



SUMMARY OF THE STUDY



LA
STRADA
Moldova



Norwegian Ministry
of Foreign Affairs

**MIGRANTS' VULNERABILITY
TO HUMAN TRAFFICKING
AND EXPLOITATION IN
THE REPUBLIC OF MOLDOVA**





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MIGRANTS' VULNERABILITY TO HUMAN TRAFFICKING AND EXPLOITATION IN THE REPUBLIC OF MOLDOVA

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Migrants' vulnerability to human trafficking and exploitation in the Republic of Moldova

The Republic of Moldova is known mostly as a country of emigration and origin of trafficking in human beings



I. Importance of the study in the context of the new migration trends

The Republic of Moldova is known mostly as a country of emigration and origin of trafficking in human beings (THB).

The emigration of citizens of the Republic of Moldova, including irregular emigration, is present in high numbers, facilitating THB, thus affecting the citizens of RM. The authorities of the Republic of Moldova are particularly concerned with the prevention, identification, investigation and provision of assistance to cases of THB that involve citizens of the Republic of Moldova.

Over the past few years however, new factors have surfaced, factors that make the Republic of Moldova a more attractive country of destination and transit to irregular migrants, citizens of other countries, vulnerable to TBH and exploitation. At the same time, the identification of victims of THB among immigrants and transit migrants on the territory of the Republic of Moldova remains to be a challenge. This has been previously criticized by develop-



ment partners. This report represents a first attempt at analyzing the above-mentioned aspects in order to:

- a. Know and recognize the actual situation
- b. Identify the gaps in the national anti-trafficking response
- c. Develop relevant recommendations and contribute to the improvement of policies in the field, the existing methodologies of identification of foreign migrant-victims of THB and exploitation, and, also the ways of granting access to the necessary assistance and protection.

"A refugee is someone who survived and who can create the future."

– Amela Koluder



Recent studies undertaken by various international organizations on the mass movement of migrants from Africa, the Middle East and other disadvantaged regions to countries of the European Union (EU) show that the migration flows are mixt and they include the following categories of migrants:

1.
 - » economic migrants, including those who move illegally
2.
 - » refugees and asylum-seekers
3.
 - » victims of THB
4.
 - » other vulnerable migrants

Recent studies



The THB phenomenon has become diffuse, essentially inter-linked with the phenomenon of irregular migration or smuggling of migrants

For the identification of trafficked persons, it is recommended to use the signs of migrants' vulnerability to THB. Therefore, the methodology of this study is also based on the experience of the International Organization for Migration, who developed recommendations for the identification of victims of THB and exploitation among mixed migration flows.



What are the reasons for the migration flows on the territory of the Republic of Moldova



1.

Lack of workforce in the domestic labour market caused by the large flows of Moldovan emigrants



2.

Liberalization of the entry and residence regime in the Republic of Moldova



3.

Instability in some Asian and north African countries



4.

Armed conflicts in Syria and Ukraine => Moldova is a country of transit to the EU

What is the structure of current migration flows



1.

Economic migrants, including irregular migrants



2.

Refugees



3.

Asylum seekers



4.

