

## REPUBLIC OF MOLDOVA (Tier 2)

The Government of the Republic of Moldova does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Moldova remained on Tier 2. These efforts included convicting more traffickers, identifying significantly more victims, and approving a new national action plan (NAP) with dedicated funds for implementation. The government provided more victims witness protection services and established bilateral work agreements with European counterparts to support Moldovan workers abroad, including protecting workers' rights and prohibiting recruitment fees, under government-sponsored frameworks. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking cases and prosecuted fewer suspected traffickers. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials, who often acted with impunity. Persistent gaps in victim protection remained, including a limited number of identified victims receiving state-funded assistance. In addition, traffickers continued to intimidate victims, and authorities provided uneven levels of protection during court proceedings. Finally, the lack of long-term reintegration support left victims susceptible to re-victimization.

**PRIORITIZED RECOMMENDATIONS:** Vigorously investigate, prosecute, and convict traffickers, including complicit officials. \* Eliminate selective prosecution and hold corrupt officials accountable by sentencing complicit officials to significant prison terms and ensure they serve those sentences in practice. \* Implement measures to address corruption in the judicial sector and law enforcement community. \* Proactively identify victims, particularly among vulnerable groups, such as children in state institutions. \* Implement formal victim identification and referral mechanisms for victim assistance throughout the country, especially in rural areas. \* Ensure all identified victims receive state-funded assistance, including long-term assistance, regardless of their participation in court proceedings, particularly long-term reintegration support, such as education, counseling, and job-placement. \* Exempt all victims from the requirement of in-person confrontations with their accused traffickers and ensure specially equipped interview rooms for child victims align with international standards. \* Ensure consistent use of laws and regulations designed to protect victims during trial and prosecute perpetrators of witness tampering and intimidation to the full extent of the law. \* Adopt and implement the new National Referral Mechanism (NRM). \* Empower authorities to conduct onsite announced and unannounced labor inspections, regardless of whether authorities receive written complaints or a risk assessment that indicates an emergency or imminent threat. \* Amend the law to allow authorities to inspect facilities when they have suspicions or visual evidence of businesses' involvement in child labor, including forced child labor. \* Correctly and fully inform all victims about the assistance available at the national and local levels. \* Train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions. \* Train relevant authorities, particularly social workers in regions outside of the capital, on understanding trafficking and assisting victims. \* Formalize government oversight of private employment agencies, including monitoring for and penalizing any recruitment fees charged to applicants. \* Conduct national awareness campaigns targeting vulnerable populations.

## PROSECUTION

The government maintained law enforcement efforts. Articles 165 and 206 of the criminal code criminalized sex trafficking and labor trafficking. The law prescribed penalties of six to 12 years' imprisonment for trafficking offenses involving an adult victim and 10 to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code also criminalized forced labor and imposed penalties of up to three years' imprisonment. The NAP stipulated the Supreme Court of Justice explain its application of the law when deciding trafficking cases.

The pandemic continued to limit the capacity of anti-trafficking efforts. The government implemented movement-restriction lockdowns and other social distancing measures, constraining the activity of law enforcement. Furthermore, while courts remained open, they operated in a limited capacity and reported decreased function as a result of high infection among employees, thus delaying proceedings, including for trafficking trials. According to an NGO, the government's pandemic-related practices negatively affected the capacity of relevant authorities, impeding the progress of overall prosecution efforts. Consequently, in 2021, authorities investigated 57 trafficking cases (24 sex trafficking, 33 labor trafficking), compared with 65 in 2020. The government prosecuted 37 suspected traffickers and convicted 44 traffickers (46 and 32, respectively, in 2020). Sentences for convicted traffickers ranged from six years to 20 years. Moldovan authorities cooperated with their European counterparts on several trafficking-related investigations, judicial assistance requests, and extraditions. In one investigation, authorities from Moldova and Italy cooperated on a labor trafficking case that resulted in the identification of 48 victims, detainment of 13 suspects, and seizure of approximately 630,000 Moldovan lei (MDL) (\$35,720) in assets.

