



United Nations
Office on Drugs and Crime



RAPID ASSESSMENT

**of situation with identification of trafficked persons
in the Republic of Moldova**



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of situation with identification of trafficked persons in the Republic of Moldova

Desk review

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This research report was developed in cooperation with the **State Chancellery, Department for Coordination in the field of Human Rights and Social Dialogue** (Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings)

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ABBREVIATIONS

AMHSSS	Agency for the Management of Highly Specialized Social Services
CAP	Center for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings (for women and children)
CCTP	Center to Combat Trafficking in Persons
GPO	General Prosecutor Office
GRETA	Group of Experts on Action against Trafficking in Human Beings
Warsaw Convention	<i>The Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 2005)</i>
MFA	Ministry of Foreign Affairs
MIA	Ministry of Internal Affairs
MLSP	Ministry of Labour and Social Protection
MIC	Mechanism of the Intersectoral Cooperation for the Identification, Assessment, Referral, Assistance and Monitoring of Children, Victims and Potential Victims of Violence, Neglect, Exploitation and Human Trafficking
NGO	Non-governmental organization
LPA	Local Public Administration
NRMV	National Referral Mechanism for Protection and Assistance to Victims of Crime ¹
NRS	National Referral System to Protect and Assist Victims and Potential Victims of THB
SAP	Service for Assistance and Protection for Men – Victims and Presumed Victims of Trafficking in Human Beings
TASA	Territorial Agency of Social Assistance
THB	Trafficking in human beings
TMT	Territorial Multidisciplinary Team
TSSA	Territorial Structure of Social Assistance

¹ NRMV was created by transformation/adapting of NRS to the needs of other victims of crime.

EXECUTIVE SUMMARY

In the course of this study, various aspects of the identification of victims of THB in the Republic of Moldova were examined, with an emphasis on the identification of victims who are foreign citizens, including citizens of Ukraine, the role of diplomatic missions and consular offices in this process, as well as some topical issues associated with identification of trafficked persons.

The main concepts used to organize the process of identification of trafficked persons in the Republic of Moldova, as well as to determine the responsibilities of various state bodies involved in this process, are established by the Law on Preventing and Combating THB No. 241/2005. This law also clearly defines the role of the MFA and its subordinate structure in this field. Thus, the MFA shall provide assistance and protection to trafficked persons abroad. Personnel of diplomatic missions and consular offices subordinate to the MFA is responsible for facilitating the repatriation of trafficked person, citizens of the Republic of Moldova, issuance of necessary documents free of charges, providing information on the rights of victims of THB and the addresses of existing centers for providing assistance and protection to victims of THB. In addition, the heads of diplomatic missions and consular offices shall appoint a diplomat from their missions to be in charge of the implementation of repatriation procedure.

Two guides on identification of trafficked persons have been developed and officially approved in the country in different years:

- 1) *Guidelines on the Identification of Victims and Potential Victims of THB*, approved by the Order of the MLSP No.33 dtd. 20.02.2012, which regulates the identification of **victims of THB, citizens of the Republic of Moldova outside of criminal proceedings**. The document **is intended for members of the TMTs** created within the NRMV from among specialists of relevant state agencies and NGOs. The Guidelines contain provisions on the participation of employees of diplomatic representations of the Republic of Moldova abroad in identification of presumed victims of THB. However, the Guidelines are not mandatory for structures not subordinated to the MLSP. In addition, this document has become outdated over time and requires the amendments;
- 2) *Guide on the Identification of Victims and Presumed Victims of THB within Mixed Migration Flows*, approved by the order of the MIA No.485 dtd. 05.10.2022, which regulates the identification of victims of THB, **foreign citizens**. The document **is intended for law enforcement specialists and is related to criminal proceedings**. The implementation of this Guide was negatively affected by the institutional reform of the MIA in 2023, when the staff of CCTP, the unique police agency specialized in combating THB in Moldova, which shall play a leading role in identification of trafficked persons and investigation of THB crimes, was halved (from 40 to 21 people) and CCTP ceased to be a specialized in combating THB.

Identification of victims is recognized as a key procedure within the NRMV – a model of effective coordination of the activities of all structures involved in the protection and practical implementation of the rights of crime victims, including victims of THB. This mechanism was created and is being developed on the basis of a special policy - the Program for the Creation and Development of the NRMV 2022-2026.

The national coordinator of the NRMV is the MLSP, which is responsible for both the management of national policy in this area and for resolving specific cases of THB (repatriation of trafficked persons and others). In performing this functions at the different levels of public administration, this ministry is assisted by subordinate structures and specialists (AMHSSS, TASAs, TSSAs and Community Social Assistants). In 2024, 42 positions of specialists in preventing and combating of domestic violence and rehabilitation of victims were introduced into the staff of TASAs and TSSAs. These specialists are coordinators of TMTs. The introduction of these positions is expected to significantly

improve the identification and providing assistance to victims of crime at the local level. However, these specialists must undergo relevant training.

According to interviewed experts, in practice, employees of diplomatic missions and consular offices of the Republic of Moldova cooperate with the MLSP, which bears the main responsibility for repatriation of victims of THB. They provide the necessary documents and other support for repatriation free of charge. The IOM Mission to Moldova, by the request of the MFA, periodically conducts trainings on the topic of identification and repatriation of trafficked persons for personnel diplomatic missions and consular offices of the Republic of Moldova (when they come to Moldova on annual leaves), as well as for staff of diplomatic missions of other countries in the Republic of Moldova. The last such training was conducted by IOM in 2022 and focused on the issue of identification of trafficked persons among displaced persons from Ukraine. Representatives of Ukrainian Embassy in Chisinau were invited to this training but did not participate.

Service providers interviewed for this study, with experience in direct assistance to victims of THB, citizens Ukraine, noted that the staff of the Consular Service of the Embassy of Ukraine in Moldova, whom they contacted before the start of the war in Ukraine, were willing to provide the necessary information and prepare the documents necessary for the repatriation of undocumented victims of THB, citizens of Ukraine. However, they categorically refused to do this for free. Another problem is that in order to make an appointment with the Consular Service and receive the necessary services, you need a personal identification number of a citizen of Ukraine. Victims of THB often don't have such a number, therefore they cannot receive the necessary consular services. During consultations within the framework of this study, a representative of the Consular Service of the Embassy of Ukraine in the Republic of Moldova assured that services can be provided free of charge to victims of THB, participants in criminal proceedings, on condition that a relevant supporting document from the police of the Republic of Moldova is provided.

The analysis of the Law on Preventing and Combating THB No.241/2005 for the purpose of this study showed this law did not clearly establish the rights of presumed victims of THB. In addition, according to this law, victims of THB, foreign citizens, who decided to participate in criminal proceedings, do not have the right to work, as victims, citizens of the Republic of Moldova. They are guaranteed free legal assistance, free legal permit and accommodation in a specialized center. After completion of the criminal proceedings, they are obliged to return to their country of origin.

In practice, short-term assistance to victims of THB is best developed in specialized centers for trafficked persons (CAP and SAP) located in Chisinau. Long-term assistance to victims of THB at the local level is poorly developed. However, there are a number of NGOs providing such assistance with the support of development partners. Medical care in medical institutions is not available to victims of THB, since they often do not have medical insurance. IOM continues to cover the cost of medical assistance for victims of THB, if serious medical intervention is required.

As the present study shown, in practice, the identification and access of trafficked persons to necessary assistance and protection, guaranteed by state, are conditioned by their participation in criminal proceedings. This is largely due to the fact that the procedure of identification of victims of THB differs significantly from the identification of other beneficiaries of social assistance and it causes difficulties for employees of the national system of social assistance. This is largely due to:

- shortcomings in the professional training of specialists;
- the presence of stereotypes among specialists regarding victims of THB, especially victims subjected to sexual exploitation;
- departmental barriers and others.

Taking into account the objectives of this research an analysis was conducted of existing cases of human trafficking, the victims of which are displaced people from Ukraine. As it was noted by the experts interviewed within the framework of this study, during the war in Ukraine, despite the large number of refugees, only one case of THB was officially registered by the police in the Republic of Moldova, the victims of which are mother and daughter, citizens of Ukraine.

The small number of officially registered cases of THB in the Republic of Moldova, affected Ukrainian citizens since the beginning of war in Ukraine, is explained by the unprecedented measures that, with the support of development partners, were undertaken in the country to prevent these cases. However, there are more than 140.000 displaced persons from Ukraine (citizens of Ukraine and third-country nationals) in the Republic of Moldova, their vulnerability to THB is growing under the weight of economic problems and the reduction of international aid. Therefore, it is necessary to continue

to provide support measures for Ukrainian refugees and include them in the policy of preventing and combating THB in Moldova.

Given the increased risk of THB associated with the migration crisis caused by the war in Ukraine, and in order to ensure coordinated anti-trafficking response with all national and international actors providing protection and assistance to displaced persons from Ukraine and those organizations that are responsible or active in the anti-trafficking field, the Task Force on Trafficking in Persons was created in May 2022. This platform has been established by the State Chancellery/Permanent Secretariat of the National Committee to Combat THB in cooperation with IOM and UNHCR. It is integrated into the work of the Technical Coordination Group, which has been operating under the auspice of the Permanent Secretariat since 2012. The Task Force is chaired by the Secretary of the National Committee and co-chaired by representatives of IOM and LA STRADA. The Task Force meets five times a year to address issues related to preventing and combating THB among displaced persons from Ukraine.

The report concludes with key findings and recommendations for improving the identification of victims of human trafficking among foreign citizens, including displaced persons from Ukraine.

1. INTRODUCTION

The phenomenon of trafficking in human beings (**THB**) still requires a comprehensive national response in the Republic of Moldova. Traffickers continue to exploit domestic and foreign victims of THB inside of Moldova, and to exploit Moldovan citizens abroad. Most victims are migrants, persons from poor rural areas, persons with disabilities living in residential institutions, undereducated adults, the unemployed and others.²

In the last 5 years in the Republic of Moldova, the number of victims of THB identified by the law enforcement agencies was 935 persons, including:³

- 2020 - 139 pers.;
- 2021 - 357 pers.;
- 2022 - 151 pers.;
- 2023 - 169 pers.;
- 2024 - 119 pers.

National reports on monitoring the implementation of the policy to prevent and combat THB, published annually by the Department for Coordination in the field of Human Rights and Social Dialogue of the State Chancellery of the Republic of Moldova, confirm the following trends in the evolution of THB phenomenon in recent years:

- 1) prevalence of labor exploitation over other forms of exploitation of VoTs;
- 2) shift of human trafficking into the digital space/growing use of information and communication technologies at all stages of the trafficking process;
- 3) increase in the number of cases of exploitation of foreigners on the territory of the Republic of Moldova (gradual its transformation into the country of destination of THB);
- 4) first manifestations in Moldova of the phenomenon of THB for labor exploitation in supply chains.

2 Trafficking in Persons Report: Moldova, 25 June 2024, Trafficking Profile, <https://www.state.gov/reports/2024-trafficking-in-persons-report/moldova/>

3 National reports on the implementation of the policies on prevention and combating trafficking in human beings for 2020 - 2024, developed and published on annual basis by the Permanent Secretariat of the National Committee for Combating THB (Department for Coordination in the field of Human Rights and Social Dialogue of the State Chancellery of the Republic of Moldova) <https://www.antitrafic.gov.md/lib.php?l=en&idc=30&t=/Reports/National-Reports/>

The persistence of THB phenomenon in Moldova is facilitated by the influence of the following factors:⁴

- persistent level of poverty and domestic violence in the country;
- high demand for cheap labor;
- high level of corruption in law enforcement agencies and the judiciary;
- increasing role of economic agents providing employment services abroad in violation of the law.