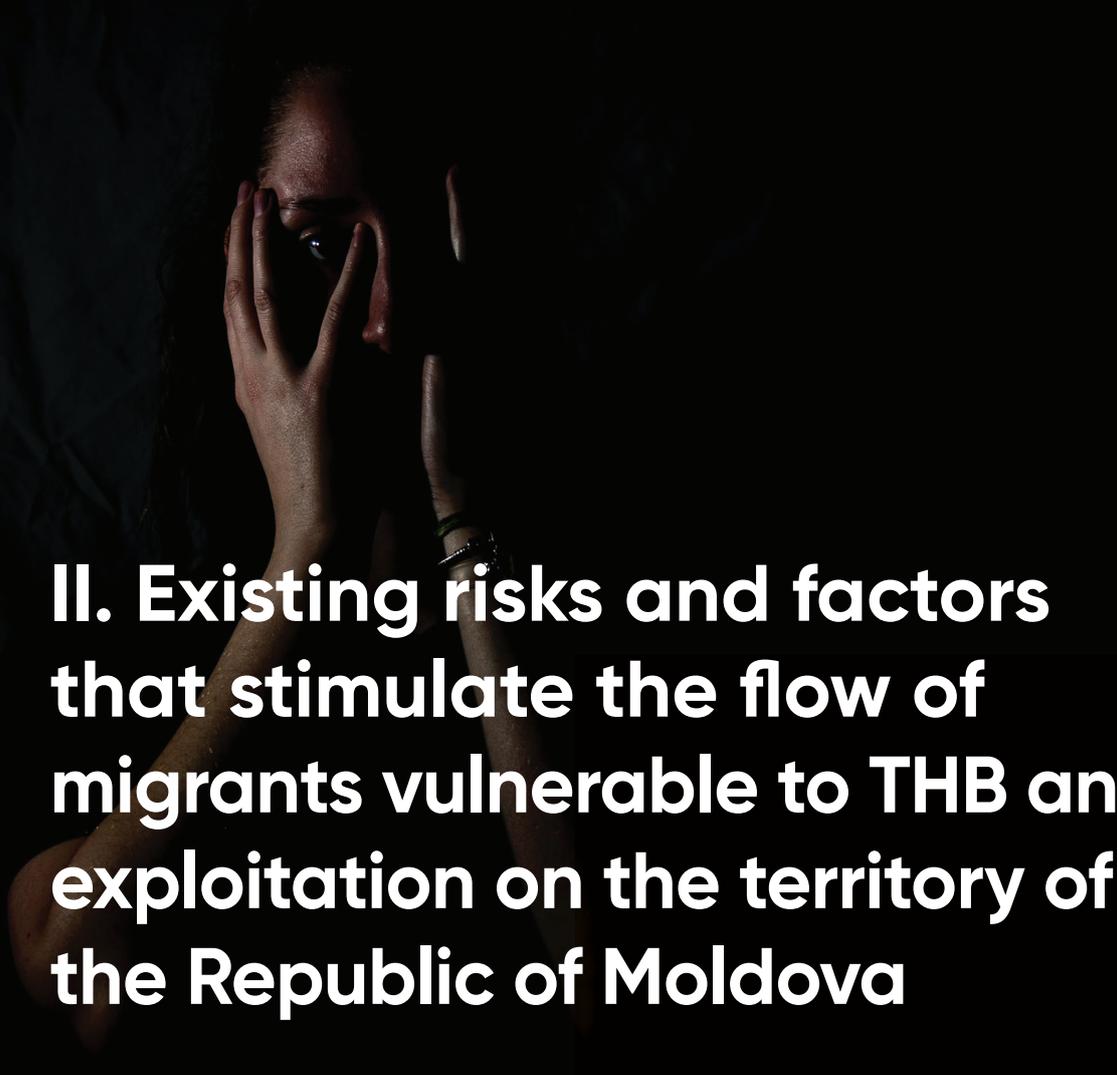
Victims of THB



5.

Other vulnerable migrants





II. Existing risks and factors that stimulate the flow of migrants vulnerable to THB and exploitation on the territory of the Republic of Moldova

The need to open up the domestic labour market to foreign workers

The mass emigration of Moldovan citizens to other countries of the world has caused a demographic crisis in the Republic of Moldova, especially manifested through the lack of local labour force. Economic agents from the RM advocate for simplifying arrangements governing the entry and stay in the Republic of Moldova which would stimulate the attraction of labour force from abroad. As a result, in the period 2018-2019, the Republic of Moldova has liberalized the entry regime in the country:

- 01 list of countries whose citizens require an invitation in order to obtain a visa for the RM has been reduced by **50** countries
- 02 list of countries whose citizens require visas in order to enter the RM has been reduced by **34** countries



To date, the Republic of Moldova has not registered huge waves of immigrants, but the recent legislative amendments on the admission of foreign workforce can stimulate the increase in the flow of labour immigrants, including migrants vulnerable to THB and exploitation.

The increase of involuntary migration in the RM

The study shows that the number of asylum seekers and beneficiaries of humanitarian protection has increased significantly in the period 2012-2015. This is greatly due to the armed conflicts in Syria and Ukraine. An increasing trend in involuntary migration has again been registered in 2018.

“Migration is an expression of the human aspiration for dignity, safety and a better future. It is part of the social fabric, part of our very make-up as a human family.”