Perennial problems, including high turnover within the police and prosecutor's office, corruption in law enforcement and the judiciary, impunity or lack of meaningful sentences for complicit officials, and lengthy trials, undermined government efforts. The Center for Combating Trafficking in Persons (CCTIP), the lead anti-trafficking investigative and police agency, and the Organized Crime Prosecution Office (PCCOCS) continued to suffer from high turnover of experienced staff, limiting the agencies' ability to investigate complex cases, including transnational criminal organizations or complicit government employees. While authorities investigated reports of corruption committed by officials, they rarely prosecuted and punished them. Impunity remained a major problem. Corruption in the judicial system remained an acute impediment to bringing traffickers to justice with prosecutors, members of the judiciary, and members of law enforcement implicated in corrupt practices. In 2021, prosecutors indicted the acting head of a district police inspectorate for labor trafficking and, separately, indicted a police officer, who resigned from the force, for labor trafficking. The government reported an integrity investigation of a lawyer, who represented a suspected trafficker, for allegedly attempting to influence the prosecution. The government also reported two labor trafficking cases involving border police from previous reporting periods remained ongoing. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds. Judges tended to re-qualify cases from trafficking crimes to crimes with lesser penalties, such as "pimping," or postpone hearings – a practice common among judges suspected of corruption. In an attempt to

provide transparency in the assignment of judges to cases, the government newly implemented an electronic case management system that, according to observers, was flawed and misused in some cases. Nonetheless, selective justice swayed by corruption continued to be a problem, and lawyers complained of violations of defendants' rights to a fair trial. Furthermore, observers noted prosecutors sent trafficking cases to court without sufficient evidence collection and withheld case files from lawyers representing victims. Moreover, lengthy trials impeded justice and often led to the acquittal of traffickers. Since final verdicts could take years, and by law, authorities could only detain suspects for 12 months, authorities released suspected traffickers before trials concluded, enabling them to flee the country or retaliate against witnesses.

Prosecutors at every level, from the Prosecutor General's Office (PGO) to regional territorial prosecution offices, were responsible for prosecuting trafficking crimes. The PGO maintained a unit with specialized prosecutors, who coordinated anti-trafficking prosecution policies and supervised the work of regional territorial prosecutors when working on trafficking cases. The PGO also investigated child sexual exploitation cases, including trafficking cases, involving information and communication technologies and provided guidelines for identifying, investigating, and prosecuting such cases. Additionally, the PGO introduced legislation focusing on establishing prescriptive sentences for trafficking-related offenses and reviewing appropriate penalties, including new provisions for aggravating circumstances. PCCOCS also had a specialized unit for prosecuting trafficking cases initiated by CCTIP, as well as cases involving criminal organizations. However, prosecutors assigned to PCCOCS lacked experience handling trafficking cases, and PCCOCS did not require them to meet any specific qualifications for investigating and prosecuting trafficking crimes. The Chisinau Prosecutor's Office maintained an Anti-Trafficking Bureau and conducted the prosecution of trafficking cases from Chisinau municipality; at the district level, specialized prosecutors conducted the prosecution of trafficking cases. Within the judiciary, there were specialized judges trained specifically to handle trafficking cases. These judges maintained five-year mandates, which increased their experience and understanding of trafficking and created a judicial environment more sensitive to victims' needs. In 2021, the government provided training for prosecutors and judges, such as a seminar on victims' rights, including rehabilitation and compensation. Additionally, the Ministry of Interior organized a five-day training course for law enforcement officials on online recruitment of trafficking victims. Overall, the government's ability to fund key law enforcement and social protection institutes remained limited. As a result, the government relied on donor funding to train police, border guards, prosecutors, and judges.

