

## **Moldova (Tier 2)**

The Government 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 to the previous reporting period; therefore Moldova remained on Tier 2. These efforts included identifying significantly more victims, establishing a case allocation system to route trafficking cases to judges with specialized training, holding some complicit officials accountable, and simplifying the process to obtain citizenship. However, the government did not meet the minimum standards in several key areas. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. Victims continued to suffer from intimidation from traffickers, and authorities provided uneven levels of protection during court proceedings. There was limited assistance available to child victims, despite the increasing number of children identified.

### **PRIORITIZED RECOMMENDATIONS:**

Vigorously investigate, prosecute, and convict traffickers, including complicit officials. • Implement measures to address corruption in the judicial sector and law enforcement community, including taking steps to shield trafficking investigators and prosecutors from external influence and internal corruption. • Exempt all victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin. • Ensure consistent use of laws and regulations designed to protect victims during trial, take steps to protect victims and witnesses during court proceedings, and prosecute perpetrators of witness tampering and intimidation. • Increase shelter and rehabilitation assistance to child victims of trafficking. • Train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions. • Increase access to shelters and rehabilitation facilities for male victims of trafficking. • Improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations. • Formalize government oversight of private employment agencies, including monitoring for any recruitment fees charged to applicants.

### **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, which was not sufficiently stringent. Corruption in the judicial system remained an acute impediment to bringing traffickers to justice; prosecutors, members of the judiciary, and members of law enforcement were implicated in corrupt practices. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds. The government prosecuted several officials for complicity in trafficking. A case against a police officer for facilitating prostitution remained ongoing. In January 2018, a court convicted the former deputy director of Moldova's human trafficking-specialized law enforcement body for accepting bribes in a trafficking-related case and sentenced him to four years in prison; his case remained pending in the appeals court. Prosecutors indicted the director of an orphanage for the sexual and labor exploitation of several children in 2017; in 2018, a court convicted and sentenced the director and an accomplice to 17 years and six months and 17 years, respectively. The court ordered both to pay a minor victim 800,000 Moldovan lei (\$47,080). Investigations on several government officials for complicity in trafficking continued in 2018. These included a case against a village mayor for labor trafficking and a case involving the deputy head of a regional labor inspectorate accused of forced labor on an animal farm. Authorities investigated, arrested, or indicted several Moldovan diplomats and the head of the foreign ministry's consular affairs department for extorting or accepting bribes to facilitate illegal migration.

Authorities conducted 153 trafficking investigations in 2018, compared to 185 in 2017. The government initiated 83 prosecutions in 2018, compared to 85 in 2017, and convicted 59 traffickers, compared to 58 in 2017. Of the 59 convicted traffickers, 56 received prison terms, ranging from three years and three months to 20 years, and three received suspended sentences. There were 20 persons acquitted and seven criminal investigations were terminated.

The Center for Combating Trafficking in Persons (CCTIP), Moldova's specialized anti-trafficking law enforcement body, was staffed by approximately 40 officers. The unit suffered from significant turnover of experienced staff during the year, which hindered the body's ability to investigate complex cases—such as those involving transnational criminal gangs or complex financial transactions. Observers reported CCTIP focused on simpler domestic sex trafficking cases rather than complex international cases, which boosted the center's statistics. The Prosecutors General Office (PGO) expanded staff of the Trafficking in Persons and Cybercrimes Unit, which was dedicated in part to trafficking crimes, from five prosecutors to 10, who focused solely on the investigation stage of the criminal justice process. Observers remarked increased staff led to the unit prosecuting significantly more trafficking cases. The Chisinau Prosecutor's Office maintained an Anti-Trafficking Bureau and monitored the assignment of cases, ensuring only prosecutors with specialized training received trafficking cases. Every territorial prosecutor's office outside the capital had a designated prosecutor to cover these cases. A separate team of six prosecutors within the PGO continued to serve as the focal point for international trafficking cases and monitor the Anti-Trafficking Bureau; it also tracked trends and data. In May 2018, the government established a new case allocation system for criminal trafficking cases, ensuring judges with specialized trafficking experience would hear them. 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 2018.

Prosecutors did not develop investigative techniques that corroborate testimony or consistently employ a victim-centered approach to cases. A February 2016 Constitutional Court decision limited the time suspects may be detained to 12 months. Because final verdicts in trafficking cases can take years, this ruling obligated authorities to release suspected traffickers before trials concluded, enabling them to flee the country or retaliate against witnesses. Observers reported traffickers tried to manipulate, blackmail, or bribe victims to change their testimony. In 2018, only one victim and their family members benefited from witness protection programs, compared to three in 2017, despite many more in need of such protection. 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 were executed, which increased the risk of corrupt officers warning suspects ahead of

raids or intervening in ongoing investigations. In July 2018, the PGO issued an order calling for investigations in the case of a witness or victim changing testimony; during the reporting period, law enforcement initiated seven investigations of suspected witness intimidation and all seven resulted in criminal cases.

## **PROTECTION**

The government maintained victim protection efforts. The government identified 364 trafficking victims in 2018, compared with 249 in 2017. Of these identified victims, 60 were children, an increase from 48 in 2017. Some law enforcement officials may have intentionally avoided taking action on victim identification and investigation of trafficking crimes. Border police did not consistently screen undocumented migrants for trafficking before placing them in detention facilities. The government decreased funding for victim protection, budgeting approximately nine million lei (\$529,630) to repatriation assistance and seven shelters for victims of crime and family violence; this compared with 12.1 million lei (\$712,060) in 2017. The government often relied on NGOs and international organizations to supplement government employee salaries and fund victim services; government contributions were often insufficient to cover basic living expenses for both employees and victims.