– Ban Ki-moon

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Asylum seekers	75	57	42	90	72	177	163	245	276	120	75	104
Humanitarian protection beneficiaries, incl. stateless persons	20	20	12	25	20	45	83	63	150	54	46	255
Refugees	89	84	80	70	56	72	78	124	144	153	152	163

Table 1. Involuntary migration of foreign population

Source: Bureau for Migration and Asylum(BMA)/ Ministry of Internal Affairs (MIA)

Citizens of Syria prevail among asylum seekers based on data from 2017, accounting for first requests for asylum. They constitute 21% of the total requests, followed by citizens of Ukraine (12%), Turkey (11%) and Russian Federation (11%) (see page 14).

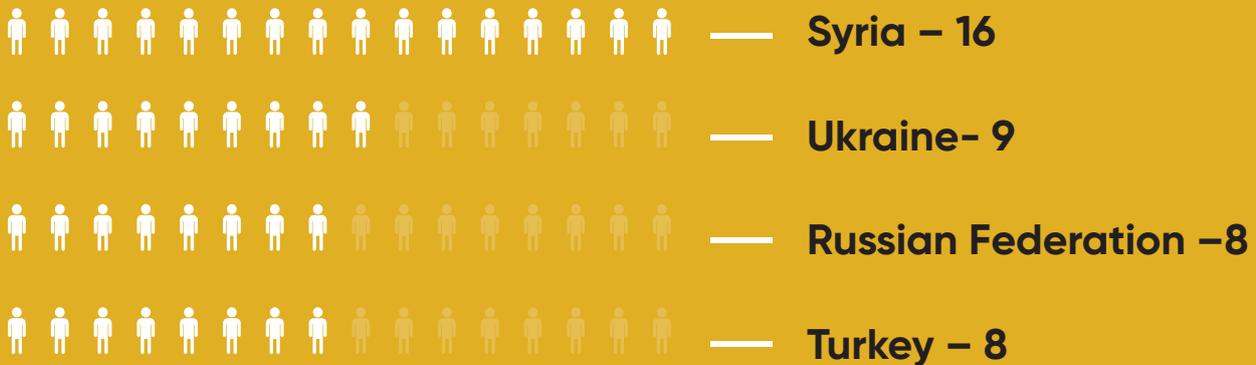
Top 10 countries of origin of asylum seekers in the RM, year 2017, number of cases

Statistics for
2017



65

Total number of asylum seeker cases in the Republic of Moldova



7
Georgia

6
Armenia

4
Kirgizstan

3
Ivory Coast

2
Iran

2
Kazakhstan

Source: BMA/MIA

In the period of January-October 2018, the BMA has registered 103 requests for asylum. The highest number of requests were submitted by Turkish immigrants- 40, followed by Russian – 12, Ukrainian – 10, Armenian – 7, Bangladeshi – 5, Uzbeks – 5 and 1-2 requests from citizens of other states. Representatives of the BMA specified that asylum seekers from Afghanistan and Bangladesh, most often reside illegally on the territory of the RM.

The expansion of EU borders and the gradual growth of the irregular migration flow through the territory of the RM

Since Romania has joined the European Union, the Republic of Moldova found itself at the border with the EU, thus becoming attractive for irregular foreign migrants as a country of transit to the EU. Official data shows that, until now, there were no large inflows of immigrants in the RM, but there **is an increase from year to year**. Thus, according to data from the Border Police (BP), in 2018 there has been **an increase** in illegal migration incidents (**compared to 2017**). These include:

Number of cases of the residence regime violations

increased by

12,1%

Number of cases of violation of state border

increased by

68,5%



The majority of the geopolitical forecasts for the near future refer to the constant or increasing level of instability in the regions of Asia and Africa. Therefore, the flow of involuntary migration to the RM will not decrease anytime soon.



