

Trafficking in Persons Report 2013

MOLDOVA (Tier 2)

Moldova is primarily a source country for men, women, and children subjected to sex trafficking and forced labor. Last year saw a substantial rise in the number of Moldovan men exploited in labor trafficking in Ukraine and Russia. Moldovan women are subjected to forced labor in agriculture. Moldovan victims are also subjected to trafficking within Moldova and in Kosovo, Kazakhstan, Turkey, United Arab Emirates, Greece, Lebanon, Italy, Spain, and the “Turkish Republic of Northern Cyprus.” Violence against women is a significant problem, especially in rural parts of the country, and contributes to their vulnerability to human trafficking. Seventy-five percent of Moldovan women subjected to sex trafficking were also victims of domestic violence or abused as children. Traffickers increasingly used fraud, debt bondage, and withholding of documents and wages to compel victims into sex trafficking and forced labor in other countries. Boys were subjected to sex trafficking in Moldova, and girls were subjected to sex trafficking both within the country and transnationally. NGOs noted an increase in the commercial sexual exploitation of Moldovan children by foreign tourists combined with the alarming trend of Internet use as a tool for recruitment and exploitation. These alleged child sex tourists were from Norway, Italy, Germany, Sweden, Denmark, Thailand, Australia, Israel, and the United States. Forced begging was on the rise in 2012. While sources indicate similar human trafficking problems in the separatist Transnistria region, the scale of forced labor and sex trafficking is difficult to gauge as the territory remains outside the central government’s control.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government nearly doubled the number of trafficking victims identified in 2012, largely due to an increase in labor trafficking cases. Collaboration with civil society in anti-trafficking efforts, a strong national referral system (NRS) for identification of victims, and a comprehensive package of assistance for victims were evidenced as model practices for the region. The government also secured convictions of some trafficking offenders during the year. The government vigorously investigated and prosecuted government officials allegedly complicit in human trafficking, although none were convicted. While a higher proportion of offenders convicted for trafficking, particularly for offenses against children, were sentenced to prison, the weak and corrupt judiciary impeded efforts to hold trafficking offenders accountable.

Recommendations for Moldova: Ensure that trafficking offenders are sentenced according to the severity of their crimes with penalties prescribed for trafficking; monitor outcomes of sentencing and appeals within the judiciary to ensure convicted traffickers are held accountable; demonstrate vigorous efforts to convict and sentence government officials complicit in human trafficking; increase prosecutions for witness tampering; consider establishing a specialized court for all trafficking trials; increase the number of prosecutors assigned to the anti-trafficking section of the prosecutor general’s office; enhance the regional capacity to provide legal services to victims; make full use of the available measures to protect victims and witnesses and take additional measures to ensure that victims of trafficking are adequately informed of their rights, in a language they understand, and assisted during pre-trial and court proceedings; ensure that law enforcement and prosecutors explain to victims their right to legal assistance and representation, including from *pro bono* lawyers, the right to be accompanied by a legal advocate, and the right to compensation for damage suffered in accordance with Moldova’s criminal code; clarify the rules and procedure for the provision of residence permits to trafficking victims; ensure that public officials—especially the judiciary, health-care providers, and social workers—are sensitized to all forms of violence against women, including trafficking in

persons; enhance measures aimed at improving the social and economic situation of women, in particular in rural areas, to reduce their vulnerability to trafficking; and enhance efforts to identify victims and potential victims of trafficking among unaccompanied and separated children, children placed in institutions, and other vulnerable children.

Prosecution

The Government of Moldova strengthened its anti-trafficking law enforcement efforts over the last year. In 2012, new leadership of the anti-trafficking investigation unit implemented a series of reforms, including a new case intake policy which directed resources away from less serious crimes to focus more on complex human trafficking cases. The government prohibits all forms of trafficking through Articles 165 and 206 of the criminal code. Prescribed penalties under these articles are five to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported 171 trafficking investigations in 2012, an increase from 135 in 2011. Authorities reported prosecuting 41 suspected trafficking offenders in 2012, a decrease from 79 in 2011. The government convicted 35 trafficking offenders in 2012; six convictions were for child trafficking. This was an increase from a total of 22 convictions in 2011. The average sentence for trafficking of children in 2012 was 13 years' imprisonment. The government established a new investigative unit to specialize in Internet investigations of child pornography, investigations of "grooming" and stalking children, creation of a national pedophile database, and international cooperation on cases of child sex tourism and Internet sexual exploitation of children. Trafficking offenders from Norway, Italy, and Moldova were convicted for organizing a major pedophile network, and were sentenced to 10 to 20 years' imprisonment.

