistance and protection to victims, and conducting common investigation of crimes. The law enforcement authorities became members of international platforms and joined several international databases. Negotiations on bilateral assistance related to repatriation and assistance to victims had been initiated, and activities for developing capacity and experience exchange are being systematically organized.

## Recommendations

- Ensure processing of data on all forms of SESAC by authorities competent in collection of these data.
- Develop the capacity of specialists in analyzing data on offences related to SESAC, from the perspective of condition and evolution of various aspects of combating SESAC.
- Develop a unique data collection system (development, piloting, further adjustment). Collection of these

data could be done with the support of non-governmental organizations.

- Improve the system of horizontal and vertical communication between actors in the field of prevention and combating of SESAC.
- Separate the mechanisms applicable to children-victims of SESAC (ICM and NRS) and define the limits for their application.
- Monitor and evaluate relevant policy documents (ICM and NRS) at the end of implementation period.
- Identify needs for adjusting the Register of Criminalistics and Criminological Information, develop and adjust the database, in order to make it provide qualitative desegregated data.
- It is recommended to create all necessary conditions for a more active involvement of children in the development and implementation of policies for preventing sexual exploitation and sexual abuse against children (organize training sessions for groups of children on their role within representative Councils/ Groups they are members of, on the risks of sexual exploitation/sexual abuse etc.).

## GENERAL CONCLUSIONS

- The Republic of Moldova is going through its initial phase of developing public policies for preventing and combating SESAC. The actions planned in the fight against SESAC are included in several public policy documents, and monitoring of the implementation of the Lanzarote Convention provisions should be complex, by analyzing reports on monitoring and evaluation of policy documents in the field of anti-trafficking and child protection.
- The child submitted to SESAC is the beneficiary of two mechanisms for identification, intervention and protection: NRS and CCM. Including the child-victim of trafficking as beneficiary in both inter-department and inter-sector cooperation mechanisms creates confusions in practice.
- Selection of volunteers who participate in various activities with children is not restricted by the legal framework provisions that regulate the organization of volunteering activity, except for the volunteers who provide support to victims of offences or participate in activities organized in this regard, and who will have to submit their criminal record.
- The national education system included the subject on the risks of SESAC in several mandatory and optional curricular programs only for specific age categories. Currently, providing information about SESAC in the context of sexual education in schools is almost impossible, as the sexual education course is not institutionalized, and the information about sexual and reproductive health is provided to students sporadically, with the support from civil society. Neither the subject of risks related to the use of new information technologies was included in the curricula, except for some aspects related to online safety for the 5th - 6th grades, which is not sufficient.
- The state did not take necessary measures to prevent the risk of committing offences among persons who fear that they might commit them or who had already committed them but were not identified by authorities.
- Private sector keeps having a passive role in preventing SESAC. Civil society made efforts to involve the tourism and travel sector in preventive activities, but the sustainability of these activities was not made possible. The private ICT sector assumed the priority of providing digital education to children and youth, promoting only several parental control products.
- Although several activities were held to develop the capacity of journalists in writing articles about sensitive topics featuring children, and at the same time media articles on children were monitored, the rights of children are not always protected.
- Professionals are still facing problems in providing assistance and protection services to children-victims of SESAC, due to the lack of uniform professional training on the specifics of these cases. Specialized services and the standards for providing these services are also missing.
- Although the Law on rehabilitation of victims of offences was approved, a mechanism must be developed

to implement the guarantees stipulated by the law.