Table 2. Statistical data registered by BP in the area of irregular migration, 2015-2018

	2015		2016		2017		2018	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
Irregular migration	1461	1495	1078	1101	1240	1251	1421	1446
1. Violation of the residence regime, including:	1373	1377	1038	1042	1186	1186	1330	1330
Did not leave voluntarily the territory of the Republic of Moldova upon the expiry of prescribed period	522	526	376	378	302	302	414	414
Non-declaration of entry into country within the prescribed time limit	845	845	660	662	884	884	916	916
2. Violation of the state border, including:	88	118	40	59	54	65	91	116
By bypassing the state border crossing points	21	39	19	36	11	21	17	31
Fake documents	57	66	20	21	38	38	69	80
Substitution of person	8	10	0	0	5	6	5	5
Clandestine ¹	2	3	1	2	0	0	0	0

¹ Hidden from border control in a specially arranged place, as a rule, in a vehicle



The main countries of origin of the migrants who have violated state border



In 2018

78.5% 

Increase in number of persons documented for violation of the state border of the Republic of Moldova compared to 2017

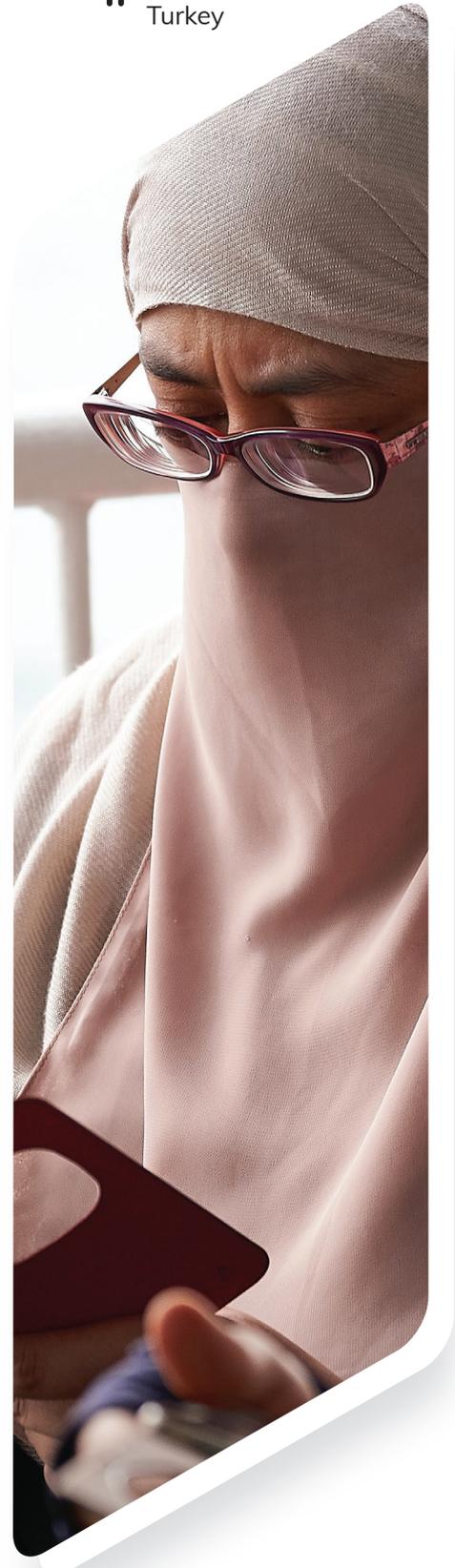
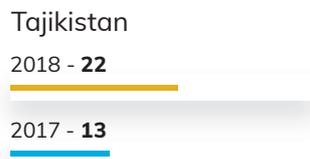
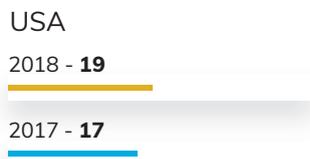
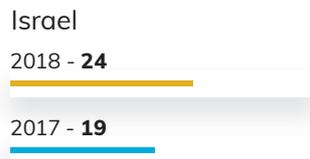
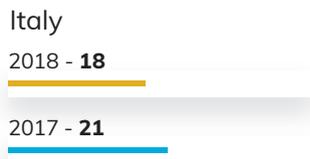
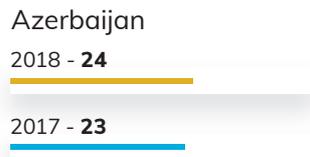
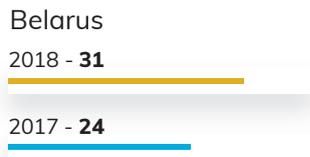
76% Cases of using fake documents

19% Cases of bypassing border crossing points

5% Cases of substitution of other person



Where do the migrants who violated the residence regime come from



Source: BP

2018



The residence regime most frequently is violated by citizens of:

45%

Ukraine

24%

Russian Federation

5%

Romania

Third-country nationals and stateless persons who

migrate to and through the Republic of Moldova illegally (by violating state border or the residence regime), especially those without identity documents, are highly vulnerable to THB and exploitation on the territory of the Republic of Moldova, primarily in the agriculture and construction sectors.

