

## **MOLDOVA (TIER 2 WATCH LIST)**

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by convicting more traffickers and amending its laws to codify victim protection standards. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Pervasive corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. Law enforcement efforts were hampered by worsening legal and organizational obstacles, including changes in the national anti-trafficking investigative body. Authorities identified and assisted fewer victims, and victims continued to suffer from intimidation from traffickers. Although convictions increased, investigations and prosecutions of traffickers decreased. Therefore, Moldova was downgraded to Tier 2 Watch List.

### **RECOMMENDATIONS FOR MOLDOVA**

Vigorously investigate, prosecute, and convict traffickers, including government officials complicit in human trafficking, and impose sufficiently stringent sentences; implement measures to address corruption in the judicial sector; exempt trafficking victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin; shield trafficking investigators and prosecutors from external influence and internal corruption; improve protection of victims and witnesses during court proceedings, including prosecutions for witness tampering and intimidation; train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions; seek restitution for victims in criminal cases; improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations; and fund and maintain data for the hotline on child abuse and exploitation.

### **PROSECUTION**

The government decreased law enforcement efforts. Articles 165 (trafficking in persons) and 206 (trafficking of children) of the criminal code prohibit all forms of trafficking and prescribe penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code was amended to increase fines for forced labor offenses. Corruption in the judicial system remained an acute impediment to bringing traffickers to justice. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds, although comprehensive statistics on the rate of appeal were not available. Criminal cases against public officials for complicity rarely resulted in conviction, in large part due to corruption and weaknesses in the judicial system. Several government officials were investigated in 2016 for complicity in trafficking. Two police officers were indicted for sex trafficking. A village mayor was indicted for labor trafficking.

Several Moldovan diplomats and the head of the foreign ministry's consular affairs department were investigated, arrested, or indicted for extorting or accepting bribes to facilitate illegal migration. However, none of the criminal investigations of public officials initiated in 2014, 2015, or 2016 were finalized, and most remained pending in court.

Prosecutions against the head of a human rights agency for forcing children to beg in Russia and a bailiff for compelling two persons into prostitution remained ongoing. A 2014 trafficking conviction against a public official and his accomplices remained pending appeal. A court acquitted the former head of the Biathlon Federation of Moldova of child trafficking charges in 2014 and instead issued a 3,000 lei (\$151) fine for organizing illegal migration; an appeal remained pending. A court still had not issued a verdict in a 2013 case against a police officer who allegedly accepted a bribe to convince his colleagues to close the investigation of a trafficking case. A case against the former head of the interior ministry's division to combat organized crime for involvement in human trafficking remained ongoing.

There were allegations of corruption by officers assigned to the interior affairs ministry's investigatory Center for Combating Trafficking in Persons (CCTIP); the Deputy Director of CCTIP and one of his trafficking investigators were arrested in February on corruption charges.

Law enforcement efforts continued to face institutional obstacles in 2016. CCTIP did not have a director from May to November 2015 and from February to November 2016. Due to the lack of effective direction, cooperation between CCTIP and some civil society actors and international partners continued to deteriorate for much of the reporting period, hampering the center's ability to conduct complex international operations. Observers reported CCTIP focused on simpler domestic sex trafficking cases rather than complex international cases, potentially to boost the center's statistics. This focus on statistics moved CCTIP away from its traditional strength of resource intensive victim-centered investigations. The appointment of a new CCTIP director in November 2016 led to improved working relationships with civil society and international partners and an initial shift back to investigating complex cases of international sex and labor trafficking. However, CCTIP continued to lack sufficient resources, particularly financial resources and experienced investigative staff. Reforms to the Prosecutor General's Office (PGO) in August eliminated the use of specialized prosecutors, disbanded the specialized anti-trafficking prosecutorial unit, ended the taskforce approach to investigations, and reduced institutional knowledge regarding the use of victim-centered approaches to investigations and prosecutions. Although the PGO hired four new prosecutors in November 2016 to cover trafficking cases, observers expressed concern the reforms had weakened the office's ability to prevent corruption and increased both the mistreatment of trafficking victims and the arbitrary dismissal of cases. Observers further noted the new unit was not dedicated only to trafficking cases, prosecutors had not received comprehensive training, and the new unit was vulnerable to corruption and political influence.

Developing investigative techniques that corroborate testimony and employing a victim-centered approach to cases are key to successful prosecutions. Prosecutors' reliance on victim testimony can hinder successful prosecutions and result in acquittals. A February 2016 Constitutional Court decision limited the time suspects may be detained to 12 months. Because it often takes years before a final verdict is issued in trafficking cases, this ruling would allow suspected traffickers to be released before trials conclude, enabling them to flee the country or retaliate against witnesses. The National Investigative Inspectorate (INI) maintained a policy requiring CCTIP to regularly inform the INI of the suspects in CCTIP's investigations, to include subjects of search warrants before searches are executed, which increased the risk of corrupt officers warning suspects ahead of raids or intervening in ongoing investigations.

Authorities decreased investigations in 2016, carrying out 151 trafficking cases, compared to 189 in 2015. The government decreased prosecutions, completing 33 cases in 2016, compared to 76 in 2015. The government increased convictions in 2016, convicting 56 traffickers, compared to 39 in 2015. Of the 56 convicted traffickers, 47 received prison terms, with one suspended sentence. The average jail sentence was 7.5 years for trafficking in persons and 9.5 years for trafficking in children. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government and international organizations trained police, border guards, prosecutors, and judges in 2016. Judges and prosecutors were required to complete a 40-hour course on trafficking.