Of particular concern is the impact of the migration crisis caused by the war in Ukraine. According to UNHCR, as of 30 April 2025, nearly 1,935,300 refugees (citizens of Ukraine and third-country nationals) had arrived in the Republic of Moldova from Ukraine since 24 February 2022. While most of them continued westward to the EU, some 128,710 Ukrainian refugees and 12,680 third-country nationals had chosen to remain in Moldova, of whom 64% were female, and 49% were children.⁵

It should be noted that, thanks to the support of development partners, the Republic of Moldova has managed to avoid or minimize problems caused by the lack of resources to receive displaced persons from Ukraine, humanitarian problems, as well as risks to the safety of displaced persons from Ukraine, including their exploitation and human trafficking. However, given the fact that the war in Ukraine continues and the volume of international aid is gradually decreasing, the vulnerability of displaced persons from Ukraine to exploitation and THB may increase.

In this context, it is important to build the capacity of various actors to identify victims of THB, which is crucial to ensure victims' access to the necessary assistance and protection and the fulfilment of their rights guaranteed by international and national law.

Although the Republic of Moldova has made significant progress in prevention and combating THB phenomenon, there is still room for improvement in identification of victims of THB. Numerous factors hinder the regulation of the process of victims identification, including the lack of internationally accepted definitions of such concepts as "identification of a victim of THB", "presumed victim of THB", and "exploitation", as well as differences in the legislation of countries of origin, transit and destination of THB, problems with funding assistance for trafficked persons, etc.

The existence of problems in identification of victims subjected to THB and the importance of developing effective methods for the identification of trafficked persons are highlighted in numerous research papers. Thus, in 2019, the Ukrainian research organization "Info Sapiens", commissioned by the IOM Mission in Ukraine, conducted a study in 4 countries: Belarus, Georgia, Moldova and Ukraine. As part of this study, 1,106 respondents from the Republic of Moldova were interviewed using the Omnibus methodology. Based on the analysis of the respondents' answers about various factors influencing their acceptance of job offers abroad, the level of knowledge about the problem of human trafficking, perception of personal risks and other factors, as well as using special mathematical methods, "Info Sapiens" specialists came to the conclusion that the real number of labor emigrants in the Republic of Moldova should be about 520,000 people,⁶ and the real number of citizens of the Republic of Moldova who have suffered from human trafficking abroad over 3 years (2017-2019) should be about 23,000 people or about 7,700 people per year. However, according to official statistics from law enforcement agencies for the same years, the number of registered victims of THB varied between 249 and 365 people per year. Thus, the scientific estimate was 22 times higher than the number of officially registered victims of THB.⁷

Unidentified trafficked persons are deprived of the necessary assistance and protection and find it extremely difficult to return to normal life, i.e. find their place in their close environment, as well as in society at large. The experience of non-governmental organizations (**NGOs**) offering assistance

4 T. Fomina, A. Revenco, Raport analitic "Noi tendințe în evoluția fenomenului traficului de ființe umane în Republica Moldova în contextul factorilor externi de influență" (Centrul Internațional „La Strada”, Moldova, 2020), p. 5. http://lastrada.md/pic/uploaded/Tendinte%20TFU%20rom_TFU.pdf

5 UNHCR, Protection Brief #6, Republic of Moldova, June 2025, p.1. <https://data.unhcr.org/en/documents/details/117161>

6 This is 22% of the country's total population. As of early 2025, the population of the Republic of Moldova is estimated at about 2.4 million people.

7 T. Fomina, A. Revenco, Raport analitic "Noi tendințe în evoluția fenomenului traficului de ființe umane în Republica Moldova în contextul factorilor externi de influență" (AO Centrul Internațional „La Strada”, Moldova, 2020), p. 23.

to trafficked persons shows that some of their beneficiaries have already been involved in human trafficking in the past and have been repeatedly victimized. This leads to the conclusion that even if trafficked persons escape the control of the perpetrators, they often relapse and fall into the nets of traffickers out of despair and sheer lack of opportunities. Thus, the identification of trafficked persons is required primarily for granting protection of THB victims' rights in order to ensure their subsequent successful reintegration.

Likewise, identification of trafficked persons is highly important for the safety and cohesion of society itself. When trafficked persons are reluctant to give evidence, then the perpetrators that cash in on selling human commodity remain unpunished and are free to re-offend, generating more victims of THB. As a result, unidentified cases of trafficking act as a push factor for the trafficking phenomenon in society. We could therefore argue that timely identification of trafficked persons is a measure for counteracting the propagation of the phenomenon of THB and hence, a measure required to secure protection of the interests of the society at large.

In light of the internationally recommended victim-centered approach, improving the process of victim identification remains a necessary task. Many international experts agree that improving the identification of victims of THB largely depends on the ability of state and non-state organizations to create the necessary conditions that will allow trafficked persons to cooperate with them.

The importance and pressing necessity for effective identification of victims of THB is highlighted in the recent report of Group of Experts on Action against Trafficking in Human Beings (**GRETA**)⁸ that was published in June 2025. Thus, the GRETA in its report on the 4th round of evaluation of the implementation of the Warsaw Convention in the Republic of Moldova urged the Moldovan authorities to take additional steps to improve the identification of victims of THB, including by:⁹

- increasing efforts to proactively identify victims of THB for the purpose of labour exploitation;
- paying increased attention to the proactive identification of victims of THB among asylum seekers and foreign workers.

The mentioned aspects demonstrate the need for this research to examine the existing gaps and problems in the identification of victims of THB in the Republic of Moldova, especially foreign citizens, and to develop recommendations for improving this process.

2. RESEARCH FRAMEWORK

Purpose and objectives of the research

The purpose of this research is to examine all aspects of identification of victims of THB in the Republic of Moldova focusing on foreign citizens, including displaced persons from Ukraine. The information collected should form the basis for the development of the toolkit for identification and referral of trafficked persons for Ukrainian diplomatic and consular staff located in Moldova.

Starting from this purpose, the main objectives of the research are focused on collecting reliable information about:

- 1) screening and identification procedures for trafficked persons, included displaced persons from Ukraine;
- 2) support and care infrastructure, accessible services for trafficked persons in the Republic of Moldova, including foreign citizens, as well as its connection with the National Referral Mechanism for protection and assistance of victims of crime, established by the Government Decision No.182/2022 (NRM);
- 3) analysis of existing cases of human trafficking, the victims of which are displaced people from Ukraine;

8 GRETA was created to monitor the implementation of the Council of Europe Convention on action against trafficking in human beings (Warsaw, 2005) by the Parties to this Convention.

9 GRETA (2025)07, Evaluation Report, Republic of Moldova. Fourth evaluation round "Measures to prevent and detect vulnerabilities to human trafficking" (Council of Europe, 2025), paragraph 108. <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-fourth-report-on-the-republic-of-moldova>

- 4) other aspects of identification, referral and providing assistance to victims of human trafficking in the Republic of Moldova, which will be useful for the development of the toolkit for screening, identification and referral of trafficked persons to receive the necessary assistance and protection.

Data collection and analysis. Methodological aspects

To achieve the purpose and objectives of the research, a comprehensive methodological approach is proposed, focused on analysis of: (i) available data sources on issues of identification and assistance for victims of human trafficking; (ii) experience of various anti-trafficking stakeholders responsible for identification, referral, investigation, assistance for trafficked persons, which allows for the triangulation of the collected data.¹⁰

The research process relies on primary and secondary data sources. The research is qualitative and its program includes the following:

1. **Desk research** of secondary data by examining existing data sources, including legal and regulatory framework, policy documents and reports published by public authorities, civil society organizations (**SCOs**), and intergovernmental organizations (**IGOs**). The results of the analysis should reflect relevant legal definitions, indicators of human trafficking, legal provisions regulating procedures of identification and referral of trafficked persons, inter-agency and inter-sector cooperation, support and care infrastructure and cases (presumed cases) of human trafficking identified in Moldova, victims of which are citizens of Ukraine;
2. **Consultations** with representatives of the State Chancellery of the Republic of Moldova, the Consular Service of the Embassy of Ukraine in the Republic of Moldova and the US Embassy in the Republic of Moldova;
3. Primary data collection through **individual interviews** with various experts from public and private organizations (state bodies and institutions, CSOs and IGO) in charge of identification, referral and providing assistance for trafficked persons, as well as of coordination of inter-sector cooperation in this area.

A total of 9 national experts in anti-trafficking field were interviewed, including representatives of:

- State Chancellery/Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings;
- General Prosecutor's Office;
- Centre to Combat Trafficking in Persons;
- Ministry of Labour and Social Protection;
- International Organization for Migration, Mission to Moldova;
- Center for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings;
- PA CNFACEM (NGO);
- NGO "Women's Initiatives", Transnistria;
- PA International Center "LA STRADA", Moldova.

Individual interviews were conducted based on semi-structured interview guide in order to verify findings of the desk research, generate conclusions and recommendations. The questions asked were tailored to the experience and expertise of each interviewee. However, some questions were asked of different stakeholders in order to cross-check different points of view on a particular issue. The interviews also allowed to gather information on existing **cases of human trafficking** that have affected Ukrainian citizens since the start of the war.

The data gathered at the various phases of the research, through desk review, consultations and individual interviews were analyzed. If necessary, the results of the desk research were revised taking into account the feedback received during the individual interviews and analysis of existing cases of human trafficking. As a result, a final research report with recommendations was developed on the current situation with regard to identification, referral and access to assistance for victims of human trafficking, including foreign nationals, in the Republic of Moldova.

¹⁰ Triangulation allows to check and improve the reliability of the interpretation of research results.

Ethical considerations

The researcher followed the ethical principles and standards in research, was sensitive to beliefs, manners, and customs of respondents, and act with integrity and honesty, interacting with representatives of public authorities, service providers, CSOs and IGOs involved in the research.

All participants of the research were informed about the context, purpose and objectives of the research, as well about the confidentiality of the information provided. The verbal consent was applied to all respondents. The confidentiality of the data about the individuals interviewed were ensured, including the use of the data in such a way that these individuals cannot subsequently be identified.

All written records of key informant interviews will be kept confidential in accordance with the Law of the Republic of Moldova on Personal Data Protection No. 133/2011. Personal data were removed from the electronic records. The researcher used collected information only for the tasks related to this research.

Definitions used

Victim of THB - a natural person found to be subjected to trafficking in human beings.¹¹

Presumed victim of THB - a natural person who shows certain signs that he/she may be a victim of human trafficking, but who has not been officially recognized as a victim or injured party or who refuses to cooperate with the competent authorities to identify him/herself.¹²

Potential victim of THB – a natural person who is in a difficult situation, related to specific circumstances that may lead this person to involvement in human trafficking.¹³

Trafficked persons – presumed victims and victims of THB.

3. SCREENING AND IDENTIFICATION OF TRAFFICKED PERSONS. LEGAL BASIS AND CURRENT PRACTICE

3.1. DEFINITION OF TRAFFICKING IN HUMAN BEINGS

The definition of human trafficking plays an important role in identification of trafficked persons because it reflects a model of THB phenomenon, i.e. the possible elements of THB and their combination. The procedure of identification of presumed victims and victims of THB is carried out with use of elements of definition of THB.

Definition of THB is enshrined in the following legislative acts of the Republic of Moldova:

- Criminal Code of the Republic of Moldova No. 985/2002 (articles 165 and 206) and
- Law on Preventing and Combating Trafficking in Human Beings No. 241/2005 (article 2).

Law enforcement officers rely on the provisions of the Criminal Code and use two articles regarding the crime of trafficking in adults (art. 165) and the crime of trafficking in children (art.206) to classify relevant crimes:

Article 165. Trafficking in human beings

(1) *The recruitment, transportation, transfer, harbouring or receipt of a person, **with or without his/her consent**, for the purpose of commercial or non-commercial sexual exploitation, for forced labour or services, for begging, for appropriation of aid, benefits or social payments, for illegal use in medical or scientific testing or experiments, for exploitation in slavery or conditions similar to slavery, for use in armed conflicts or criminal activities, for the removal of human organs, tissues and/or cells, for using a woman as a surrogate mother or for reproductive purposes committed by:*

- a) use of violence not dangerous to the life or health of a person, or the threat of using such violence;*
- b) abduction;*

11 Law on preventing and combating trafficking in human beings No. 241/2005, art.2, paragraph 11).

12 Law on preventing and combating trafficking in human beings No. 241/2005, art.2, paragraph 11¹).

13 Guidelines on the identification of victims and potential victims of traffic in human beings approved by the Order of the Ministry of Labour and Social Protection No.33 dtd. 20.02.2012, para 4.