Stateless persons

As of 31.12.2018, on the territory of the Republic of Moldova there have been registered:

- Stateless persons with valid documents **(1908 pers.)**;
- Stateless persons with expired identity documents **(721 pers.)**;
- Persons with soviet type passports **(8818 pers., of which 8512 are citizens of the RM)**;
- Persons with undetermined citizenship **(1822 pers.)**.





III. THB and exploitation of migrants on the territory of the Republic of Moldova

Despite the gradual growth of the number of vulnerable migrants and the high risk of their exposure to THB and exploitation, cases of THB and exploitation among migrants who are third-country nationals are very rarely identified.

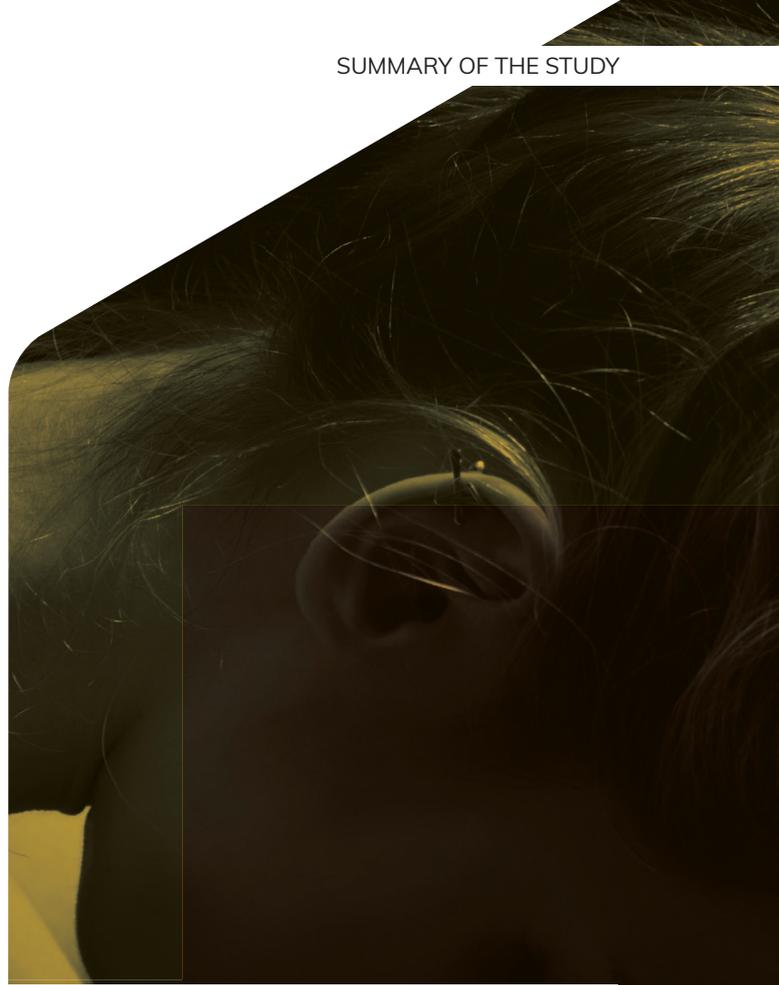


Table 3.
CCTP data on THB offences and exploitation of third country nationals registered in 2016–2018 ²

Number of registered offences	Article in the Criminal Code based on which the case was started	Type of offence	Number of victims	Confirmation of case	Gender	
					M	W
Year 2016 – there were no cases registered						
Year 2017 – there were no cases registered						
Year 2018						
3 offences	Art. 165	THB for labour exploitation	3	Yes	3	0
		THB for exploitation through begging	2	Yes	1	1
1 offence	Art.165	THB for labour exploitation	10	Reclassification based on art.362/1 –organization of illegal migration	10	0