## **PROTECTION**

The government marginally increased victim protection efforts. In 2021, the government identified 312 trafficking victims (35 sex trafficking, 277 labor trafficking), a significant increase from 138 in 2020 but proportionate with previous years. All identified victims were Moldovan citizens. Thirty-two of the identified victims were children (11 sex trafficking, 20 labor trafficking, one both sex and labor trafficking); the vast majority were girls. In response to the influx of Ukrainian refugees who fled Russia's full-scale invasion of Ukraine and arrived in Moldova, the Ministry of Interior trained and instructed Moldovan-Ukrainian border checkpoint officials to screen refugees for trafficking indicators and set up a mobile task force to patrol the border checkpoints and monitor for signs of trafficking among the refugee population. The National Referral Strategy (NRS) governed identification and referral procedures but expired in

2016. Thus, in cooperation with civil society, the Ministry of Health, Labor, and Social Protection (MLSP) developed a new NRM in 2020, although the government did not adopt it during the reporting period. Therefore, authorities continued to utilize the current NRS, which observers reported as obsolete. Observers noted the government designed the NRS's guidelines to identify Moldovan citizens exploited in other countries; however, the guidelines did not include third-country nationals and Moldovans exploited in Moldova. Moreover, the guidelines were not obligatory for relevant state bodies working with immigrants. Under the terms of the NRS, teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance. While the law permitted the local teams to identify victims and provided access to services irrespective of their willingness to participate in criminal proceedings, according to civil society, in practice, victims received assistance only after law enforcement identification and if they participated in criminal proceedings. According to an NGO, individuals previously arrested for commercial sex, previously incarcerated, or those with drug addiction were less likely to be identified as victims. Although national-level implementation of the NRS was mostly uniform, regional implementation varied widely. Observers reported police only referred the most vulnerable victims, including children, the homeless, and victims who needed protection in order to participate in criminal proceedings. Observers also reported law enforcement did not correctly and fully inform all victims about the assistance available at the national and local levels. Similar to previous years, a limited number of identified victims received assistance – 23 percent (70 victims) in 2021, a decline from 37 percent (51 victims) in 2020.

Observers noted overall inadequate resources, including insufficient funding, hampered government efforts. The government often relied on NGOs and international organizations to supplement government funding. Adult victims received assistance in seven government-funded centers and shelters across the country, offering medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. Male victims received specialized services, including social and rehabilitation services, and accommodation at a dedicated center. Overall, victims received short-term assistance (30 days) from two specialized shelters operated by MLSP in partnership with an international organization. Observers reported long-term assistance for victims, particularly long-term reintegration support, such as education, counseling, and job-placement, remained a challenge, leaving victims at risk of re-victimization. Additionally, medical and psychological assistance was limited because many victims did not have medical insurance. Civil society psychologists and attorneys remained the most qualified to assist victims, especially in the regions outside of the capital where government social workers frequently lacked trafficking-specific training. Foreign victims received the same access to care as Moldovan citizens; however, refugees and asylum-seekers received assistance in specialized centers under the Migration and Asylum Bureau. Observers noted a lack of adequate and immediate social support, including shelter, medical care, and counseling, for foreign victims before determination of their legal status. Moldovan law permitted foreign victims a 30-day reflection period, during which they could receive assistance and protection while determining whether to cooperate with law enforcement. Foreign victims who chose to cooperate with law enforcement received temporary residency. Observers pointed out foreign victims did not have the right to social integration assistance and were expected to return to their country of origin at the conclusion of criminal proceedings.