- c) theft, concealment, damage or destruction of documents;
- d) holding a person in servitude for the purpose of paying off a debt;
- e) threatening to disclose confidential information to the victim's family or other persons, both natural and legal;
- f) deception;
- g) abuse of a position of vulnerability or abuse of power, giving or receiving payments or benefits to get the consent of a person who has control over another person,

shall be punished by imprisonment **for 6 to 10 years** with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 4000 to 6000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(2) The same actions committed:

- a) (para a) has ceased to be in force);
- b) against two or more persons;
- c) against a pregnant woman;
- d) by two or more persons;
- e) by public figure, an official, a person holding a responsible public office, a foreign public figure or an international employee;
- f) with violence dangerous to the person's life, physical or mental health;
- g) with particular cruelty with the purpose of subjugating a person or with rape, use of physical dependence, weapons;
- h) on the basis of prejudice,

shall be punished by imprisonment **for 7 to 12 years** with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 6000 to 7000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

- a) committed by an organized criminal group or by a criminal organization;
- a¹) that caused infection with a venereal disease or HIV;
- b) that caused serious bodily harm or mental disorder or the death or suicide of a person,

shall be punished by imprisonment **for 10 to 20 years** with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 8000 to 10000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(4) The victim of trafficking in human beings shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status.

Article 206. Trafficking in Children

(1) The recruitment, transportation, transfer, harbouring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of:

- a) commercial or non-commercial sexual exploitation in prostitution or a pornographic industry;
- b) exploitation by forced labour or services;
- b¹) practicing begging or other base purposes;
- b²) appropriation of aid, benefits or social payments;
- b³) illegal use in medical or scientific testing or experiments;
- c) exploitation in slavery or in conditions similar to slavery;
- d) using in armed conflicts;
- e) using in criminal activities;
- f) removing human organ, tissues and/or cells,

shall be punished by imprisonment **for 10 to 12 years** with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 4000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same actions involving:

- a) physical or mental violence, the use of weapons or the threat of their use;
- b) sexual abuse and violence;
- c) abuse of authority or the child's vulnerability, the threat of disclosure of confidential information to the child's family or to other persons;
- f) removal of human organs, tissues and/or cells;

shall be punished by imprisonment **for 10 to 15 years** with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in amount of 6000 to 8000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

- b) committed against two or more children;
- b1) committed by one or more persons;
- c) committed by public figure, an official, a person holding a responsible public office, a foreign public figure or an international employee using official position;
- d) committed by an organized criminal group or a criminal organization;
- d1) causing the infection of the child with a venereal disease or HIV infection;
- e) causing severe bodily injury or mental disorder, death or suicide of the child;
- e1) committed against a child who was under the guardianship, patronage, protection, upbringing or treatment of the perpetrator;
- f) committed against a child aged under 14,

shall be punished by imprisonment **for 15 to 20 years** with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years or **with life imprisonment**, whereas a legal entity shall be punished by a fine in the amount of 8000 to 10000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) A victim of trafficking in children shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status.

Criminal Code of the Republic of Moldova No. 985/ 2002 (Official Monitor of the Republic of Moldova, 2002, No. 128-129, art. 1012).

It should be noted that Article 165 clearly established that the consent of a victim of human trafficking to intentional exploitation is irrelevant if any illegal means of influence on the victim mentioned in this article were used.

Law on Preventing and Combating Trafficking in Human Beings No. 241/2005 also contains the definition of THB, which can be used for identification of trafficked persons outside of criminal proceedings:

Art. 2 of the Law on Preventing and Combating Trafficking in Human Beings No. 241/2005

The following basic definitions are used in this law:

1) Trafficking in human beings (adults or children) – recruitment, transportation, transfer, harbouring or receipt of a person, by means of threat of force or use of force or other forms of coercion, of abduction, fraud, deception, of abuse of authority or a situation of vulnerability, or by means of offering or receiving payments or benefits of any kind in order to obtain the consent of a person who has control over another person for the purpose of exploitation of the latter.

3) exploitation of a person – abuse of a person in order to obtain benefit, namely:

- a) compelling to perform work or services, by use of force, threats or other forms of coercion, in violation of the legal provisions connected to labour conditions, remuneration, health and security;
- b) slavery, use of certain practices similar to slavery, or resorting to other ways of deprivation of liberty;
- c) commercial or non-commercial sexual exploitation;
- d) compelling to removal of human organs, tissues and/or cells;
- e) forced using a woman as a surrogate mother or for reproductive purposes;
- f) abuse of child's rights with a view to illegal adoption;
- g) use in armed conflicts or in illegal military formations;
- h) use in criminal activities;
- i) compelling to engage in begging;
- j) sale of one person to another person;
- k) compelling to engage in other activities that violate fundamental human rights and freedoms.

The definitions of THB in national legislation are based on the corresponding definition in international law documents in this area, which have been transposed into national legislation after their ratification:

- Article 3 of the *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime* (Palermo Protocol), 2000¹⁴ and
- Article 4 of the Council of Europe Convention on action against trafficking in human beings (Warsaw Convention), 2005.¹⁵

The internationally recognized definition of THB is quite complex. It includes three main groups of elements or signs of THB:

- A. **acts** (recruitment, transportation, transfer, harbouring or receipt of a person);
- B. **means** (threat or use of force or other forms of coercion, abduction, fraud, deception, etc.);
- C. **purposes** (exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, etc.).

However, real cases of THB include only some of the elements specified in definition of THB. Therefore, in practice, the question arises: "What combination of elements can be classified as THB?" It is important to understand that the case of THB is a combination of at least three of the above mentioned elements/signs of THB. According to explanations of UNODC, human trafficking is:

*"Any conduct that combines any listed acts, accomplished through particular means and is carried out for the purpose of exploitation must be criminalized as trafficking. No exploitation actually has to occur for the crime to be made out."*¹⁶

To identify a child, victim of THB it is sufficient to establish the presence of a combination of any of acts (A) with any of the purposes of exploitation (C). This does not mean that in practice no means of influence are used on children to involve or retain them in the THB situation. However, this fact does not need proof, since children are vulnerable due to their age. Therefore, child trafficking is criminalized as a separate crime, and Article 206 does not include the means of influencing child victims.

It is worth noticing that the Criminal Code of the Republic of Moldova as compared to Palermo Protocol and Warsaw Convention defined in more detail the means and purposes of exploitation. For example, art. 165 and art.206 of the Criminal Code of the Republic of Moldova define the following purposes of exploitation missing from the Palermo Protocol:

- use in armed conflicts;
- use in criminal activities;
- appropriation of aid, benefits or social payments;
- illegal use in medical or scientific testing or experiments;
- removal of tissues or cells.

These purposes of THB have been manifested in Moldova over time, during the evolution of THB phenomenon.

14 Ratified by Law of the Republic of Moldova No. 17/2005 (Official Monitor of the Republic of Moldova, No. 36-38, art. 126).

15 Ratified by Law of the Republic of Moldova No. 67/2006 (Official Monitor of the Republic of Moldova, No. 66-69, art. 277).

16 UNODC, Legislative Guides for the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, (United Nations, Vienna, 2020), page 45, paragraph 169.
https://www.unodc.org/documents/treaties/Review_Mechanism/Review_Mechanism_2020/Website/Legislative_Guide_on_TiP/TiP_LegislativeGuide_Final.pdf

3.2. NATIONAL LEGAL AND REGULATORY FRAMEWORK

In the Republic of Moldova, a comprehensive legal and regulatory framework has been created in the anti-trafficking field. In 2005-2006, the **Parliament of the Republic of Moldova** has ratified the most important international conventions in this field, as well as it approved the special **Law on Preventing and Combating THB** No. 241/2005 that established the principles of prevention and combating THB, institutional framework in anti-trafficking field, order of cooperation, duties of main stakeholders, rights of victims and presumed victims of THB, etc.

The procedure of identification of presumed victims and victims of THB is the subject of Article 16 of Law No. 241/2005. This article contains important provisions stating that the identification of victims and presumed victims of THB:

- a. is carried out for the purpose of providing access to the necessary protection and assistance;
- b. can be carried out both during and outside of criminal proceedings.

In addition, Article 12 of Law No. 241/2005 established that the identification of victims of THB can be carried out by non-profit organizations.

As it was already mentioned, the Parliament also approved the Criminal Code, which contains special provisions (art.165 and art.206) providing for severe punishment for traffickers.

The **Government of the Republic of Moldova** adopted a number of normative acts that ensure implementation of the Law on Preventing and Combating THB No. 241/2005, including the following:

- 1) **Program to Prevent and Combat Trafficking in Human Beings for 2024-2028** and Action Plan regarding its implementation, approved by the Government Decision No.715/2023 – political document developed in compliance with European standards on counteraction THB and taking into account the best practices in this field. The Action Plan (ninth in a row since 2001) provides for implementation of more than 70 events in this field for 2024 – 2028;
- 2) **Program for the Creation and Development of the National Referral Mechanism for the Protection and Assistance of Crime Victims (NRMV) for 2022-2026** and the Action Plan regarding its implementation, approved by the Government Decision No. 182/2022. This political document is aimed at (i) creation of the model of effective coordination of the activities of all participants involved in the protection and practical implementation of the rights of crime victims, including victims of THB; at (ii) ensuring an integrated approach to politics and services provided to victims of crime;
- 3) **Regulation on the National Committee to Combat Trafficking in Human Beings**, approved by the Government Decision No.472/2008 - a consultative body of the Government, created with the aim of coordinating the activity in anti-trafficking domain. This document determined the nominal structure, functions, and status of the Committee, functions of the Chairman and the Secretary, frequency of meetings, etc. According to the Regulation, representatives of non-governmental and intergovernmental organizations, which actively participate in counteraction to THB, may participate in the Committee meetings with a consultative vote;
- 4) **Regulation on the Territorial Commissions to Combat Trafficking in Human Beings**, approved by the Government Decision No.234/2008, which are responsible for coordination of anti-trafficking policies at the local (rayons) level;
- 5) **Regulation on the Activity of Territorial Multidisciplinary Team** within the framework of National Referral System,¹⁷ approved by the Government Decision No.228/2014. Territorial Multidisciplinary Team (**TMT**) is the body created for the operational coordination at local level of actions to identify victims THB, refer them and provide the necessary assistance and protection. The Regulation established the procedures of creation and functioning of TMTs, rights and responsibilities of TMT members, the order of co-education and providing with necessary premises and equipment, the standard form of questionnaire for identification of trafficked persons, etc.;

17 *National Referral System to Protect and Assist Victims and Potential Victims of THB (NRS)* was created in accordance with the Decision of the Parliament of the Republic of Moldova No.257/2008. Later on, in 2022, it was transformed into the National Referral Mechanism for Protection and Assistance to Victims of Crime (**NRMV**) in accordance with Government Decision No.182/2022.

- 6) **Framework Regulation on Organization and Functioning of the Service for Protection and Assistance to Victims of Trafficking in Human Beings and the Minimum Quality Standards for this Service**, approved by the Government Decision No.898/2015. The Regulation established standard operating procedures for the provision of temporary adequate and safe accommodation to victims of THB and specialized assistance aimed at their physic and psychological rehabilitation;
- 7) **Regulation on Procedure for Repatriation of Children and Adults – Victims of Human Trafficking, Persons in Difficult Situations, as well as Unaccompanied Children**, approved by the Government Decision No.948/2008. The Regulation established standard operating procedures for repatriation into the Republic of Moldova of mentioned categories of persons, covering related expenses, identification of parents and other legal representatives of children, of human trafficking victims unable or with limited ability to take care of themselves; emergency protection of persons stipulated in this Regulation by provision of competent protection services.