Source: Center for Combating Trafficking in persons (CCTP)/MAI

However, data collected in this study show that, in the Republic of Moldova:

1. There are some cases of THB and exploitation of migrants who are third country nationals identified by the authorities of the RM;
2. In the flow of irregular migrants, there are situations where migrants-presumed victims of THB and exploitation are not identified by the authorities of the RM;
3. The countries of origin of the vulnerable migrants, presumed victims of THB and exploitation are countries of the former USSR: Ukraine, Russian Federation, Uzbekistan, but also some countries from Asia (Turkey, Bangladesh, Pakistan) and Africa;
4. The most frequent forms of exploitation of migrants on the territory of the RM are exploitation through labour and begging.

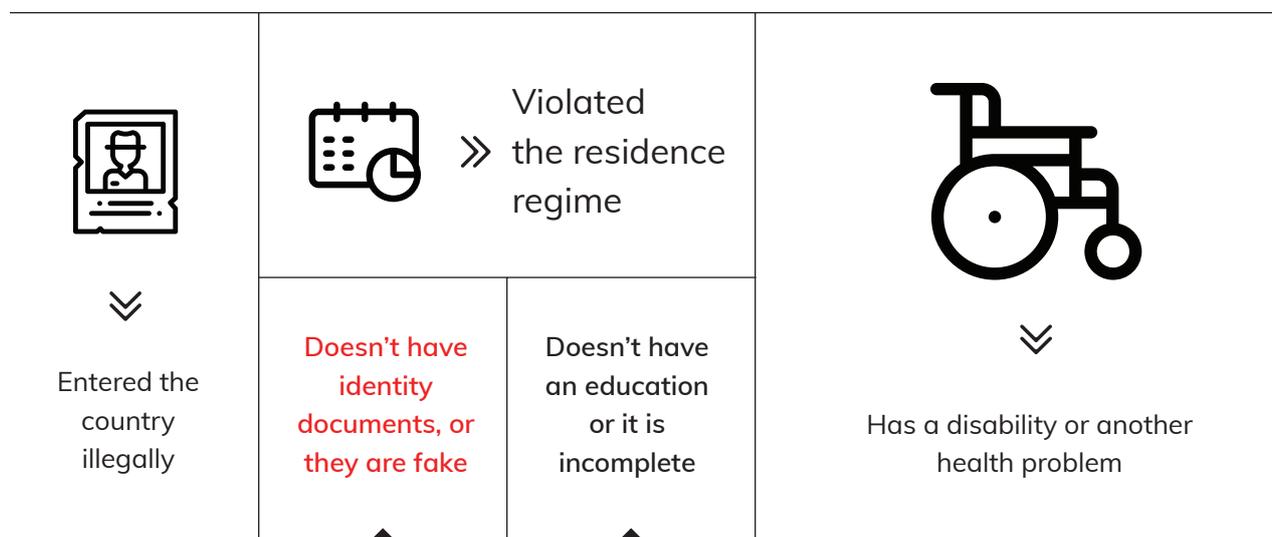
The information collected confirms that unaccompanied children, women, but also men of various ages are vulnerable to THB and exploitation.

² In April 2020, at the time when this study was finalized, the data on this area for 2019 was published. The data confirms the increase of the THB phenomenon among third country nationals on the territory of the RM – 45 persons, citizens of Turkey, have been identified as victims of THB and exploitation on the territory of RM.





What does the typical **situation** of a migrant at high risk of THB or exploitation on the territory of the Republic of Moldova look like