- The only existing service at the criminal investigation phase and during the trial for suspects, defendants or culprits of offences related to SESAC is the development of the pre-sentencing psychologic evaluation report. There is lack of necessary services for children and adults at the stage of criminal investigation and during the case trial, such as: psychologic assistance, medical intervention and social intervention, stipulated un the Explanatory Report of the Lanzarote Convention as examples of measures that can be taken by States.
- The state made efforts for piloting an intervention program for sexual aggressors. This psychosocial intervention program to reduce the risk of relapse of sexual aggressors who were convicted to imprisonment is dedicated to both adults and minors.
- At the post-penitentiary stage, the persons subject to probation (persons released from detention, condemned for committing an offence provided by the Lanzarote Convention) can receive informational assistance of assistance in accessing specific services. Resocialization of detainees is not fully accomplished by the probation authorities, because currently, the probation counselors are lacking the necessary ability to provide qualitative services within social reintegration programs. At the same time, there are also logistic barriers, such as lack of space for organizing re-socialization activities, or the fixed-hour program of probation counselors and the remuneration conditions that do not motivate them to exceed their working hours.
- Assessment of the relapse risks is mandatory both at the pre-sentencing stage, when the pre-sentencing report is developed, and also at the sentencing stage. At the sentencing stage the risk of relapse assessment is usually requested in the moment when the detainee prepares to leave the penitentiary and is very important in cases of conditional release prior to the expiration of sentence.
- At the pre-sentencing stage, the consent of the person for receiving psycho-social assistance is mandatory. At the sentencing stage there are both mandatory and optional programs. Mandatory programs aim at changing the offensive behavior and influencing the pro-social behavior. Social therapy, which focuses on developing a pro-social behavior, is usually optional. At the post-penitentiary stage assistance and counseling is provided only with the consent of the detainee, following an agreement signed by the two parties, based on an intervention plan designed by probation counselors.
- There is no unique mechanism for collecting and processing data on victims of SESAC. This is currently being done by several public authorities in the limits of their competence. On one hand, the National Committee for combating trafficking in human beings has the task to collect data on human trafficking and child trafficking at the national level, and to analyze them. On the other hand, data on reported cases of sexual exploitation and sexual abuse are also collected within the inter-sector cooperation mechanism, but sectorial data are currently not analyzed, due to the lack of some unique indicators and desegregated data their qualitative analysis is not possible.
- Without a data collection mechanism at the national level it is practically impossible to observe and evaluate the phenomena of sexual exploitation and sexual abuse against children (except for the cases of child trafficking). Also, there is no specialized entity to analyze data on offences related to SESAC.
- Involving children at the decision-making process in the Republic of Moldova is at the initial stage. There are several initiatives and examples of associating children for participating in the decision-making process, nevertheless, currently their role is yet limited. Children do not participate in designing and implementing policies related to SESAC.
- The state made efforts to develop and strengthen international cooperation in view of preventing and combating SESAC, ensuring assistance and protection to victims, and conducting common investigation of crimes. The law enforcement authorities became members of international platforms and joined several international databases. Negotiations on bilateral assistance related to repatriation and assistance to victims had been initiated, and activities for developing capacity and experience exchange are being systematically organized.

- Private sector (ICT, tourism, travel, finance-banking) does not participate in the design and implementation of policies on preventing and combating SESAC. There is lack of practice in designing self-regulating norms by private companies focusing on preventing SESAC.
- There are no services at the local level, that would provide assistance to children victims of SESAC: services for psychologic recovery of the child-victim, or temporary placement centers in emergency situations.
- Legal framework does not establish the right of children victims of SESAC to benefit from assistance programs, when the exact age of the victim is unknown, but the victim is presumed to be a minor (except for the cases of child trafficking).
- Legal framework does not provide for mandatory emergency assistance to close relatives of the child-victim. Parents can receive such assistance only in case of temporary placement together with the child.

## GENERAL RECOMMENDATIONS

- Organize constant and systematic training sessions in order to raise awareness about SESAC for professionals from education, health, social protection, police, justice, sport, culture and leisure systems. Special attention should be paid to continuous training programs, which create opportunities for organized development of training activities. Training should aim at improving the social assistance provided to children-victims, learning about sectorial and intersectoral cooperation procedures and encouraging pro-active attitude among specialists who interact with children.
- Organize activities to improve parents' abilities in ensuring proper sexual education of their children, and develop their skills in communicating with children about the risks of SESAC.
- Continue efforts in educating children and youth in schools, on the risks of SESAC providing advice on how to protect themselves and ask for help. Given the complex nature of this subject, information about the risks must be provided along with the information activities on safe use of the Internet by children and sexual education courses, and all these activities should be adapted to the children development level.
- Develop counselling services for people who feel attracted to children and teenagers, and have the fear that they might commit one of the offenses established in accordance with the Lanzarote Convention. These services should differ from the assistance services to persons who have already become suspects, defendants or culprits (specified in Chapter III), considering the fact that the goal of preventive intervention services is to prevent the committing of offences.
- Since private sector currently doesn't participate in the phase of designing and implementing policies related to SESAC, it is recommended to organize awareness raising activities for representatives of private companies from ICT, tourism and travel sectors. Public authorities should formulate recommendations that would encourage private sector to take attitude towards the SESAC phenomenon by designing self-regulating norms.
- Develop organizational policies on protection of child rights within private companies and non-governmental institutions (ICT, tourism, avia etc.). These organizational policies can be included in Codes of Conduct, the goal of which would be to prevent sexual exploitation and sexual abuse against children and promote the superior interest of the child in daily activities. These should be adapted to the specific activity of the company or non-governmental institution. Individual work agreements could include clauses on zero tolerance towards SESAC and normative obligation of employees to respect this clause.
- Ensure modifications in the legal framework that would define the limits in communication among the specialists on situations suspected of SESAC. The law should indicate the exact offences which would allow for disclosure of professional secret and the conditions in which this could happen
- Develop services at the local level, that would provide assistance to children victims of SESAC: services for psychologic recovery of the child-victim, temporary placement centers in emergency situations.
- Modify the legal framework to ensure mandatory provision of all protection measures guaranteed to minors, victims of all forms of SESAC, in situations when the exact age of the victim is not known, but the victim is presumed to be a minor.