In addition, two **ministerial acts** were adopted regulating the process of identification of trafficked persons:

1) **Guidelines on the Identification of Victims and Potential Victims of Trafficking in Human Beings**, approved by the Order of the Ministry of Labour and Social Protection (MLSP) No.33 dtd. 20.02.2012. This document was elaborated with support of the International Center “La Strada” (Moldova), as the main author, and IOM. The Guidelines is designed for **TMTs’ members** and other state and non-state entities, who by virtue of their professional activity come in contact with potential victims, presumed victims and victims of THB, **citizens of the Republic of Moldova** (social workers, labor inspectors, personnel of boarding institutions, police officers, and personnel of **Moldovan diplomatic representations abroad**, etc.).

In the Guide, presumed victims and victims of THB are understood to mean persons who have already suffered from THB. Potential victims of THB are understood to mean persons who have not yet suffered from human trafficking, but who are in a difficult life situation associated with specific life circumstances that may lead to their involvement in a situation of THB.

The Guidelines establishes the procedure of identification of potential victim, presumed victim and victim of THB outside of criminal proceedings and their referral to necessary assistance and protection. The Guidelines contains detailed information about:

- Specialists, carrying out the identification of victims of THB and their responsibilities;
- Signs of THB and methods of identification of victims of THB;
- 2 standard forms - questionnaires for identification of victims of THB and potential victims of THB (**screening interview forms**), instructions for filling out, submitting and storing of these forms;
- Rules for conducting of identification Interviews with victims of THB;
- Order of analysis of the acquired information, risk assessment and provision of access to assistance and protection.

The Guidelines significantly contributed to the activation of victims’ identification at the local level after its approval. With the support of development partners, trainings were conducted for TMTs’ members, local public authorities, employees of diplomatic missions and consular offices of the Republic of Moldova and other specialists. However, this document has become outdated over time. The established procedure is focused on victims of THB who are citizens of the Republic of Moldova, but currently Moldova is gradually becoming a destination country for human trafficking and the identification procedure should also cover victims, third country nationals. It is especially important to establish which state body can grant the status of a victim of THB for foreigners. In addition, these Guidelines are not mandatory for specialists of organizations that are not subordinated to MLSP. At present, the majority of victims of THB are identified through criminal proceedings. Therefore, in 2025, GRETA recommended to Moldovan authorities to:¹⁸

- a) review the *Guidelines on the Identification of Victims and Potential Victims of Human Trafficking* (approved by the Order of the MLSP No.33/2012), clearly define bodies competent to grant the status of a victim of THB and ensure their effective implementation by all state authorities;

18 GRETA (2025)07, Evaluation Report, Republic of Moldova. Fourth evaluation round “Measures to prevent and detect vulnerabilities to human trafficking” (Council of Europe, 2025), paragraph 109.

- b) strengthen the capacity of the TMTs and the Territorial Commissions for combating THB so that they can to play a more active role in identifying and assisting victims and presumed victims of THB.

2) Guide on the Identification of Victims and Presumed Victims of THB within Mixed Migration Flows, approved by the Order of the Ministry of Internal Affairs (MIA) No. 485 dtd. 05.10.2022, after beginning the war in Ukraine. The Guide has being developed by the group of experts also with support of "La Strada" (Moldova). It outlines procedures for identification of victims and presumed victims of THB, including **citizens of Ukraine and other foreign citizens**, as well as referring them to specialized services. The Guide contains the list of direct and indirect signs for identification of trafficked persons, samples of the necessary forms of documents, describes the procedure for confirming the status of the presumed victim and the victim of THB, as well as the order of interaction between competent authorities and other anti-trafficking stakeholders.

The Guide is mandatory for specialists of the following competent authorities/law enforcement agencies that are subordinated to the MIA, who, through their type of professional activity, come into contact with migrants, presumed victims and victims of THB:

- Center for Combating Trafficking in Persons (**CCTP**);
- territorial police inspectorates that are subordinated to the General Inspectorate of Police;
- General Inspectorate of Border Police;
- National Inspectorate of Public Security;
- Bureau for Migration and Asylum (later on was renamed to General Inspectorate for Migration).

The procedure of identification of victims of THB described in this Guide is closely linked to criminal proceedings.

The Guide has 7 annexes:

- 1) Questionnaire for identification of victims of THB (screening interview form);
- 2) Act on informing about the rights and obligations of the victim of THB;
- 3) Request for assistance;
- 4) List of service providers for victims of THB;
- 5) Information on the rights and responsibilities of the injured party in criminal proceedings;
- 6) List of direct sings of THB;
- 7) List of indirect sings of THB.

3.3. VICTIM IDENTIFICATION PROCEDURES

Guidelines on the Identification of Victims and Potential Victims of THB, approved by the Order of the MLSP No.33 dtd. 20.02.2012

This Guidelines focuses more on identifying victims, **citizens of the Republic of Moldova** at their place of permanent residence. According to the Guidelines, the primary responsibility for identifying victims of THB lies with members of the TMTs created within the NRS/NRMV from among specialists of relevant state agencies and NGOs. The coordinator of each such team is a **Specialist in the field of preventing and combating domestic violence and rehabilitation of crime victims**, who is a member of the staff of the relevant Territorial Structure of Social Assistance (**TSSA**).

The Guidelines contains a detailed description of **direct and indirect signs of THB**. Direct signs of THB are developed on the basis of the legal definition of THB from the Law on Preventing and Combating THB No.241/20025 and describe 3 groups of its elements.

Indirect signs of THB include information about:

- 1) social profile of the victim of THB;
- 2) psychological profile of the victim of THB;
- 3) method of organization of the travel abroad;
- 4) victim's circumstances and environment;
- 5) victim's legal status in the country of destination or transit;
- 6) other circumstances, relating to the victim's personality and life.

According to the Guidelines, the process of identifying a victim can be divided into 2 stages:

- **preliminary identification** of presumed victim of THB, which is based on indirect signs of THB and probably some direct signs of THB;
- **definitive identification** of THB victim based on direct signs of THB: combination of at least 3 signs (action, mean and purpose) for adults and 2 signs (action and purpose) for children.

Preliminary identification of presumed victims of THB should be carried out by specialists who, by the nature of their professional activities, encounter victims of THB (social workers, labor inspectors, employees of boarding institutions, border service employees, **employees of foreign diplomatic missions of the Republic of Moldova**, etc.). Definitive identification of THB victims should be carried out by authorized specialists who have undergone special training and have been granted the authority to identify victims of THB by order of the head of the organization in which they work.

The presumed victim of THB should be ensured access to urgent assistance (help in releasing from the exploitative situation, ensuring physical safety, accommodation in a safe facility, access to urgent medical and psychological assistance, assistance in repatriation and other urgent measures when it is necessary). After urgent measures are taken to overcome the crisis situation and to normalize psychological and physical condition of the presumed victim of THB, the TMTs' members should take measures to carry out the definitive identification of THB victim. Meanwhile, the authorized person should complete a standard blank of Questionnaire 'A' for the identification of victims of THB (**screening interview form**), where those signs of THB should be specified, on the basis of which the decision was taken on recognizing the person as a victim of THB.

The completed Questionnaire 'A' should be signed by the authorized specialist and coordinator of the TMT. A copy of the completed Questionnaire 'A' is transferred to the MLSP and serves as a legal basis for providing assistance to the victim of THB guaranteed by the *Law on Preventing and Combating THB* No. 241/2005.

Guide on the Identification of Victims and Presumed Victims of THB within Mixed Migration Flows, approved by the order of the MIA No.485 dtd. 05.10.2022

This Guide is focused on identifying presumed victims and victims of THB **among foreigners** and providing their access to necessary assistance and protection. Specialists from competent authorities, who, through their type of professional activity, come into contact with foreigners, should organize the pro-active identification of presumed victims and victims of THB, taking into account possible routes of migration and THB, possible places of temporary stay of migrants and their exploitation.

As noted in the Guidelines, victims of THB often initially come to the attention of competent authorities as migrants with an irregular status or other problems. At the same time, competent authorities are obliged to collect information necessary to establish the crime of THB, which can serve as the basis for initiating criminal prosecution. This may take some time, since victims may be frightened or traumatized and do not always provide complete information during the first contact with specialists of competent authorities, or time is needed to pass on the information received to another competent authority that is authorized to make a decision on initiating criminal prosecution. At the same time, victims of THB may be in a crisis situation and need immediate access to the necessary assistance.

Therefore, the process of identification of victims of THB is conditionally divided into two stages:

- 1) preliminary identification**, the results of which allow assigning the person the status of the presumed victim of THB;
- 2) definitive identification**, the results of which allow assigning the person the status of victim of THB.

Preliminary identification of THB victims is carried out before the start of the criminal investigation, when it is suspected that the foreigner who was the focus of the specialist's attention may have been subjected to THB or exploitation (manifestation of fear, signs of physical and psychological violence, violation of the established procedure for crossing the border, unsettled legal status of a foreigner in the Republic of Moldova, signs of control by accompanying persons, etc.), but at the same time it is impossible to establish the THB crime and additional efforts must be made to gather information.

During the preliminary identification, the specialist:

- 1) determines whether the person needs the services of an interpreter and, if necessary, takes measures to provide such services;
- 2) determines whether the person requires the participation of a legal representative (hereinafter referred to as the representative) and ensures such participation if necessary;
- 3) interviews the person and fills out a special Questionnaire for the identification of victims of THB (screening interview form);
- 4) analyzes the information received.

If it is concluded that the person is a presumed victim of THB, the specialist is obliged to:

- a) inform this person in a language that he/she understands about the right to file a complaint against the actions of the perpetrators, the judicial and administrative procedures applied in the Republic of Moldova and, if necessary, refers the person to the criminal prosecution body;
- b) inform this person about the rights of the presumed victim and victim of THB, including the right to a 30-day reflection period (during which no order to expel the person from the territory of the country may be executed), right to receive a minimum package of assistance regardless of the participation in the criminal proceedings and the existing possibility of receiving the necessary assistance and protection;
- c) assess the existing risks/threats to the life, health, freedom or property of the alleged victim/victim of TL and members of his/her family or close relatives and, if necessary, take measures provided for by the Law on the Protection of Witnesses and Other Participants in the Criminal Process №105/2008;
- d) assess the individual needs of the victim and, with his/her consent, ensure access to the necessary assistance by referral and, if necessary, accompanying his/her to one of the specialized organisations providing services for victims and presumed victims of THB within the framework of the NRMV.

In addition, the specialist who has carried out the preliminary identification of the presumed victim of THB is obliged to:

- a) verify independently the information received (within 30 days) by collecting additional information that allows establishing or refuting the fact of THB and, if necessary, initiating criminal prosecution or
- b) forward immediately the completed Questionnaire for the identification of the victim of THB to the CCTP, whose specialists will continue to work on establishing the circumstances of the incident and complete the identification of the victim of THB.

The definitive identification is carried out, as a rule, by specialists of CCTP or other competent authority who are entitled to initiate criminal prosecution. These specialists collect additional information confirming the fact that the person has been subjected to exploitation, ascertain the fact of THB and initiate criminal prosecution. The General Prosecutor Office, through the territorial and specialized prosecutor's offices, ensures the conduct of criminal prosecution and the support of the accusation in court.

The definitive identification of the person as a victim of THB opens access to the full package of services provided by the legislation, including, assistance in restoring identity documents and granting the right to temporary residence, even if victim entered the country illegally. It should be noted that for a number of years, the CCTP has played a leading role in the detection and investigation of THB crimes. It was the unique police agency specialized in combating THB in Moldova until 2023, when, as part of the institutional reform of the MIA, the staff of CCTP was halved (from 40 to 21 people) and CCTP ceased to be a specialized in combating THB. However, the specialists interviewed within the framework of this study noted that territorial police inspectorates still report suspected cases of THB to the CCTP.