There were two referral mechanisms to support child victims: the NRS and the Inter-sectorial Collaboration Mechanism for the Protection of Children. The former referred child trafficking victims to NGOs that provided psychological, social, and legal aid. The Ministry of Education, Culture and Research maintained a mechanism for identifying and reporting child abuse, including trafficking, in state institutions. Nonetheless, reports persisted of management in state institutions participating in the exploitation of children. The Center for Assistance and Protection of Victims of Human Trafficking (CAP) assisted child trafficking victims and offered legal, social, and psychological assistance, as well as accommodation to child victims. In 2021, CAP assisted 19 child victims in the shelter in Chisinau, an increase from 10 in 2020. The CAP shelter in Chisinau remained the only facility for child victims and provided limited social services for 30 days followed by placement into permanent housing and continued counseling and assistance. Authorities also placed child victims in foster care, orphanages, state residential schools, group homes, or other types of temporary residential facilities due to the lack of dedicated facilities. However, during the previous reporting period, the government began construction of one of three new regional centers for integrated assistance for child victims and witnesses of crime, including trafficking, designed to provide specialized medical, psychological, and social care and allow for forensic medical examinations and interviews with trained specialists in a safe environment. The government envisioned the first center, located in Balti, to serve children from 12 cities and districts across northern Moldova and operate under the management of the National Center for Prevention of Child Abuse. The government planned for the remaining two centers in Chisinau and Cahul to serve the central and southern part of the country. In 2021, the government repatriated 16 children under the government decision that regulated repatriation of trafficking victims, individuals in crisis, and unaccompanied children, but it did not confirm how many were trafficking victims. Civil society reported the lack of services for resocialization and reintegration for child victims of sexual exploitation put them at a higher risk for institutionalization and further trauma. Civil society also reported the need for increased cooperation between social protection, health, and law enforcement. In 2021, CCTIP and other law enforcement agencies facilitated trainings for its officers on trafficking, child pornography, child online sexual exploitation, and child protection. The government financed a 24-hour, NGO-run hotline for children who experience violence, neglect, or exploitation and provided psychological counseling and information to parents and children. The hotline received seven trafficking-related calls – six led to investigations of child labor and one to a potential case of unspecified child trafficking.

Overall, the government did not adequately protect victims participating in investigations and prosecutions. Authorities seldom fully informed victims of their rights or about court proceedings. In addition, law enforcement did not routinely provide victims with status updates of their cases, leaving many victims unsure if their traffickers had been identified, arrested, or charged. The law required adult victims to confront their alleged traffickers in person, putting victims at risk for re-traumatization and likely deterring victims from reporting crimes. Although the criminal code allowed children younger than 14 to be interviewed in specially equipped rooms, observers reported the rooms did not correspond to international standards and were usually located in the courts. Moreover, judges permitted traffickers to be present during child interviews. Judges frequently 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 such that the victims felt pressured to change their testimony.

Authorities could fine or imprison victims for making false statements if they changed their testimony, whether unintentionally due to the trauma experienced or deliberately due to bribes or intimidation. In 2021, two trafficking victims, however, benefited from witness protection programs (zero in 2020). The government issued protective orders for a male labor trafficking victim, and, separately, the government relocated a victim for security reasons. The law allowed trafficking victims access to free legal assistance without providing proof of indigence; 29 victims benefited from public legal representation in 2021. However, the quality of legal assistance provided by public lawyers was not sufficient. Public lawyers did not receive special training to assist victims and did not always understand a victim-centered approach to criminal justice. Victims continued to rely mostly on NGOs for legal assistance, and NGOs relied on donors to fund the services. The State Guaranteed Legal Aid Council, in partnership with an international organization, provided a trafficking guide with recommendations for legal aid lawyers on how to better assist victims. The law allowed victims to file for compensation for material damage, such as medical treatment costs or destruction of property, but only if prosecutors filed charges against traffickers or cases ended in convictions. The criminal code exempted trafficking victims from criminal liability for committing offenses because of 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. Similarly, when authorities reclassified sex trafficking cases to “pimping” cases, victims were no longer exempt from punishment and could be charged with commercial sex offenses.

## **PREVENTION**

The government maintained prevention efforts. The government approved a new one-year NAP as part of the 2018-2023 national strategy, allocating 140.1 million MDL (\$7.94 million) toward implementation in 2021. While the government allocated financial and human resources to the NAP, in practice, it was dependent on assistance from international partners for many of its training and support activities. The Directorate for Coordination in the Field of Human Rights and Social Dialogue monitored implementation of the NAP and ensured the activity of the Permanent Secretariat, which oversaw the coordination, monitoring, and evaluation of all anti-trafficking policies. Each municipality and Gagauzia – a Turkic-speaking autonomous territorial region – maintained a Territorial Commission for Combatting Trafficking to coordinate efforts at the local level. The commissions encompassed local elected officials, law enforcement, prosecutors, and social service providers. In 2021, the government did not execute any national awareness campaigns but participated in other campaigns organized by international partners. The government delivered information to partners and the public on statistical observation and impacts to survivors. During the reporting period, the government initiated a research project on existing social services on integration and reintegration of trafficking victims within Moldova’s social security framework. Several agencies and offices operated trafficking hotlines available in Romanian and Russian; the PGO’s hotline referred nine calls to law enforcement for investigation, two of which led to prosecutions. The State Chancellery’s anti-trafficking hotline operated 24-hours a day to assist, as necessary, Ukrainian refugees arriving in Moldova. The government did not make efforts to reduce the demand for commercial sex acts.