- Develop the normative framework for implementation of the Law no. 137 of 29.07.2016, taking into consideration the needs of the victims of SESAC.
- Support the functioning of telephone and online assistance services for children-victims.
- Evaluate the implementation of the psycho-social intervention program in order to reduce the risk of relapse of sexual aggressors convicted to imprisonment and, based on the findings, adapt and institutionalize this program.
- Develop services available at the criminal investigation phase for children or adults who committed the offences established in accordance with the Lanzarote Convention. In this regard, the Law on probation could be modified, in order to include also this category as beneficiaries of the probation system.
- Since currently the psychological evaluation of children in conflict with law can be performed on request by specialists from district psycho-social services, it is recommended to train the psychologists in offering assistance to sexual aggressors and equip them with the instruments they might need for providing qualitative psychologic evaluation services.
- Assess the risk of relapse at the sentencing phase from the very beginning of the detention punishment execution, as this could motivate the detainee to participate in more programs that would change his offensive behavior.
- Ensure processing and analysis of data on all forms of SESAC by authorities competent in collection of such data.
- Develop the capacity of specialists in analyzing data related to offences of SESAC from the perspective of condition and evolution of various aspects of combating SESAC.
- Develop indicators and desegregated categories which would serve as basis for data collection on SESAC, which would allow for a further qualitative analysis of these data. Compiled data should ensure its classification (by sex, gender, form of abuse or exploitation etc.). In this regard, it is necessary to identify the authority/entity that would be responsible for processing collected data.
- Improve the system of horizontal and vertical communication between actors in the field of prevention and combating of SESAC.
- Separate the multidisciplinary and inter-sector cooperation mechanisms applicable to children-victims of SESAC, (CCM and NRS) and define the limits for their application.
- Identify the needs for adjusting the Criminal Register, develop and adjust the database, so that it could provide qualitative desegregated data on offences related to SESAC.
- Create all necessary conditions for a more active involvement of children in the development and implementation of policies for preventing SESAC (organize training sessions for groups of children on their role within representative Councils/Groups they are members of, and on the risks of SESAC).
- Since the Action Plan for 2016-2020 for implementation of the National Child Protection Strategy for 2014-2020 includes several actions that are to be taken for preventing and combating all forms of sexual abuse and sexual exploitation against children, it is recommended to assess their implementation degree at the end of 2020.
- Design a distinct policy document that would include all the actions planned for preventing and combating SESAC.

## Informational resources

### International documents

1. Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse, Lanzarote, 25 October 2007.
2. Recommendation Rec (2005)5 of the Committee of Ministers to Member States on the rights of children living in residential institutions.
3. Recommendation CM/Rec(2012)2 of the Committee of Ministers to Member States on the participation of children and young people under the age of 18.
4. Recommendation CM/Rec(2009)10 of the Committee of Ministers to Member States on integrated national strategies for the protection of children from violence, adopted by the Committee of Ministers on 18 November 2009 at the 1070bis meeting of the Ministers' Deputies.
5. Recommendation Rec(2001)16 of the Committee of Ministers to Member States on the protection of children against sexual exploitation, adopted by the Committee of Ministers on 31 October 2001 at the 771s meeting of the Ministers' Deputies.