At present the CCTP reports a very large workload for criminal prosecution officers - 2 officers are handling 70 criminal cases. The General Prosecutor Office has repeatedly asked the MIA to cancel the 2023 decision and restore the specialization of the CCTP. However, the MIA does not agree, saying that the officers of the General Police Inspectorate have a specialization in investigation of THB crimes. At the same time, the experts interviewed in the framework of this study noted the good

work of the Service for Combating THB and Illegal Migration, which is subordinated to the General Inspectorate of the Border Police. Some officers of the CCTP, who were laid off in the 2023 during the institutional reform of the MIA, transferred to work in this Service.

3.4. PARTICIPATION OF DIPLOMATIC MISSIONS AND CONSULAR OFFICES IN IDENTIFICATION AND ASSISTANT OF TRAFFICKED PERSONS

The Ministry of Foreign Affairs (**MFA**) of the Republic of Moldova is mentioned in the Law on Preventing and Combating THB No.241/2005 (art. 10) as a part of the institutional framework in the anti-trafficking field. The MFA shall contribute to preventing and combating THB, especially through organizing and participating in negotiations in order to conclude agreements with other states and international organizations in the anti-trafficking field, as well as through providing assistance and protection to trafficked persons abroad.

The duties of diplomatic missions and consular offices subordinate to the MFA are stipulated by the art.22 of the Law No. 241/2005. The diplomatic missions and consular offices of the Republic of Moldova have the following duties:

- a) providing protection and assistance to citizens of the Republic of Moldova recognized as victims of THB, **facilitating their repatriation** in accordance with the provisions of international treaties to which the Republic of Moldova is a party, the legislation of the country of the mission, as well as the legislation of the Republic of Moldova;
- b) issuance, together with the territorial structures of the Public Services Agency, to citizens of the Republic of Moldova who have become victims of THB, **free of charge of documents** or any other acts necessary for their repatriation to the Republic of Moldova, in the absence of identity documents;
- c) dissemination among interested parties of information materials on the rights of victims of THB in accordance with the legislation of the Republic of Moldova and the legislation of the country where the mission is located;
- d) providing public administration bodies and judicial authorities of the country where the mission is located or countries where there are accredited missions, with information on the legislation of the Republic of Moldova in the field of preventing and combating THB, on the rights of victims, on the protection and assistance provided to them, including the addresses of centers for providing assistance and protection to victims of THB.

In addition, the heads of diplomatic missions and consular offices shall appoint a diplomat from their missions to be in charge of the implementation of repatriation procedure for Moldovan citizens who have become victims of THB, providing them with the protection and assistance during their stay in the country of transit or destination, as well as for cooperation in this field with the authorities and bodies from the Republic of Moldova.

The Regulation on Procedure for Repatriation of Children and Adults – Victims of Human Trafficking, Persons in Difficult Situations, as well as Unaccompanied Children, approved by the Government Decision No.948/2008, details the duties of diplomatic missions and consular offices, which are defined in Article 22 of Law No. 241/2005. In addition, the Guidelines on the Identification of Victims and Potential Victims of THB, approved by the Order of the MLSP No.33 dtd. 20.02.2012, provides for preliminary identification of trafficked persons, citizens of the Republic of Moldova, by the Moldovan diplomatic representations abroad. However, these Guidelines are not mandatory for them, since they were approved by the MLSP.

As the survey conducted within the framework of this study showed, in practice, employees of Moldovan diplomatic missions and consular offices abroad cooperate with the MLSP, which bears the main responsibility for repatriation of victims of THB. They provide victims with the necessary documents and other support for repatriation free of charge.

It should also be noted that the IOM Mission to Moldova, by the request of the MFA, periodically conducts trainings on the topic of identification and repatriation of trafficked persons for personnel diplomatic missions and consular offices of the Republic of Moldova (when they come to the Republic of Moldova on annual leaves), as well as for staff of diplomatic missions of other countries in the Republic of Moldova. During these trainings is used the *Handbook for embassies and diplomatic mis-*

sions “On how to assist and protect victims of human trafficking” that was initially developed jointly by the IOM and the Council of the Baltic Sea States Secretariat (CBSS) in 2011. In 2022, CBSS published the updated and revised edition of this Handbook.¹⁹ The last such training for staff of embassies and diplomatic missions of other countries in the Republic of Moldova was held in 2022. It was dedicated to the problem of identification of trafficked persons among displaced persons from Ukraine. However, the representatives of Ukrainian embassy in Chisinau did not participate in this training.

The service providers, interviewed for this study, who previously (before the war in Ukraine) provided assistance to victims of THB, citizens Ukraine, noted that the staff of the Ukrainian Embassy in Moldova were very polite and friendly. They were willing to provide the necessary information and prepare the documents necessary for the repatriation of undocumented victims of THB, citizens of Ukraine (mainly from the Roma ethnic group). However, they categorically refused to do this for free. Another problem is that in order to make an appointment with the Consular Service and receive the necessary services, you need a personal identification number of a citizen of Ukraine that can only be obtained in Ukraine. Victims of THB often don't have such a number, so they cannot schedule an appointment online through the e-consul information system. During consultations within the framework of this study, a representative of the Consular Service of the Embassy of Ukraine in the Republic of Moldova assured that services can be provided free of charge to victims of THB, participants in criminal proceedings, on condition that a relevant supporting document from the police of the Republic of Moldova is provided.

4. NATIONAL REFERRAL MECHANISM FOR PROTECTION AND ASSISTANCE TO VICTIMS OF CRIME (NRMV) AND ITS CONNECTION WITH SOCIAL AND MIGRATION POLICY

Victims of THB became the first category of crime victims whose rights were enshrined in national legislation and for whom a special cooperation mechanism between state institutions, NGOs and international organizations was created in 2005-2016 to ensure/fulfill their rights. This mechanism was called the *National Referral System for the Protection and Assistance to Victims and Potential Victims of Trafficking in Human Beings (NRS)*. The NRS was initially created with support of development partners (OSCE, IOM and UNODC) and later was officially created and developed based on the NRS Strategy (2009-2016) approved by the Parliament of the Republic of Moldova at the end of 2008.²⁰ The theoretical basis of the NRS is found in the concepts presented in the already well-known practical handbook, published by the OSCE / ODIHR in 2004.²¹

NRS has positively influenced the situation of victims of THB in the Republic of Moldova. Before its creation, the trafficked persons had mainly been identified and assisted by NGOs and IOM Mission to Moldova. Inter-sectoral cooperation in this field was underdeveloped. After the implementation of the Strategy of NRS, the state structures have played a major role in the process of realizing the rights of victims THB. The experience of the Republic of Moldova in the creation and development of the NRS is recognized as a good practice by a number of international experts.²²

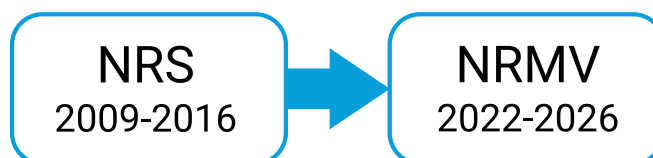
19 CBSS, HANDBOOK for embassies and diplomatic missions on how to assist and protect victims of human trafficking (Council of the Baltic Sea States Secretariat, Stockholm: 2022). https://cbss.org/wp-content/uploads/2023/02/cbss_handbook-for-embassies-and-diplomats_human-trafficking_2023.pdf

20 Decision of the Parliament of Moldova no. 257-XVI of 5 December 2008 “On the approval of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009-2016) and the Action Plan for the implementation of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings (2009–2011)” (Official Monitor of the Republic of Moldova, 2009, no. 27-29, art. 66).

21 OSCE/ODIHR, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (Warsaw: ODIHR, 2004).

22 Compendium of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (Strasbourg: Secretariat of the CoE Convention against THB, 2016), p.8. <https://edoc.coe.int/en/trafficking-in-human-beings/7203-compendium-of-good-practices-on-the-implementation-of-the-council-of-europe-convention-on-action-against-trafficking-in-human-beings.html>

In 2022, the Government of the Republic of Moldova decided to adapt the NRS model to the needs of other victims of crime who, in accordance with the Law on Rehabilitation of Victims of Crime No.137/2016, are guaranteed free support and assistance from the state. Therefore, at present, the NRS is being gradually transformed into the NRMV based on a special *Program for the Creation and Development of the NRMV* (2022-2026) and the Action Plan regarding its implementation, approved by the Government Decision No. 182/2022.



4.1. INSTITUTIONAL FRAMEWORK OF NRMV AND COORDINATING BODIES

Participants of the NRMV are bodies, institutions and organizations vested with competence in the field of providing protection, assistance and support to victims of crime, including foreign citizens and stateless persons:

- a) central public administration bodies (MIA and MLSP with subordinated bodies, General Prosecutor Office, Ministry of Justice, Ministry of Health, Ministry of Education and Research and others);
- b) local public administration bodies;
- c) deconcentrated public services and public institutions;
- d) NGOs and international organizations.

The **national coordinator** of the NRMV is the MLSP that is called upon to ensure the coordination of joint activities of the NRMV participants in the areas of:

- a. development, implementation, monitoring and evaluation of public policy documents associated with the development of NRMV (**policy level**) and
- b. resolution of specific cases of THB, including identification of victims, their referral and ensuring access to necessary assistance and protection (**operational level**).

Currently, responsibility for coordination of interdepartmental and inter-sectoral cooperation in the framework of NRMV, in both at the policy level and operational levels, is assigned to the **Directorate of Policies on Gender Equality of the MLSP** that has a staffing scheme consisting of six people.²³ The Directorate's mandate covers not only policy on NRMV creation and development, but also policy on violence against women and domestic violence, as well as policies on equal opportunities between women and men. The Directorate is responsible for numerous functions, including the following:²⁴

- development of integrated services for victims of crimes provided by specialists from various administrative bodies;
- creation and support of various advisory structures at the MLSP (commissions, councils) with the participation of representatives of civil society and international organizations;
- making proposals for conducting research in this area;
- ensuring effective management of budgetary allocations necessary for the functioning of the NRMV;
- monitoring the implementation of the NRMV Program (2022-2026);
- monitoring compliance with the country's international obligations in this area;
- others.

According to the Order of the MLSP No.146 dtd. 04.10.2023, the *Coordination Council within the framework of the NRMV* was created as an advisory body under the MLSP on issues related to the

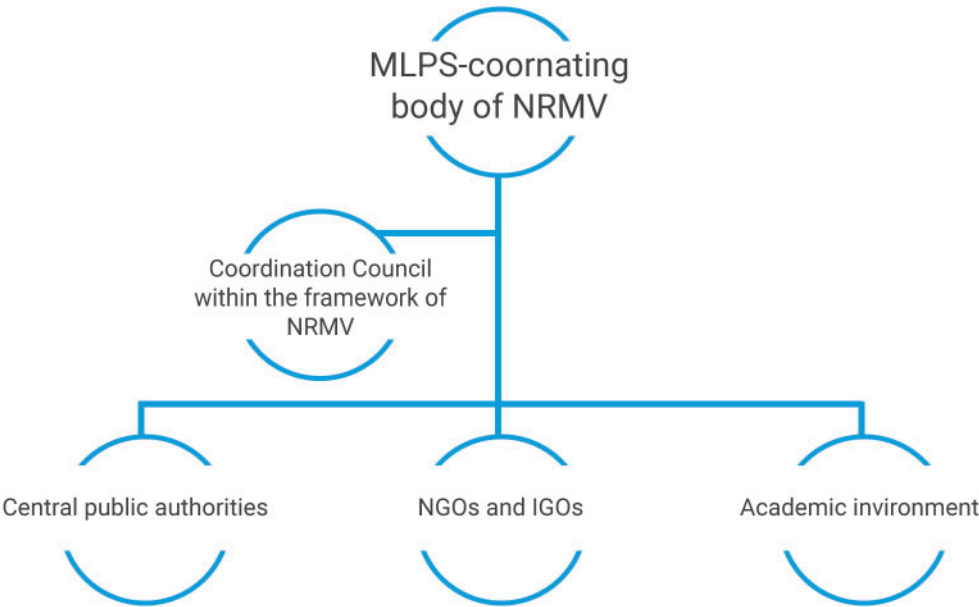
²³ <https://social.gov.md/contacte-2/>

²⁴ Program for the Creation and Development of the National Referral Mechanism for the Protection and Assistance of Crime Victims for 2022-2026, approved by the Government Decision No. 182/2022 (p.48).

development, implementation, monitoring and evaluation of policies in the field of rehabilitation of crime victims.