Under the law, the State Labor Inspectorate (SLI) oversaw the occupational safety and health inspections. However, the SLI noted insufficient financial and human resources to conduct inspections. Moreover, the law limited unannounced labor inspections, which were the country’s

main mechanism to identify child labor, including forced child labor, by only allowing such inspections based on a risk assessment that indicated an emergency or immediate threat to the environment, life, health, or property. Furthermore, the law permitted authorities to conduct onsite inspections provided they received written complaints and gave businesses five days' notice, serving as a de facto advance notice of an inspection and giving traffickers the opportunity to evade detection. During inspections, authorities could only focus on the alleged violation outlined in the complaint, even if they identified other egregious violations, such as forced child labor. The law prohibited authorities from inspecting facilities even when they had suspicions or visual evidence of businesses' involvement in child labor, including forced child labor. Due to these restrictions, government and NGO sources reported the child labor violations identified by the government did not reflect the scale of the country's problem. In 2021, the SLI did not identify any cases of forced labor but identified 31 labor violations involving children. Private employers could only be inspected upon referrals from law enforcement bodies or complaints received from private citizens. A report based on a national information campaign on the risks of labor trafficking noted law enforcement was slow to investigate private employment agencies.

Observers noted the government's general lax oversight and control of private recruitment agencies, particularly those offering foreign job opportunities, as a key trafficking vulnerability. Under the law, SLI regulated employment agencies, recruiters, and unlicensed labor agents and required recruiters to provide transparent, legally binding contracts for prospective workers. Agencies in violation faced criminal charges for trafficking, among other penalties. However, SLI could only recommend penalties be assessed for labor law violations; the authority to impose and collect these penalties remained with the courts. Moldovan law prohibited agencies from charging prospective workers fees or taxes as part of the recruitment process. In 2021, the government amended the regulation on job placement and employment abroad, permitting collection of payment for additional services from Moldovan citizens seeking jobs but forbidding charges to job seekers for services performed by recruiters. While the regulation prohibited providing additional services as an obligatory condition to obtain labor intermediation services, it remained difficult to monitor in part as it did not define or categorize "additional" or "labor intermediation services." If private employment agencies did not have a list of such additional services and their estimated cost, firms could require high sums from job seekers in the process of intermediation for employment abroad. Moldova's public procurement law banned government agencies from contracting with any person or company convicted of trafficking crimes or child labor violations in the previous five years. The Ministry of Finance provided guidance on public tenders that included a mechanism to exclude any economic agent involved in trafficking or child labor. The criminal laws against trafficking included penalties for individuals or companies profiting from trafficking. During the reporting period, Moldova signed a memorandum of cooperation with Germany to support employment of seasonal agriculture workers; the memorandum detailed conditions for the oversight of employment, including equal treatment of Moldovan and German workers and the prohibition of recruitment fees. A supplementary cooperation agreement between MLSP and a German institution designated the latter to consult and inform Moldovan agencies about German regulations for seasonal labor migration and assist in the protection of Moldovan workers' rights. In addition, the Moldovan and Italian governments signed a new bilateral cooperation agreement to support

fair and effective labor rights and social protection for Moldovan labor migrants in Italy and Italian labor migrants in Moldova.