### National legal framework

6. Law no. 263 of 19.12.2011 on ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.(Official Monitor of the Republic of Moldova, 2012, no. 21-24, art. 56.)
7. Law no. 140 of 14.06.2013 on social protection of children at risk and of children separated from parents. (Official Monitor of the Republic of Moldova, 2013, no. 167-172, art. 534.)
8. Law no.241 of 20.10.2005 on preventing and combating trafficking in human beings.(Official Monitor of the Republic of Moldova, 2005, no. 164-167, art.812.)
9. Law no. 137 of 29.07.2016 on rehabilitation of victims of crime.(Official Monitor of the Republic of Moldova, 2016, no. 293-305, art. 618.)
10. Law no. 8 of 14.02.2008 on probation. (Official Monitor of the Republic of Moldova,2008, no. 103-105, art.389.)
11. Law no. 338 of 15.12.1994on child rights.(Official Monitor of the Republic of Moldova, 1995, no. 13, art.127.)
12. Law no. 320 of 27.12.2012 on the activity of police and the policeman status.(Official Monitor of the Republic of Moldova, 2013, no. 42-47, art. 145.)
13. Law on volunteering, no. 121 of 18.06.2010. (Official Monitor of the Republic of Moldova, 2010, no. 179-181, art. 608.)
14. Law no. 30 din 07.03.2013 on protection of children against the negative impact of information.(Official Monitor of the Republic of Moldova, 2013, no. 69-74, art. 221.)
15. Law no. 837 of 17.05.1996 on public associations.(Official Monitor of the Republic of Moldova, 2007, no. 153-156BIS.)

### National normative framework

16. Government Decision no. 835 of 04.07.2016 on approving the Action Plan for 2016-2020 for implementing the Child Protection Strategy for 2014-2020. (Official Monitor of the Republic of Moldova, 2016, no. 204-205, art. 905.)
17. Government Decision no. 52 of 17.01.2013 on approval of the Framework Regulations on the organization and functioning of the social service "Community House" for children at risk. (Official Monitor of the Republic of Moldova, 2013, no. 15-17, art. 90.)

18. Government Decision no. 270 of 08.04.2014 on approving Instructions on the inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and trafficking. (Official Monitor of the Republic of Moldova, 2014, no. 92-98, art.297.)
19. Government Decision no. 898 of 30.12.2015 on approval of the Framework Regulations on organization and functioning of the Service on assistance and protection of the victims of human trafficking and the minimum quality standards. (Official Monitor of the Republic of Moldova, 2016, no. 2-12, art.5.)
20. Government Decision no. 1356 of 03.12.2008 on approving the Social Assistance Automated Informational System structure. (Official Monitor of the Republic of Moldova, 2008, no. 221-222, art. 1378.)
21. Government Decision no. 890 of 20.07.2016 on approving the Government Action Plan for 2016-2018. (Official Monitor of the Republic of Moldova, 2016, no. 217-229, art. 966.)
22. Order no. 970 of 11.10.2013 of the Ministry of Education on approving the quality standards for institutions providing primary and general secondary education from the perspective of a child-friendly school.
23. Order no. 445 of 09.06.2015 of the Ministry of Health on approving methodical instructions for intervention of medical institutions in the identification, evaluation, referral, assistance and monitoring of cases of violence, neglect, exploitation and child trafficking.
24. Order no. 19/17 of 26 January 2015 of the Ministry of Internal Affairs on approving the Table of Indicators for statistical data collection on minors.
25. Order of the Head of the General Police Inspectorate no. 79 of 28 April 2015.
26. Regulations on initial training and graduation, approved at the NIJ Council Meeting of 21.06.2007.
27. Methodology on psycho-social assistance at the pre-sentencing phase, approved by the OCP Order no. 163 of 16.12.2013.
28. CCA Decision no. 74 of 12 June 2014.