The Council is made up of representatives of central public administration bodies, intergovernmental organizations, civil society organizations and academic environment that have competences and/or are active in the field of providing protection, assistance and support to victims of crime. The President of the Council is the Secretary of State of the MLSP, Mrs. Felicia Bechtoldt.

Scheme 1. Coordination within the framework of the NRMV at policy level



It should also be noted that according to the *Regulation on the Activity of Multidisciplinary Territorial Team within the National Referral System*, approved by Government Decision No. 228/2014, the Directorate is required to carry out coordination functions at the operational level. Thus, a staff unit created within the MLSP must coordinate the activities of the NRS participants in order to refer beneficiaries for protection and assistance, including coordination of repatriation procedures. The functions of this specialist include assessing cases of THB, collecting data, exchanging information and organizing capacity-building programs for TMTs created at the district or commune level.

The NRMV Program 2022-2026 (paragraphs 47 and 49) obliged the MLSP to delegate operational coordination functions to the National Agency of Social Assistance, which was directly subordinated to MLSP. However, at the end of 2023, this agency was transformed into the *Agency for the Management of Highly Specialized Social Services (AMHSSS)* as part of the reform of national system of social assistance “RESTART”.

The experts interviewed in the context of this study confirmed that the MLSP continues to perform the functions of operational coordination of the repatriation of victims of THB. The AMHSSS carries out operational coordination of the referral of victims. In order to place a victim of THB in one of two specialized shelters for victims of THB located in Chisinau (capital of Moldova), in which the MLSP is a founder, it is necessary to notify the AMHSSS or the Directorate of Policies on Gender Equality of the MLSP.

The coordination functions of activities of the bodies, institutions and organizations whose representatives are part of **TMTs** created at the local level are carried out by:

- 1) **Specialist in preventing and combating of domestic violence and rehabilitation of victims of crime** who is a coordinator of TMT created at rayon/district level (second level of Local Public Administration/**LPA**);
- 2) **Social assistant** who is a coordinator of TMT created at the level of local community (first level of LPA).

In 2024, 42 positions of such specialists were introduced in the structures subordinate to the MLSP:

- 10 positions in territorial agencies of social assistance (**TASA**) and

- 32 positions in territorial structures of social assistance that function on rayon level (**TSSA**).

The introduction of specialist positions, which have never been seen before in the national system of social assistance, is expected to significantly improve identification and assistance to victims of crime, including victims of THB at the local level. However, law enforcement officials interviewed for this study noted that they do not yet have any examples of successful cooperation with specialist in preventing and combating of domestic violence and rehabilitation of victims of crime. Thus, these specialists must undergo training, since many of them do not have sufficient knowledge about the THB phenomenon and working with victims.

The rayon TMT created at the second level of the LPA consists of representatives of:

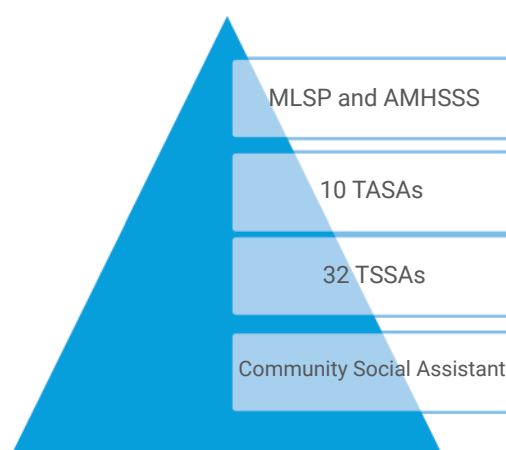
- TSSA (specialist in preventing and combating of domestic violence and rehabilitation of victims of crime – coordinator of TMT);
- education department;
- district health care institutions;
- territorial police inspectorate;
- territorial employment agencies;
- subdivisions of the State Services Agency with competence in the field of civil registration, issuance of identity documents and population records;
- public associations and other bodies active in this area.

There are no dedicated specialists for working with victims of crime at the level of community. Thus, the local community TMT is coordinated by the community social assistance and includes the following members:

- mayor or deputy mayor;
- social assistant (coordinator of TMT);
- police officer;
- family doctor;
- other representatives of LPA or civil society.

It should be noted that TASAs also have been created at the end in 2023 as a part of the reform “RESTART”. These agencies are completely new units in the management structure of the national social assistance system. Their role in the NRMV is yet to be determined. However, it is already possible to present a scheme of operational coordination within the framework of the NRMV as follows:

Scheme 2. Coordination within the framework of the NRMV at operational level



As already noted, the TMTs were initially created for the operational coordination of assistance to victims and potential victims of THB within the NRS. According to the **Regulation on the Activity of Multidisciplinary Territorial Team within the National Referral System**, approved by Government Decision No. 228/2014 (p. 15.), all TMT members are responsible for:

- 1) ensuring access of victims of THB, identified by TMT members, to the necessary protection and assistance, using the TMT potential at the local level and/or, as appropriate, ensuring the beneficiary's referral to specialized or highly specialized social services provided in the capital;
- 2) ensuring access of beneficiaries, who permanently reside or have a residence visa in another administrative-territorial unit, to emergency protection and assistance, and referring, after providing the necessary assistance, to the TMT at the place of residence to ensure further assistance;
- 3) implementing the necessary measures for the assistance and protection of beneficiaries, which include:
 - emergency assistance in crisis situations, which represent a direct threat to the physical or psychosocial integrity of the person (release from the exploitation situation, ensuring physical security, placement in a safe place, provision of emergency medical assistance, etc.);
 - ensuring living conditions that can ensure their subsistence, through measures such as temporary placement in a specialized center, psychological assistance and material assistance;
 - assistance in rehabilitation by providing special medical, psychological, legal services;
 - specific assistance to victims, participants in the criminal proceedings;
 - facilitating access to the labor market, to professional training, including access to education for children;
 - consultations and information on the rights of victims provided by law and about the services that they can use;
 - translation and interpretation services (if necessary);
 - assistance in repatriation (if necessary).

It should also be noted that the *Regulation on the Activity of Multidisciplinary Territorial Team within the National Referral System*, approved by Government Decision No. 228/2014, became obsolete. This normative act should be amended to harmonize it with the Program for the Creation and Development of the NRMV (2022-2026), approved by Government Decision No. 182/2022, as well as with the Law on amendments to certain normative acts (reform of the social assistance system "Restart") No. 256/2023.

4.2. RIGHTS OF VICTIMS OF THB GUARANTEED BY NATIONAL LEGISLATION

Rights of presumed victims of THB

The Law No. 241/2005, along with the term "victim of THB", uses the term "presumed victim of THB". However, the rights of presumed victims of THB are not clearly established by this law, which contains the only mention about it in the Article 20:

"Presumed victims of human trafficking are considered as vulnerable persons entitled to protection and assistance from the competent public authorities."

Perhaps the authors of the law had in mind that presumed victims of THB shall enjoy the same rights as other categories of beneficiaries of national social assistance system, whose rights are established by the Law on Social Assistance No. 547/2003, which uses the term "socially vulnerable persons and families". However, the Law No. 547/2003 (Article 7) clearly defines the categories of socially vulnerable persons who have the right to social assistance from the state. Neither victims of THB nor presumed victims of THB are mentioned in this article. Therefore, it is currently impossible to give a clear answer to the question of what rights presumed victims of THB have. In order to clarify these legal aspects, it is necessary to amend Law No. 241/2005.

Rights of victims of THB

It should be noted that the Law No. 241/2005 established different rights for victims of THB who are citizens of the Republic of Moldova and for victims of THB, foreign citizens.

Thus, the Law No. 241/2005 (Articles 17-24) guarantees victims of THB who are **citizens of the Republic of Moldova** the rights on:

- a) information about the rights of victims of THB;

- b) state assistance in repatriation for victims of THB who suffered from this phenomenon in the territory of other states, including the purchase of tickets for victims and the free production of travel documents (passports and visas) required for return to Moldova;
- c) placement in a specialized center (shelter), where they must be provided with civilized living conditions and personal hygiene, food, legal, social, psychological and urgent/emergency medical assistance, measures to ensure safety and protection, as well as assistance in establishing contact with relatives. The period of assistance for victims of THB in such a center should not exceed 30 days, but it can be extended in cases stipulated by the Law;
- d) medical assistance, including inpatient care, in medical institutions;
- e) psychological, legal, educational and social services;
- f) assistance in professional integration with the support of employment agencies (right to undergo a course of professional training at the expense of the state employment fund, as well as to receive free intermediary services for employment, information and consulting services regarding the profession, services for professional orientation and training, consultations and assistance regarding the start of entrepreneurial activity).

In addition, according to the *Law on the Promotion of Employment and Unemployment Insurance* No. 105/2018 (Article 23), victims of THB are classified as persons entitled to additional support in the labour market from the state. This means that the state can subsidize jobs for victims of THB, i.e. stimulate the creation of jobs for victims of THB by making certain payments to those employers who create such jobs.

The Law No. 241/2005 also contains provisions on the rights of victims of THB, **participants in criminal proceedings**. Thus, Article 23 of this law guarantees such persons measures to ensure their physical safety and compensation for damages in accordance with the law. The *Law on State-Guaranteed Legal Aid* No. 198/2007 established the right of victims of THB to receive free qualified legal aid from the state, regardless of income level.

The Law No. 241/2005 contains a separate article on providing protection and assistance to **children, victims of THB**. This assistance may be long-term and must be provided under the supervision of the territorial guardianship authority to ensure the protection of the child's rights. Children have the right to be placed in a specialized center for victims of THB for up to 12 months or for the entire period of the trial, and must be placed separately from adults. Children must be guaranteed the right to attend state educational institutions.

Regarding the rights of **foreign victims of THB**, Law No. 241/2005 (Article 24) established that this category of victims of THB are guaranteed:

- a) information in a language they understand about the judicial and administrative procedures applied in the Republic of Moldova and the respective countries of residence;
- b) accommodation in a specialized center for victims of THB;
- c) a 30-day reflection period;
- d) assistance in repatriation;
- e) assistance in restoring identity documents (if necessary).

Foreign victims of THB who decide to participate in criminal proceedings are additionally guaranteed free legal assistance, free residence permit and accommodation in a specialized center for the entire period of the criminal proceedings. After that, they must return to their home country. Thus, Law No.241/2005, like the Warsaw Convention, does not guarantee access to the labor market for foreign victims of THB.

It should be especially noted that for a long period of time the Republic of Moldova was positioned mainly as a country of origin of THB. Therefore, the provisions of Law No. 241/2005 are not harmonized with the national legal framework in the field of migration and asylum (*Law on the Regime of Foreigners in the Republic of Moldova* No. 200/2010, *Law on Asylum in the Republic of Moldova* No. 270/2008, *Law on the Integration of Foreigners in the Republic of Moldova* No. 274/2011 and related regulations). Identification of victims of THB is not yet a mandatory part of the established procedures for working with vulnerable migrants, refugees and asylum seekers. At the same time, in recent years, manifested the growth of migration flows through Moldova and the emergence of cases of labor exploitation of foreigners on the territory of Moldova. It is necessary to harmonize the legal framework in the anti-trafficking area with the legal framework in the area of migration and asylum so that the status of a victim of THB does not become an obstacle to receiving assistance provided

for persons applying for asylum, persons enjoying international protection, temporary protection or political asylum.

4.3. PROVIDING ASSISTANCE TO VICTIMS OF THB IN THE FRAMEWORK OF NRMV

Repatriation

Assistance in repatriation to victims of THB, citizens of the Republic of Moldova, is provided by the Directorate of Policies on Gender Equality of the MLSP. A specialist from this Directorate collects the necessary information to confirm the identity of victim, allocates the necessary funds for the purchase of tickets, and ensures the victim is accompanied, if necessary. In the absence of identity documents, diplomatic missions and consular offices of the Republic of Moldova in relevant countries issue the necessary documents free of charge.