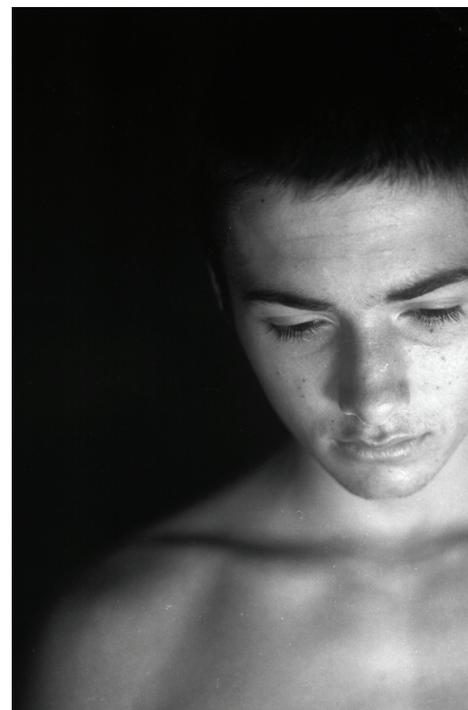


A photograph of a person in a wheelchair being pushed by another person. The person in the wheelchair is wearing a blue hooded jacket and a dark jacket. The person pushing the wheelchair is wearing a blue puffer jacket and a brown knit hat. They are outdoors on a paved path. The background is slightly blurred, showing other people in the distance.

“We only have two choices: do nothing, or do something.”

– Tony Kirwan

IV. The identified gaps in the national anti-trafficking response



The study confirms the general hypothesis – the Republic of Moldova is not sufficiently prepared for identifying, investigating, providing assistance and protection to migrant-victims and presumed victims of THB and exploitation. Specifically:

- 01 The identification and investigation of cases of THB and exploitation of migrants is below the acceptable level, the necessary tools and resources are lacking.
- 02 Specialists of the State Labour Inspectorate (SLI) cannot participate in the identification of cases of THB and exploitation of both Moldovan and foreign citizens, the reason being that the SLI has limited competences and cannot carry out unannounced controls.



- 03 To date, neither the BP nor the Center for Temporary Placement of Foreigners (CTPF) have investigated irregular migrants from the perspective of THB and exploitation (Victims of THB have not been identified).
- 04 Difficulties in the identification and investigation of cases of THB and exploitation on the territory of the RM include: (i) the absence of a translator from the moment when the migrant is detained by the BP or another authority, in order to comply with the terms of investigation provided by the legislation; (ii) difficulties in proving the THB crime; (iii) the documentation procedures are bureaucratic and stall the investigation procedure; (iv) lack of an efficient coordination of the activity of all parties involved in the identification, protection and assistance of victims of THB as well as ensuring that the rights of the migrants are respected.

- 05 The RM has a legal-regulatory framework in the field of migration and combating THB, but these documents are not harmonized and not oriented towards the identification of victims of THB and exploitation among immigrants and transit migrants.
- 06 Migration legislation provides for granting the right of residence to the third-country national – victim of THB, regardless of whether he/she entered the country illegally. However, the procedure of confirmation of the status of THB is unclear, as well as what the responsible authority for the procedure is.
- 07 The lack of requests for status of victim of THB from migrants in the Republic of Moldova is determined by multiple causes: (i) victims do not realize they are victims; (ii) victims don't intend to stay in the RM, they want to transit the RM in order to get to another destination; (iii) victims are manipulated and scared, they do not know the regulations that would allow them to request the status of victim; (iv) victims are asylum seekers, because the status of refugee is more attractive to them.

08

Difficulties in providing assistance and protection to migrant-victims and presumed victims of THB and exploitation are: (i) lack of placement facilities for migrant-victims and presumed victims of THB and their families; (ii) lack of the necessary specialized services and the high cost for services such as documentation and healthcare; (iii) funding for these services is not enough and it is based on outdated standards; (iv) lack of translators for all the languages the migrants speak.

09

The collaboration between the institutions that provide assistance and protection to victims is flawed; personal contacts are often used in order to provide the necessary support.

INCAPACITY OF THE SYSTEM





Representatives of BMA and BP know very little on the THB phenomenon among migrants



There are no procedures and working tools for the employees of the BP, BA, CTPF



There is no coordination procedure of the activities of all the parties involved



Bureaucracy in the documentation procedures



The lack of translation services from the moment the migrant is detained by the BP

The resources are limited in relation to the complexity of the criminal phenomenon (proving the crime is difficult, since sometimes situations are disguised as transit visas, business openings etc.)