Corruption in the judicial system continued to hinder the successful prosecution, conviction, and sentencing of trafficking offenders. Once convictions for trafficking were secured, the judiciary often applied sentences that did not correspond with the severity of the crimes; offenders regularly served only commuted prison terms or fines. Convictions were frequently reversed on appeal with little to no explanation by judges. Criminal cases span several years through appeals, leaving victims vulnerable to threats and intimidation and providing opportunities for defendants to bribe officials. Government authorities and NGOs noted that law enforcement efforts were strong in the capital, but were not prioritized by chiefs of police in outlying regions. High turnover of government officials in the regions was disruptive to implementation of the NRS. NGOs noted that reforms in the anti-trafficking unit resulted in a more victim-centered approach by police and praised excellent cooperation with civil society. Transnistrian victims received full support and assistance from Moldovan shelters, but law enforcement cooperation was rare, informal, and inadmissible in Moldovan court. The government actively prosecuted officials alleged to be complicit in human trafficking, though none were convicted in 2012. The government made significant and transparent reforms to fight complicity. The national anti-corruption center opened 13 criminal investigations of official complicity in trafficking in persons; three of these cases were sent to trial, three were referred to the prosecutor general, one was referred to the Causeni police commissariat, and six remained under investigation. While individual officials' complicity remained a significant problem, the government took active steps against corruption: one official in the anti-trafficking investigation unit was under investigation for organizing illegal migration to Israel; an investigator from the anti-trafficking unit was investigated for allegedly extorting the equivalent of approximately \$6,000 from a suspect to drop a case, but the investigation was dismissed for lack of evidence; a public housing official was prosecuted for having used his position to recruit at least 15 women for sex trafficking in the "Turkish Republic of Northern Cyprus" and the United Arab Emirates; a professor from a state university was prosecuted for trafficking of children; an army official and former police officer were under investigation for subjecting four Moldovans to trafficking in Moscow; and an

officer of the national anti-corruption center was removed from his position and was under investigation for arranging the prostitution of a victim of trafficking from Russia.

Protection

The government strengthened its efforts to protect victims of trafficking in 2012, during which it reported identifying 289 new victims of trafficking, a marked increase from 98 victims identified in 2011. One hundred thirty-nine victims were subjected to labor trafficking or forced begging in 2012; of these, 91 victims were men and 24 were children. All of the victims identified were Moldovan. The NRS continued to function in all regions of Moldova in coordination with law enforcement, schools, and NGOs; it provided benefits to 205 victims in 2012, the vast majority of whom spent a period of time in one of Moldova's rehabilitation shelters. Multidisciplinary teams were set up at the regional level in order to coordinate a systematic approach to the identification, protection, and assistance to potential victims of trafficking. In practice, the identification of child victims of trafficking remained weak; a significant number of Moldovan children were subjected to trafficking every year. Children whose parents have migrated abroad and children in out-of-home care remained among the most vulnerable to trafficking in persons.

All adult trafficking victims housed at rehabilitation shelters had the freedom to come and go. Child victims were placed with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Protection centers and shelters assisted 110 victims of trafficking and 701 potential victims in 2012. In 2012, the government continued to fund a specialized short-term rehabilitation and protection center in Chisinau and increased the state's budget contribution by approximately 40 percent to provide the equivalent of approximately \$93,000, compared to the equivalent of approximately \$67,000 provided in 2011. In addition, the government funded five regional centers in coordination with NGOs and city governments. This network of care provided medium- and long-term assistance, reintegration, and vocational training. The government provided the equivalent of approximately \$302,200 to fund shelters for victims of trafficking and domestic violence and the equivalent of approximately \$9,000 for repatriation services. NGOs reported that long-term medical care was lacking for victims of trafficking.

The anti-trafficking unit actively encouraged victims to assist in the investigation of trafficking offenders by ensuring victims were supported by NGOs and with adequate services. Victims were free to obtain employment or to leave the country pending trial proceedings; access to assistance was not contingent on cooperation with investigations or prosecutions. NGOs reported that 42 potential victims of child trafficking were questioned by law enforcement in the presence of a psychologist using a specialized "children's room." Frequent delays in court hearings were a problem and prosecutors reportedly did not maintain adequate contact with victims. Victims were subjected to intimidation by defendants and their associates in the court room in the presence of police, prosecutors, and judges. Victims were frequently approached by traffickers and pressured to change their testimony, which led to cases being dropped or re-qualified to lesser charges; however, offenders were rarely prosecuted for obstruction of justice. The perception of corruption undermined victims' confidence in judicial proceeding, discouraged victims from filing civil suits for damages, and presented opportunities for alleged traffickers to pay bribes to escape punishment. In 2012, 26 victims filed civil suits against their traffickers. There were no reports of victims of trafficking being deported during the reporting period. Legislation was amended in 2012 to provide residency permits or extensions of permits to foreign or stateless victims of trafficking who are willing to participate in a law enforcement investigation. The criminal code of Moldova exempts victims of trafficking from criminal liability for the commission of offenses related to human trafficking. NGOs reported that victims were not arrested or prosecuted.

The NRS was not active in the separatist region of Transnistria. However, there were efforts to coordinate through informal channels to assist trafficking victims. Local NGOs provided crisis assistance and coordinated with the protection center in Chisinau. Trainings were also replicated in the region. Some cases were reportedly "tried" in Transnistria, and the local police sent victims to Moldovan authorities to testify.

Prevention

The government maintained efforts to prevent trafficking in persons during the year and organized 30 seminars in high schools and universities for over 2,000 students on preventing and combating human trafficking. Prosecutors participated in public campaigns aimed at combating labor trafficking in agriculture and construction. The national committee on combating trafficking conducted a week-long campaign with awareness-raising activities including a screening of a film based on testimonies of victims of trafficking and domestic violence. The government led an information campaign targeted to unemployed people on the risks of forced labor. The government signed an agreement with the Government of Israel, which established a mechanism for cooperation on labor disputes, the legal process for hiring, and social protections for Moldovan workers in Israel. Moldovan investigators and prosecutors took part in a conference with law enforcement counterparts from Cyprus, which resulted in improved cooperation on trafficking cases. Government officials trained counterparts from Uzbekistan and Belarus on Moldova's NRS. The government approved the new national action plan for 2012-2013 following considerable input from civil society. The government did not demonstrate specific efforts to reduce the demand for commercial sex acts and forced labor.