However, the experts interviewed in the framework of this study noted that currently MLSP mainly provides support for the repatriation of children, Moldovan citizens. There are not enough funds for the repatriation of adult victims of THB. In addition, the established procedure of repatriation is ineffective: to organize, it is necessary to collect a number of documents, which is not always possible. Therefore, the established repatriation procedure needs to be improved.

Accommodation in a specialized shelter

Currently, victims of THB can receive specialized services only in the Chisinau municipality, which are provided by two centers:

- Center for Assistance and Protection to Victims and Potential Victims of THB (CAP) which provides assistance to women and children (offers 24 places for women with or without children and 10 places for children who are victims of violence, neglect and exploitation or at-risk situation);
- Service for Assistance and Protection for Men – Victims and Presumed Victims of THB (**SAP**) which was created under the aegis of the Placement Center for Elderly and People with Disabilities (it can accommodate up to 10 people).

CAP and SAP provide assistance not only to citizens of the Republic of Moldova, but also to foreign citizens who have suffered from THB. However, as noted by the experts interviewed for this study, the placement, as a rule, must be preliminary coordinated with the Directorate of Policies on Gender Equality of the MLSP or with the AMHSSS (it is necessary to write an official letter and send it by e-mail).

The CAP is the first specialized center for victims of THB, which began operating in 2001. The services it provides are standardized, and its functioning is supported not only by the MLSP, as its official founder, but also within the framework of the IOM projects. Therefore, the quality of these services is higher than in other specialized centers financed from the state budget, which do not have support from international technical assistance projects. However, the CAP now also provides assistance to victims of domestic violence, which raises the question of whether this is a specialized center.

The funds allocated by the state to ensure the functioning of the CAP are insufficient, and many problems are still resolved with the financial support of the IOM Mission to Moldova. The PA CN-FACEM (NGO) has been created under the auspices of CAP and, thanks to the support of IOM, the CAP staff provide a wider range of services than stipulated by the minimum quality standards. If necessary, victims of THB are provided with access to complex medical services, which are provided outside the center with health insurance policies. In most cases, victims do not have such policies, so their access to free medical services is difficult. In addition, CAP employees provide support to victims even after their stay at the center, ensuring their access to vocational training, assistance in finding a job, etc.

Medical assistance

For many years, the Ministry of Health has refused to provide medical assistance to victims who do not have insurance, as is often the case. IOM still covers the costs of medical assistance for trafficked persons if there is a need for serious medical intervention.

GRETA in its recent report on the 4th round of evaluation of the implementation of the Warsaw Convention in the Republic of Moldova Victims of THB (para 115) has mentioned that victims of THB are still excluded from the list of those eligible for free government provided health insurance, complicating their access to medical care. Therefore, GRETA urged the Moldovan authorities to intensify their efforts to comply with their obligations under Article 12 of the Warsaw Convention by: "... ensuring that all victims of THB are guaranteed effective access to public health care by including them in the categories of vulnerable persons to be covered by health insurance."²⁵

Informational, psychological, legal and other types of assistance and support

Specialized assistance (informational, psychological, legal, etc.) for victims of THB (women and children) is provided by the PA International Center "LA STRADA" (Moldovan NGO), located in Chisinau. In addition, LA STRADA has a service "Mobile team for assistance to children" operating throughout the territory of the Republic of Moldova and the child-friendly interviewing room for victims - children, participants of criminal proceedings. LA STRADA also operates the Safe Migration and Anti-Trafficking Hotline 0800777777, one of whose tasks is to identify trafficked persons.

Pursuant to the Law No.241/2005, after receiving highly specialized assistance in the capital, the victim of THB, Moldovan citizen, must return to his/her home and further receive at his place of permanent residence other necessary assistance guaranteed by the law - medical, psychological, legal, educational, social services, as well as assistance in employment or in the organization of independent entrepreneurial activity. It would seem that, after receiving short-term assistance in the specialized centers (CAP or SAP) located in the capital, it is enough to refer the victim of THB to the appropriate TSSA at the place of residence, which must ensure access of victim to necessary services. But the problem is that such services are undeveloped at the local level. Long term support after leaving shelters is scarce, and access to services outside of Chisinau is limited.

There are only 4 centers that provided support for trafficked persons at the rayon/district level (out of 32 rayons in the country) in Causheni, Cahul, Drochia and Hincești, mainly to mothers with children, young pregnant women and children. Each of these centers also has NGO created under its auspice to support their function within the framework of international technical assistance projects.

Assistance in Transnistria

There are 3 more relief NGOs are functioning on the territory of Transnistria (a region not controlled by the Moldovan authorities):

- PA "Interaction" (NGO), which operates the Hotline on migration issues and prevention of THB, provides informational, psychological, legal and medical assistance, as well as assistance in the integration to victims of THB;
- NGO "Women's Initiatives" that provides informational, psychological, legal and medical assistance, as well as assistance in the integration to victims of THB;
- Center "Resonance" (NGO) that operates the shelter for trafficked persons, provides social, psychological, legal and material assistance to victims,

All of them are supported through projects funded by the IOM and other development partners.

Accessibility of state aid

As it was already noted, the access of trafficked persons to state assistance is ensured by the MLSP and its subordinated structures (AMHSSS, TASA and TSSA). It largely depends on the organization of the identification procedure, which should include the provision of information about the rights of trafficked person, the identification of the individual needs and the assessment of existing risks, and should also end with the referral of the trafficked person to receive the necessary assistance and protection, with her/his consent. However, many problems remain in this area.

In practice, the identification and access of trafficked persons to necessary assistance and protection, guaranteed by state, are conditioned by their participation in criminal proceedings. It is a violation of the provisions of Law No. 241/2005, since it closes access to the necessary assistance for victims of THB who are not involved in criminal proceedings. This is largely due to the fact that the procedure of identification of victims of THB differs significantly from the identification of other

25 GRETA (2025) 07, Evaluation Report, Republic of Moldova. Fourth evaluation round "Measures to prevent and detect vulnerabilities to human trafficking" (Council of Europe, 2025), paragraph 120.

beneficiaries of social assistance and it causes difficulties for employees of the national system of social assistance. This is largely due to:

- shortcomings in the professional training of specialists;
- the presence of stereotypes among specialists regarding victims of THB, especially victims subjected to sexual exploitation;
- departmental barriers.

4.4. PECULIARITIES OF PROVIDING ASSISTANCE TO CHILDREN, VICTIMS OF THB

In addition to the above-mentioned centers that provide assistance to victims of trafficking, women and children, as well as unaccompanied children, there are several service providers in Moldova that specialize in helping children. Thus, psychological support for children, victims of crime is provided by the CNPAC (National Center for the Prevention of Child Abuse), NGO located in Chisinau.

With support of CNPAC, the Regional Center for Comprehensive Assistance to Child Victims and Witnesses of Crime (Barnahus Center) was recently created in the northern region of the country. It provides medical and forensic examination of child victims, informational, social, psychological assistance and hearings in criminal proceedings. One of the tasks of the Barnahus Center is to accompany children during criminal proceedings in order to prevent their re-victimization.

One of the problems associated with the contradictions in the national legal framework is the existence of the ***Mechanism of the Intersectoral Cooperation for the Identification, Assessment, Referral, Assistance and Monitoring of Children Victims and Potential Victims of Violence, Neglect, Exploitation and Human Trafficking (MIC)*** alongside the NRMV. MIC also has been created with support of CNPAC and the United Nations Children's Fund (UNICEF).

The problem is that the ***Law on Special Protection of Children at Risk and Children Separated from Parents*** No. 140/2013 and Government Decision No. 270/2014,²⁶ adopted in order to implement this law, classify children victims as children at risk, which causes confusion. Children victims are not only at risk, they have already been affected by crime and need specialized services.

The existence of two similar mechanisms for assistance and protection of children victims raises many questions among specialists. It is necessary to eliminate the contradictions in the legislation in order to ensure a clear unified procedure for access to assistance for children who have become victims of human trafficking. It is obvious that the solution to this problem should be aimed at the most complete protection of the rights of the child.

In 2020, at the initiative of the Maia Banarescu, People's Advocate for Children's Rights, in cooperation with the UNICEF, an evaluation of the functionality of the MIC was carried out by independent experts.²⁷ The assessment report notes the fact that victims of child trafficking are entitled to benefit from assistance under both intersectoral cooperation mechanisms. At the same time, according to the basic recommendations, it was proposed to revise the concept of MIC and strengthen its taking into account the model of NRS/NRMV.

The Program for the Creation and Development of the NRMV 2022-2026 (p. 40) stipulates that the reorganization of the NRS into the NRMV will be carried out taking into account the achievements of the MIC. In addition, this Program (p. 71) stipulates that the identification and provision of assistance to children victims of crimes within the framework of the NRMV should be carried out taking into account the special needs of the child. At the same time, children victims of crimes may receive assistance and support in accordance with the procedures established within the MIC, including cases where the age of the presumed victim is not precisely known, but there are grounds to believe that this is a child.

Thus, a clear vision has not yet been developed as to how exactly the contradictions between the NRMV and the MIC, the development of which is supervised by different directorates of the MLSP

26 Instructions for Mechanism of the Intersectoral Cooperation for the Identification, Assessment, Referral, Assistance and Monitoring of Children, Victims and Potential Victims of Violence, Neglect, Exploitation and Human Trafficking (MIC), approved by the Government Decision No.270/2014 (Official Monitor of the Republic of Moldova, 2014, No. 92-98, art. 297).

27 M. Ianachevici and T. Danilescu, "Evaluating the Efficiency and Effectiveness of Intersectoral Cooperation Mechanisms in the Field of Child Rights Protection" (UNICEF, Chisinau, 2020). <https://www.unicef.org/moldova/en/reports/evaluating-efficiency-and-effectiveness-intersectoral-cooperation-mechanisms>

(the Directorate of Policies on Gender Equality is responsible for development of the NRMV and the Directorate of Policies for the Protection of the Rights of Child and Families with Children is responsible for the operation of the MIC), should be overcome.

4.5. RELATIONSHIP BETWEEN NRMV AND THE MECHANISM OF TEMPORARY PROTECTION FOR DISPLACED PERSONS FROM UKRAINE

The mechanism of temporary protection for displaced persons from Ukraine was established by the Government Decision No.21/2023.²⁸ The status of a person enjoying temporary protection is granted to persons displaced from Ukraine (citizens, stateless persons and third-country nationals) who meet certain conditions:

- permanent residence in the territory of Ukraine or Moldova until 24.02.2022;
- registration with the General Inspectorate for Migration of the Republic of Moldova;
- obtaining an identity document of a person enjoying temporary protection⁴
- others.

This status is acquired from the date of issue of an identity document by the General Inspectorate for Migration, subordinate to the MIA. The established period for providing temporary protection to persons displaced from Ukraine expires on March 1, 2026.

Displaced persons from Ukraine enjoying temporary protection have the right to:

- a) accommodation in a special Temporary Accommodation Center managed by the MLSP;
- b) access to assistance, including financial assistance, provided by international organizations (IOM, UNHCR, etc.);
- c) receiving social assistance for families with children or an unaccompanied child through TASAs;
- d) work on the territory of the Republic of Moldova without obtaining the right of temporary stay for the purpose of labor activity;
- e) assistance in finding a job, upon registration in any territorial subdivision of the National Employment Agency;
- f) receiving emergency medical care, primary medical care, including receiving reimbursed medicines and medical products;
- g) specialized outpatient medical care and medical examination free of charge in medical institutions of the Republic of Moldova (in accordance with the list of medical services established by the Ministry of Health);
- h) temporary importation of a car for personal use into the territory of the Republic of Moldova.

In addition, children of persons enjoying temporary protection have the right to access education in public educational institutions.