#### **Activity / thematic/ explanatory reports**

29. Guidelines for parliamentarians. Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention). Parliamentary Assembly of the Council of Europe, Secretariat of the Committee for social affairs, health and family, 2011.
30. Activity Report of the Press Council of the Republic of Moldova for July 2012 – August 2013.
31. Borbala Koo, Mihail Stratila, Victoria Ciubotaru. Final Evaluation Report of the National Strategy for Reproductive Health 2005-2015.
32. National Report on policies for preventing and combating trafficking in human beings for 2015. National Committee for Combating Trafficking in Human Beings, Permanent Secretariat, Chisinau, 2016.
33. "Monitoring the situation in the field of trafficking in human beings – criminal status and dynamics analysis for 2015". Center for Combating Trafficking in Human Beings, INI of the GPI of the MIA, Chisinau, 2016.
34. Rusu Vitalie, Turcan Arina. Guidelines for the attorneys who provide free state legal aid to children-victims and children-witnesses during a criminal trial. Chisinau, 2015.
35. Crescenco Tatiana. Thematic Report: Analysis of the country situation on documenting children with birth certificates (it. 7 of the Action Plan of the Child Rights Protection Service for 2013). CHRМ, Chisinau, 2013.
36. Explanatory Report to Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, adopted by the Committee of Ministers of the Council of Europe at its 1002nd meeting held at its Deputies' level, on 12 July 2007.



## Online resources

1. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168058cfd>
2. [http://worldjusticeproject.org/sites/default/files/media/wjp\\_rule\\_of\\_law\\_index\\_2016.pdf](http://worldjusticeproject.org/sites/default/files/media/wjp_rule_of_law_index_2016.pdf)
3. [http://particip.gov.md/public/documente/141/ro\\_3621\\_HG-Planul-de-actiuni-siguranta-online.pdf](http://particip.gov.md/public/documente/141/ro_3621_HG-Planul-de-actiuni-siguranta-online.pdf)
4. [http://www.justice.gov.md/public/files/transparenta\\_in\\_procesul\\_decizional/consultatii\\_publice/Nota\\_informativa\\_dupa\\_avizare\\_final.pdf](http://www.justice.gov.md/public/files/transparenta_in_procesul_decizional/consultatii_publice/Nota_informativa_dupa_avizare_final.pdf)
5. <http://cnpac.org.md/uploaded/Publicatii/Rapoarte%20anuale/Raport%20CNPAC%202015.pdf>
6. [http://antitrafic.gov.md/public/files/Raport\\_naional.pdf](http://antitrafic.gov.md/public/files/Raport_naional.pdf)
7. [http://www.mts.gov.md/sites/default/files/document/attachments/codul\\_deontologic\\_al\\_profesorului-antrenor.pdf](http://www.mts.gov.md/sites/default/files/document/attachments/codul_deontologic_al_profesorului-antrenor.pdf)
8. [http://www.edu.gov.md/sites/default/files/ups\\_i\\_creanga2016\\_0.pdf](http://www.edu.gov.md/sites/default/files/ups_i_creanga2016_0.pdf)
9. <http://academy.police.md/assets/images/pict/2016/graf-curs-perf.jpg>
10. [http://www.cnpdc.gov.md/sites/default/files/document/attachments/materialele\\_sedintei\\_1-2014.pdf](http://www.cnpdc.gov.md/sites/default/files/document/attachments/materialele_sedintei_1-2014.pdf)
11. [http://www.mmpsf.gov.md/sites/default/files/document/attachments/snr3223\\_0.pdf](http://www.mmpsf.gov.md/sites/default/files/document/attachments/snr3223_0.pdf)
12. <http://particip.gov.md/proiectview.php?l=ro&idd=3317>
13. <http://www.ccrm.md/libview.php?l=ro&idc=2&id=5636&t=/precctentr/novocti/Auditul-Sistemului-Informational-Automatizat-Asistenta-Sociala/>
14. [http://cnpac.org.md/uploaded/Publicatii/PDF/BULETINE/Buletin\\_Impact\\_2014\\_ro.pdf](http://cnpac.org.md/uploaded/Publicatii/PDF/BULETINE/Buletin_Impact_2014_ro.pdf)
15. [http://www.cna.md/public/files/rapoarte\\_expertiza/pr.lege04.01.16executarepenal.pdf](http://www.cna.md/public/files/rapoarte_expertiza/pr.lege04.01.16executarepenal.pdf)
16. <http://www.consiliulong.md/wp-content/uploads/2015/04/Strategia-de-Dezvoltare-a-Societ---ii-Civile-din-Republica-Moldova-2012-2015.pdf>

**Annex 1. Statistical information on the number of offences of sexual nature, committed against minors during 2012-2016. Source: MIA**