The government assisted 110 victims, including 19 children and five foreigners, with shelter care and coordinated with an international organization to facilitate the repatriation of 28 adult and 20 child victims from Russia, Ukraine, Romania, Spain, Lithuania, Italy, and the United Arab Emirates. Teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance. 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 some victims were unable to obtain the free medical insurance afforded under Moldovan law. Authorities granted foreign victims a 30-day reflection period, during which they could receive assistance and protection from deportation; if foreign victims chose to cooperate with law enforcement, they received temporary residence. Victims who could not be repatriated due to safety concerns could receive shelter-in-country, although no such cases were reported in 2018. Victims often struggled to find pro bono legal representation and relied on legal assistance provided by NGOs and international

organizations. 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 risk of re-victimization. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care; one shelter could accommodate up to 10 child victims, but provided limited social services. Children's rights groups noted the limited assistance to child victims put them at a higher risk for institutionalization and further trauma. Officials interviewed victims 14 years old or younger in specialized hearing rooms with recording equipment and the assistance of a psychologist. Male victims were entitled to all forms of assistance, but lacked access to shelters. 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. Law enforcement seldom fully informed victims of their rights, and victims did not understand court proceedings. At times, police intentionally withheld informing victims of their rights in attempting to secure victims' cooperation; some victims chose to flee abroad to avoid criminal proceedings against their alleged trafficker. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. The law required adult victims confront their alleged traffickers in person at a police station to begin an investigation; this requirement likely deterred victims from reporting crimes and could re-traumatize victims or otherwise put them at risk. In some cases, adult victims were required to confront their traffickers on multiple occasions over the course of an investigation and trial. Judges had discretion to allow victims to provide testimony without the alleged trafficker being physically present in the room. However, 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 so that the victims felt pressured to change their testimony.

The law allowed victims to file a civil suit for restitution as part of the criminal proceedings. In 2018, victims received awards of more than 3.2 million lei (\$188,310) as restitution. Victims could submit compensation claims to the Ministry of Justice when they could not obtain compensation from the convicted

perpetrator. Law enforcement recovered criminal assets from traffickers totaling 4.2 million lei (\$247,160), including cash, vehicles, and real estate. The government punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The criminal code exempted trafficking victims from criminal liability for committing offenses as a result 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 prostitution offenses. Authorities could fine or imprison victims for making false statements if they changed their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the traumatization experienced. Authorities also prosecuted victims who recruited other victims during their period of exploitation.

## **PREVENTION**

The government maintained prevention efforts. In September 2018, the government subordinated the national anti-trafficking committee (NCCTIP) secretariat under a new Permanent Secretariat, reducing the number of staff dedicated exclusively to coordinating anti-trafficking efforts from four to one and reducing the funding from the State Chancellery for combating trafficking. During the reporting period, the NCCTIP inter-ministerial committee convened three times to discuss progress on the ministries' commitments under the 2018-2023 national strategy and associated 2018-2020 action plan. The decreased staffing of NCCTIP limited the government's ability to conduct public awareness campaigns; however, the government continued to collaborate with civil society and international organizations to raise awareness. The government provided partial funding to an NGO to manage a hotline on child abuse and exploitation. The government funded and operated several trafficking hotlines; the government did not provide complete data, but CCTIP reported receiving 30 calls related to trafficking crimes through its hotline.

The National Agency for Employment provided consultations to employment agencies and coordinated agreements between employers and individuals; 81 registered private employment agencies operated within Moldova. Inspections at 62 of these agencies resulted in the closure of 17 agencies, 17 fines, and 22 official requests to the State Tax Service for tax audits and license revocations. Despite

these actions, observers noted the general lax oversight and control of private recruitment agencies, particularly those offering foreign job opportunities, as a key trafficking vulnerability. The government simplified the procedures to obtain Moldovan citizenship and identity documents for individuals residing in Transnistria. The government made efforts to reduce the demand for commercial sex.

## **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 exploit Moldovan victims in sex and labor trafficking within Moldova and in Russia, Germany, other countries in Europe, and the Middle East. Most victims are from rural areas and have low levels of education. Traffickers exploit women and children in sex trafficking in Moldova in brothels, saunas, and massage parlors. Increasingly, girls aged 13 to 15 are victims of sex trafficking. Child sex tourism remains a concern, including from the EU, Turkey, Australia, Israel, Thailand, and the United States; children are exploited in online child pornography, which experts note is used as a grooming method for sex trafficking. Children, living on the street or in orphanages or left behind by parents migrating abroad, remain vulnerable to exploitation. Labor migrants remain vulnerable to trafficking; women account for more than half of all labor migrants from Moldova. The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Women from Gagauzia—a Turkic-speaking autonomous territorial region—are vulnerable to sex trafficking in Turkey. The undocumented, or stateless, population, including the Romani community, within Moldova remains vulnerable to exploitation, primarily in the agricultural sector. There are increasing reports of forced labor in the construction sector. Official complicity in trafficking continues to be a significant problem in Moldova.