Immigrants are reluctant to request the status of victim of THB

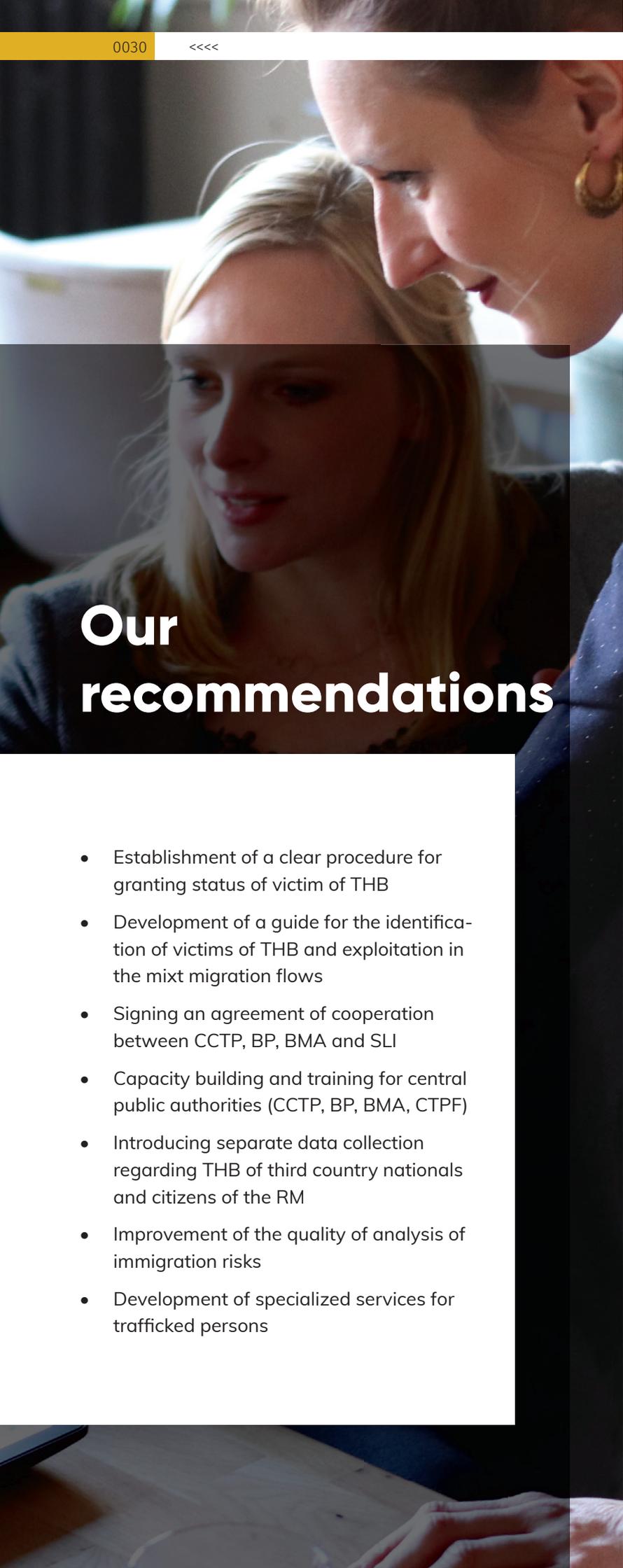
The reasons for this are:

- they don't realize they are victims
 - they are not interested in remaining in the RM
 - they are manipulated and scared
 - they don't know their rights
 - the status of refugee is more attractive
 - they are not adequately informed by the competent authorities
-

The assistance and protection offered to migrants is insufficient and of poor quality

- there are no placement facilities for migrant-victims of THB and their families
 - specialized services are lacking
 - healthcare services, documentation services etc. are expensive
 - there are no translators for all the languages that the migrants speak
-





Our recommendations

- Establishment of a clear procedure for granting status of victim of THB
- Development of a guide for the identification of victims of THB and exploitation in the mixt migration flows
- Signing an agreement of cooperation between CCTP, BP, BMA and SLI
- Capacity building and training for central public authorities (CCTP, BP, BMA, CTPF)
- Introducing separate data collection regarding THB of third country nationals and citizens of the RM
- Improvement of the quality of analysis of immigration risks
- Development of specialized services for trafficked persons
- Empower the SLI to carry out unannounced controls of the activity of private agencies
- Organizing awareness-raising campaigns
- Harmonization between national migration policies and international policies in this field
- Facilitating the dialogue between the interested parties (national authorities, central authorities, the civil society, governments of other states).

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The complete report „Migrants’ vulnerability to human trafficking and exploitation on the territory of the Republic of Moldova” is available on the webpage lastrada.md





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