Type of crime/Period	2012	2013	2014	2015	2016
<b>Art. 171 CC RM</b> (Rape)	108	71	81	73	65
<b>Art. 172 CC RM</b> (Violent actions of sexual nature)	51	29	29	35	34
<b>Art. 174 CC RM</b> (Sexual intercourse with a person aged under 16)	74	48	75	129	86
<b>Art. 175 CC RM</b> (Perverted actions)	31	14	26	86	19
<b>Art. 1751 CC RM</b> (Solicitation of children for sexual purposes)	0	0	0	0	0
<b>Art. 201 CC RM</b> (Incest)	0	10	1	0	0
<b>Art. 206 CC RM</b> (Trafficking of children)	15	10	17	48	27
<b>Art. 2081 CC RM</b> (Child pornography)	0	3	1	18	1
<b>Art. 2082 CC RM</b> (Making use of prostitution practiced by a child)	0	0	0	0	1

**Annex 2. Statistical information on offenses provided by art. 172 par. (2) it. b), art. 175, art. 1751, art. 2081 CC RM, committed in the online environment in 2012-2016. Source: CCCC**

Year/Article	2012	2013	2014	2015	2016
<b>Art. 172, par. (2) CC</b> (Violent actions of sexual nature)	0	0	1	0	0
<b>Art. 175 CC</b> (Perverted actions)	1	0	9	42	2
<b>Art. 1751CC</b> (Solicitation of children for sexual purposes)	0	0	0	0	0
<b>Art. 2081CC</b> (Child pornography)	5	15	17	17	29

### **Annex 3. List of interviewed specialists**

Tarus Corneliu, Ministry of Labor, Social Protection and Family

Cristian Elena, Ministry of Justice

Morari Galina, Ministry of Health

Josanu Rodica, Ministry of Education

Lesnic Cristina, Ministry of Internal Affairs

Buzatu Daniela, Public Order Division /Child Protection Section, General Police Inspectorate

Putere Alexandru, Center for Combating Cyber Crimes

Decteariov Artur, Center for Combating Cyber Crimes

Gornea Mariana, General Prosecutor's Office

Nenita Valentina, Ministry of Foreign Affairs and European Integration

Cusca Andrei, Ministry of Informational Technology and Communications

Adam Iulia, Department of Penitentiary Institutions

Verbitchi Vitalie, State Agency for Protection of Morals

Onceanu-Hadarcă Mariana, Coordinating Council of Audiovisual activity

Balan Liliana, Municipal Division for Child Rights Protection

GarbuAliona, National Probation Inspectorate

Tentiuc Tamara, People's Advocate for Child Rights Protection

Coretchi-Mocanu Rodica, National Center for Child Abuse Prevention

Gavriliuc Cezar, Center for Information and Documentation on Children's Rights from Moldova

Crudu Angela, AO "Lumos"

Lungu Diana, Association of Independent Press

Rabei Olga, Institute for Penal Reform

Turcan Arina, Institute for Penal Reform

Siretanu Victoria, National Association of Private ICT Companies

Chirtoaca Ilie, Legal Resources Center of Moldova

Ianachevici Mariana, "AVE Copiii"

Revenco Ana, PA International Center for Protection and Promotion of Women's Rights "La Strada"

Fomina Tatiana, PA International Center for Protection and Promotion of Women's Rights "La Strada"

#### Annex 4.Data on conducted semi-structural interviews

Semi-structural interview no. 1.	Non-governmental institution
Semi-structural interview no.2.	Public authority
Semi-structural interview no. 3.	Public authority
Semi-structural interview no. 4.	Non-governmental institution
Semi-structural interview no. 5.	Law-enforcement authority
Semi-structural interview no. 6.	Public institution
Semi-structural interview no. 7.	Public authority
Semi-structural interview no. 8.	Public authority
Semi-structural interview no. 9.	Non-governmental institution
Semi-structural interview no. 10.	Non-governmental institution
Semi-structural interview no. 11.	Public institution
Semi-structural interview no. 12.	Non-governmental institution
Semi-structural interview no. 13.	Non-governmental institution
Semi-structural interview no. 14.	Public authority
Semi-structural interview no. 15.	Public institution
Semi-structural interview no. 16.	Public authority
Semi-structural interview no. 17.	Law-enforcement authority
Semi-structural interview no. 18.	Non-governmental institution
Semi-structural interview no.19.	Public institution
Semi-structural interview no. 20.	Non-governmental institution
Semi-structural interview no. 21.	Public authority
Semi-structural interview no. 22.	Public authority
Semi-structural interview no. 23.	Public authority
Semi-structural interview no. 24.	Law-enforcement authority
Semi-structural interview no. 25.	Non-governmental institution