All state structures obliged to provide assistance to displaced persons from Ukraine (MLSP with subordinated structures, General Inspectorate for Migration, Ministry of Health, Ministry of Education and Research, etc.) are participants of the NRMV. The exceptions are UNHCR and humanitarian NGOs providing assistance to displaced persons.

Thus, given the increased risk of THB associated with the migration crisis caused by the war in Ukraine, and in order to ensure coordinated anti-trafficking response with all national and international actors providing protection and assistance to displaced persons from Ukraine and those organizations that are responsible or active in the anti-trafficking field, the **Task Force on Trafficking in Persons** was created in May 2022.

As explained by the IOM representative interviewed for this study, this platform for cooperation was created at the initiative of UN agencies, among other groups that are usually created to coordinate assistance in crisis situations. Together they form the Refugee Coordination Forum.

The Task Force on Trafficking in Persons was established in cooperation with the State Chancellery/ Permanent Secretariat of the National Committee to Combat THB and integrated into the work of the Technical Coordination Group, which has been operating under the auspice of the Permanent Secretariat since 2012. The Task Force is chaired by the Secretary of the National Committee and

²⁸ Conditions for granting temporary protection to persons displaced from Ukraine, approved by the Government Decision No.21/2023.

co-chaired by representatives of IOM and LA STRADA. The Task Force meets five times a year to address issues related to preventing and combating THB among displaced persons from Ukraine. IOM intends to continue supporting its work within the framework of its projects until the war ends.

5. CASE ANALYSIS

Taking into account the objectives of this research, an analysis was conducted of existing cases of human trafficking, the victims of which are displaced people from Ukraine.

As it was noted by the experts interviewed within the framework of this study, during the war in Ukraine, despite the large number of refugees, only one case of THB was officially registered in the Republic of Moldova, the victims of which are mother and daughter, citizens of Ukraine:

CASE 1 ✓

In 2023, N, citizen of Romania, tried to take a baby (a girl) born in the Republic of Moldova to Romania. The girl's mother, a citizen of Ukraine, was not married to N, but N was listed as the father on the girl's birth certificate, according to the mother. This seemed suspicious to border police officers, who checked N's and the girl's documents. As a result, N was detained.

The investigation showed that girl's mother has mild mental retardation. In addition to the new-born girl, she has 2 more children in Ukraine (girl and boy). When she became pregnant for the 3rd time, one of her acquaintances offered her to sell the child to a childless couple from Romania. She agreed. Later on, she entered Moldova shortly before giving birth and gave birth to daughter in Chisinau. Later on, she gave the new-born girl to N, citizen of Romania.

The police opened a criminal case under Article 165 of the Criminal Code "Trafficking in Human Beings".

This criminal case is currently being considered in court. The mother and daughter are in Moldova and are receiving assistance in one of the matrimonial centers. The girls' brother, who is nine years old, is also with them. Unfortunately, both children have developmental delay, which manifest themselves in emotional instability, learning difficulties, and problems with behavior regulation.

Descriptions of several presumed cases of THB were provided by the manager of the Safe Migration and Anti-Trafficking Hotline operated by LA STRADA Moldova. In the period 24.02.2022 - 31.07.2025, this Hotline has received more than 200 calls from displaced persons from Ukraine. The information about the presumed cases was referred to the CCTP. However, the preliminary investigation did not confirmed cases of THB and did not result in formal investigation and prosecution.

CASE 2 ✓

In the autumn of 2022, a border police officer contacted LA STRADA Moldova via its Hotline and informed that they had detained a man and a girl at the border crossing at Chisinau international airport. The couple intended to fly to Istanbul, Turkey, but the girl was in an inadequate state and could not speak, which seemed suspicious to the border police. Therefore, the police detained them for investigation. However, the man managed to escape, leaving the girl alone.

After receiving the call, LA STRADA Moldova contacted CCTP and sent a special mobile team to the airport, which included a police officer and a psychologist. By that time, the girl's condition had improved, and she informed them that she had come from Ukraine and met a man in Moldova who drugged her. The girl was scared and did not know how she ended up at the airport.

The mobile team accompanied the girl to the CAP, specialised shelter for trafficked persons, where she received assistance.

An investigation was conducted by CCTP, but it was not successful because the police could not find the man who accompanied this girl to the airport, so the case was closed.

CASE 3 ✓

In 2023, Volodymyr, citizen of Ukraine, called the LA STRADA Hotline and informed that he and his wife had arrived to Moldova in February 2022 after the beginning of actual war in Ukraine. During the trip, they had lost their ID documents.

The spouses worked together on a private farm in the agricultural sector for about a year. But recently, his wife was invited to work on a farm/sheepfold located in another village. His wife did not have a mobile phone, and they did not have the possibility to communicate. The husband was concerned that he had no information about her work, salary, and leaving conditions. Moreover, when Volodymyr tried to visit his wife, the farm owner called the police, who came and chased him out of this farm.

After receiving the call, LA STRADA Moldova, with the consent of the caller, transmitted the information about this case to the CCTP, police unit.

The police conducted a preliminary investigation, but no evidence was found to confirm that this was a case of human trafficking.

CASE 4 ✓

In 2023, Maria, citizen of Ukraine, called to the LA STRADA Moldova Hotline. She was living in the Temporary Accommodation Center for Refugees from Ukraine and reported that her friend had gone missing.

The person concerned was Svetlana, a 24-year-old woman with a four-year-old child who planned to go to Norway. Svetlana no longer answered Maria's calls. She only managed to tell Maria that she had met a 50-year-old man named Garik and would now live with him. At the same time, she begged her not to tell anyone about this.

Concerned that Svetlana might become a victim of THB, LA STRADA Moldova helped Maria to contact the police for help in finding her friend. However, the police informed Maria that they would not accept her complaint, since she was not a relative of Svetlana.

The recent study of IOM on the vulnerability of Ukrainian refugees to human trafficking²⁹ has underscored the significant efforts made by the Moldovan authorities and their partners to strengthen protective frameworks and reduce risks of exploitation and THB. These include the establishment of temporary protection mechanism, targeted anti-trafficking measures, and sustained collaboration with international and civil society actors. This largely explains the small number of officially registered cases of THB that have affected Ukrainian citizens since the start of the war.

At the same time, this study identified a range of individual and situational vulnerabilities among Ukrainian refugees in the Republic of Moldova, including socioeconomic hardship, insecure housing, limited access to employment, and barriers to healthcare and social services. These factors shape individuals' exposure to risk of THB.

While the findings of this study suggest that risks of THB linked to displacement from Ukraine have been effectively mitigated thus far, the analysis highlighted that vulnerabilities remain dynamic and shaped by external factors such as economic pressures, diminishing financial support, and evolving migration dynamics. Therefore, the study recommended a long-term and coordinated approach that addresses both immediate needs of Ukrainian refugees and structural drivers of their vulnerability to THB.

29 K. Sharapov "Vulnerability to Trafficking in Persons in the Context of the War in Ukraine. Findings from Moldova" (IOM: Chisinau, 2025), p.48. <https://moldova.iom.int/news/vulnerability-trafficking-persons-context-war-ukraine-findings-moldova>

CONCLUSIONS AND RECOMMENDATIONS

In the course of this study, various aspects of the identification of victims of THB in the Republic of Moldova were examined, with an emphasis on the identification of victims who are foreign citizens, including citizens of Ukraine, the role of diplomatic missions and consular offices in this process, as well as some topical issues associated with identification of trafficked persons.

The study found that as early as 2012, all the necessary conditions for identification of trafficked persons were created in the Republic of Moldova. With the help of development partners, the necessary legal and regulatory framework was created, the institutional framework was defined - state bodies responsible for identification. The NRS - a mechanism for coordinating intersectoral cooperation in this area - was introduced in the country. The MLSP with its subordinate structures became its coordinator. Within the framework of the NRS, the necessary bodies were created at the local level to coordinate the identification and provision of assistance to victims of THB - TMTs, consisting of representatives of competent state bodies and civil society. In 2012-2017, various international experts noted the achievements of the Republic of Moldova in this area as a positive experience and an example for other developing countries.

However, the situation has changed somewhat over time. The following main factors can be identified that influence the situation with identification and provision of assistance to trafficked persons:

- 1) changes in the phenomenon of human trafficking (the Republic of Moldova is gradually becoming a destination country for THB);
- 2) emergence of new categories of victims who are guaranteed assistance and support from the state, which led to the reorganization of the NRS into the NRMV in 2022;
- 3) reforms in the field of social protection, in law enforcement agencies and other related areas;
- 3) high staff turnover in government structures;
- 4) departmental barriers and inertia of the public relations system;
- 5) financial and economic crisis in the country;
- 6) migration crisis caused by the war in Ukraine.

The rapidly changing situation requires significant changes in previously adopted laws, acts of the Government and ministries that regulate the process of identification and the provision of assistance to presumed victims and victims of THB. In addition, it is necessary to harmonize legislation in the field of preventing and combating THB with legislation in the field of migration and asylum.

There are good prerequisites for this, since currently, within the framework of the Program of Association of the Republic of Moldova with the EU, the adaptation of the legislation of the Republic of Moldova to the EU legislation is taking place. Thus, in particular, the Ministry of Justice of the Republic of Moldova plans to transpose the Directive 2011/36/EU³⁰ by the end of 2026 and make the corresponding changes to the Law No. 241/2005. This will help to eliminate all the shortcomings and improve this law in a short time and will give impetus to the revision of the relevant acts of the Government and ministries.

A positive factor is the efforts of the MLSP to develop services at the local level within the framework of the reform "RESTART". In 2024, 42 positions of specialists in preventing and combating of domestic violence and rehabilitation of victims were introduced into the staff of TASAs and TSSAs. These specialists are coordinators of TMTs. The introduction of these positions is expected to significantly improve the identification and providing assistance to victims of crime at the local level. However, these specialists must undergo relevant training.

30 DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

As for the influence of the war in Ukraine, until the present time, thanks to foreign aid, the Republic of Moldova manages to prevent the possible exploitation of citizens of Ukraine on its territory. However, such danger is preserved, because, there are more than 140.000 displaced persons from Ukraine (citizens of Ukraine and third-country nationals) in the Republic of Moldova, their vulnerability to THB is growing under the weight of economic problems and the reduction of international aid. Therefore, it is necessary to continue to provide support measures for Ukrainian refugees and include them in the policy of preventing and combating THB in Moldova. A significant reserve in this regard is the involvement of the Embassy of Ukraine in Moldova in action against human trafficking.

Taking into account the above, it is **RECOMMENDED to:**

1. Amend the Law on Preventing and Combating THB No. 241/2005 in order to clearly establish the rights of presumed victims of THB, expand the rights of victims of THB who are foreign citizens, and oblige the Government to approve the Regulation on identification of victims of THB outside of criminal proceedings;
2. Harmonize the legislation in the field of preventing and combating THB with legislation in the field of migration and asylum;
3. Improve the identification of victims of THB by increasing efforts to proactively identify victims of THB for the purpose of labour exploitation and paying increased attention to the proactive identification of victims of THB among asylum seekers and foreign workers;
4. Review the Guidelines on the Identification of Victims and Potential Victims of Human Trafficking (approved by the Order of the MLSP No.33/2012), clearly define bodies competent to grant the status of a victim of THB outside of criminal proceedings and ensure their effective implementation by all state authorities;
5. Restore the specialization of the CCTP in identification and investigation of THB cases;
6. Strengthen the capacity of the TMTs, especially of their coordinators - specialists in preventing and combating of domestic violence and rehabilitation of victims so that they can play a more active role in identification and provision of assistance to victims and presumed victims of THB;
7. Develop long-term assistance and support services for trafficked persons at local level and remove existing barriers to accessing free medical care;
8. Continue measures to prevent THB among displaced persons from Ukraine;
9. Strengthen the capacity of the staff of the Embassy of Ukraine in Moldova in identification and repatriation of trafficked persons;
10. Develop a toolkit specifically for Ukrainian diplomatic and consular staff on the procedure for identification of victims of THB, including an info sheet with contacts of existing service providers for the referral of presumed victims of THB to receive the necessary assistance and support.

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