**TRAFFICKING PROFILE:** As reported over the past five years, human traffickers exploit domestic and foreign victims in Moldova, and traffickers exploit victims from Moldova abroad. Traffickers typically recruit victims through personal contacts but increasingly use the internet and social media. Most victims are unemployed, from rural areas, and have received little education. Traffickers exploit Moldovan citizens in sex trafficking and labor trafficking within Moldova and in other parts of Europe, including Austria, Poland, and Russia. Victims of sex trafficking are overwhelmingly women and girls. Traffickers operating in Romania and Moldova exploit Moldovan women and girls through Romania with fraudulent passports in trafficking operations across Europe. Government representatives note social norms create a permissive environment for violence against children, including trafficking. Child trafficking victims are mostly from rural areas and poor families. Moldovan authorities report an increase in recent years of children exploited in online child pornography, which experts note is used as a grooming method for sex trafficking; in some cases, parents exploited their children. Cases involving child victims were mostly sex trafficking cases occurring in Chisinau. Traffickers exploit children, some as young as five, in commercial sex and child labor, mostly in agriculture, construction, service, and industrial sectors. The vast majority of child laborers worked in family businesses or on family farms. Children, living on the street or in orphanages or abandoned by parents migrating abroad, remain vulnerable to exploitation. Children from Roma communities are more vulnerable to child labor and trafficking. Observers express concern that corrupt management in state institutions exploit children in domestic services or on farms. Labor trafficking remains the most prevalent form of exploitation among adult male victims. Internal labor trafficking, particularly in the agriculture and construction sectors, and forced begging is steadily on the rise, including among labor migrants. The undocumented or stateless population, including the Romani community, within Moldova are at risk of exploitation, primarily in the agricultural sector. Traffickers disproportionately target people with mental disabilities. Reports indicate cases of labor trafficking in residential institutions for persons with disabilities, such as personnel assigning housekeeping duties to patients in lieu of hiring staff. Women from the Gagauzia Autonomous Territorial Unit are vulnerable to sex trafficking in Turkey. Thousands of foreign nationals and Ukrainian refugees, predominantly women and children, who are fleeing the war in Ukraine and crossing the Moldova border seeking sanctuary, are highly vulnerable to trafficking. Reports indicate more than 100,000 refugees have stayed in Moldova as of the end of March 2022. Russian courts have convicted 10 Moldovan citizens for drug-related crimes their traffickers forced them to commit. Official complicity in trafficking crimes continues to be a significant problem with complicit officials rarely prosecuted and punished.

### **THE BREAKAWAY REGION OF TRANSNISTRIA**

Although Transnistria declared independence in 1990, no United Nations member recognizes its sovereignty. The breakaway region of Transnistria remains outside the administrative control of the Government of the Republic of Moldova; therefore, Moldovan authorities are unable to conduct trafficking investigations or labor inspections, including for child labor and forced child labor, in the region. Furthermore, de facto authorities in Transnistria do not communicate their law enforcement efforts to authorities in Moldova. A Transnistrian NGO reports identifying eight trafficking victims and 13 potential victims in 2021. Victims in Transnistria do not have



access to Moldovan legal protections or social services. Moreover, observers note insufficient victim assistance, including immediate and long-term reintegration, and protection leaves victims vulnerable to re-victimization. Presently, the toll-free, NGO-run hotline represents the main tool for addressing trafficking implemented in the region and is one of the few anti-trafficking initiatives supported by the de facto authorities. The hotline estimates the scale and dynamics of trafficking and determines the profile of potential victims. Observers note, over the last 10 years, a decline in de facto authorities' efforts to prevent and combat trafficking, and multiple reports express concern with systematic human rights violations in the region. Transnistria remains a predominate source for sex trafficking victims in neighboring countries. Children, particularly those suffering from familial neglect, continue to be vulnerable to trafficking. Traffickers exploit victims within Transnistria, in Poland and Russia, and over the Ukrainian border and through Odesa. Thousands of Ukrainian refugees, predominantly women and children, who are fleeing the war in Ukraine and crossing the Transnistria segment of Moldova's border seeking sanctuary, are highly vulnerable to trafficking. Reports indicate more than 9,000 are staying in Transnistria.