## PROTECTION

The government decreased victim protection efforts. Two provisions of the criminal code, articles 165 (4) and 220 (4), were amended to absolve victims and minors of responsibility for all acts committed as a result of being subjected to trafficking. In addition, a new law established a legal framework for the rehabilitation of victims of violent crimes, including trafficking victims, providing them with a right to specified public services. However, implementation of its protection mechanisms often fell short in practice, due to pervasive corruption and a lack of funding. The government identified 232 trafficking victims in 2016, a decrease from 310 in 2015. Of these identified victims, 35 were children, a decrease from 68 in 2015. Some law enforcement officials may have intentionally avoided taking action on victim identification and investigation of trafficking crimes. The law requires adult trafficking victims confront their alleged traffickers in person at a police station to begin an investigation, and sometimes on multiple occasions over the course of an investigation and trial; this requirement likely deters victims from reporting crimes and can re-traumatize victims.

The government maintained funding levels for victim protection, budgeting approximately 8.6 million lei (\$430,151) to repatriation assistance and seven shelters for victims of crime and family violence, with increased funding for some shelters and programs offset by decreases to others. The government did not disburse all of the budgeted funds, with shelters and protection

programs generally receiving 66 percent to 78 percent of the allocated fund amounts. The government often relied on NGOs and international organizations to supplement government employee salaries and fund victim services; government contributions are often insufficient to cover basic living expenses for both employees and victims.

The government assisted 124 victims with repatriation assistance or shelter care, compared with 132 in 2015. Teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance; observers noted some teams were less effective than others in assisting identified victims. Through the Chisinau and regional centers, victims could receive shelter and medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. Psychological assistance, legal aid, and long-term reintegration support were insufficient, however, and victims were unable to obtain the free medical insurance that is afforded under Moldovan law. Trafficking victims often struggled to find pro bono legal representation. The weak capacity of social workers in outlying regions led to inefficient and poor quality services offered to victims. These deficiencies contributed to the continued vulnerability of trafficking victims to re-victimization. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Officials interviewed victims 14 years old or younger in specialized hearing rooms with recording equipment with the assistance of a psychologist. Male victims were entitled to all forms of assistance, but lacked access to shelters, which were designed for female victims. Care providers reported bureaucratic impediments to moving victims with severe mental health needs to state-run psychiatric institutions.

The government did not adequately protect victims participating in investigations and prosecutions. Victims were seldom fully informed of their rights. At times, police may have done so intentionally attempting to secure victims' cooperation. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. Judges disregarded laws and regulations designed to protect victims during trial proceedings thereby violating victims' rights and allowing traffickers to intimidate some victims in the courtroom so that the victims felt pressured to change their testimony.

Victims had the right to sue traffickers for damages, but most did not due to threats from perpetrators, inability to present proof required by courts, and perceived corruption in the judiciary. There were no civil suits against traffickers in 2016; and seven cases in which prosecutors froze suspected traffickers' assets remained pending from the previous year. While the law provides for restitution awards to trafficking victims in criminal cases, none were reported. It is unclear whether prosecutors do not seek restitution or judges do not award it when requested. The criminal code exempts trafficking victims from criminal liability for committing offenses related to their exploitation. However, when authorities classified cases under related

statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. The government punished trafficking victims for unlawful acts committed as a direct result of being subject to trafficking. Similarly, when authorities reclassify sex trafficking cases to pimping cases, victims were no longer exempted from punishment and could be charged with prostitution offenses. Victims can be fined or imprisoned for making false statements if they change their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the traumatization experienced. Observers reported some cases of authorities charging child sex trafficking victims with prostitution or other offenses, in violation of Moldovan and international law. In one case, police detained a child sex trafficking victim for theft and extortion after she refused her trafficker's demand to have sex with a purchaser of commercial sex. Police terminated the investigation only after an international organization interceded for the victim.

## PREVENTION

The government decreased efforts to prevent human trafficking. The national anti-trafficking committee (NCCTIP) and its secretariat coordinated the government's anti-trafficking response. The government eliminated a coordinator staff position on the secretariat, reducing the committee's ability to coordinate public awareness campaigns and advocacy. As prescribed in the national action plan for 2014-2016, which was extended for an additional year, NCCTIP implemented programs to raise awareness among students and Moldovan citizens abroad, as well as the general public through a website and a national anti-trafficking week. In 2015, the government ceased state funding to the specialists running a hotline on child abuse and exploitation; the hotline continued to operate with funding from an international organization in 2016. The government provided training for its diplomatic personnel on identifying trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, Moldova is primarily a source country for men, women, and children subjected to sex trafficking and forced labor. Moldovan victims are subjected to sex and labor trafficking within Moldova and in Russia, Ukraine, and other countries in Europe, the Middle East, Africa, and East Asia. Women and children are subjected to sex trafficking in Moldova in brothels, saunas, and massage parlors. Increasingly, girls aged 13 to 15 are victims of sex trafficking. Child sex tourists, including from the EU, Turkey, Australia, Israel, Thailand, and the United States, subject Moldovan children to commercial sexual exploitation. The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Official complicity in trafficking continues to be a significant problem in Moldova.