



Organization for Security and  
Co-operation in Europe  
OSCE Mission to Moldova



# **EX-POST INDEPENDENT EVALUATION OF THE IMPLEMENTATION OF THE NATIONAL PLAN TO PREVENT AND COMBAT TRAFFICKING IN HUMAN BEINGS**

**(2010-2011 AND 2012-2013  
PERIODS OF TIME)**

Chisinau, 2014



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*This research was carried out within the project “Strengthening the Coordination and Reporting Capacity of the Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings”, implemented by the OSCE Mission to Moldova. The research results, described in this paper, as well as the interpretation of facts, conclusions and recommendations hereby, reflect the point of view of the author and do not necessarily represent the position of the OSCE Mission to Moldova or of the Permanent Secretariat.*

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## FOREWORD

At present, while implementing the new Action Plan “Republic of Moldova - EU” the Republic of Moldova goes through new stages of its integration into the European Union, a context during which the development of certain state strategic policy documents constitutes an imperative exercise. This becomes even more important while referring to the trafficking in human beings – an aspect characteristic for the reality of the Republic of Moldova. This phenomenon draws the attention of the international and European community for more than a decade and a half, it being one of the worst forms of human rights violation at national and international levels.

After being, for many years, in top positions in this area the Republic of Moldova has undertaken, with the support of the international community, a number of efforts to combat and prevent the further perpetuation of this phenomenon (development of the legal framework for this area, harmonization of its legislation with the relevant international acts and standards, institutionalization of the prevention and combating process, development of the state policies and strategies and establishment of the consultation mechanism with the civil society). The *National Plans to prevent and combat trafficking in human beings* (also called the National Action Plan or the NAP) and the *Strategy of the National Referral System for victims and potential victims of trafficking in human beings* (the NRS strategy) constitute the main state policy documents. Altogether 6 NAPs have been developed and implemented from 2001 to present, the NRS Strategy being valid up to 2016.

This report with the title “The ex-post independent evaluation of the implementation of the National Plan to prevent and combat trafficking in human beings (2010-2011 and 2012-2013 periods)” is a first attempt to conduct an independent evaluation of the last two action plans in the area: the 2010 -2011 NAP and the 2012-2013 NAP. The report was

developed by an independent expert who had no direct involvement in the development of the two NAPs subject to this evaluation. However, the author is a connoisseur of the trafficking in human beings - the prevention and combating aspects, given her activity within one of the most active anti-trafficking organisations, representative of the civil society. Nevertheless, one should take into consideration the complexity of this first of its kind impact assessment of this area policy documents, caused by the fact that at the NAP drafting stage, there existed no analytical reports on the situation at national level.

At the same time, a wide circle of specialists, professionals in the prevention and combating area, who participated to the development and implementation of the Action Plans, along with a number of donors, were involved / consulted during the development of the evaluation of the two NAPs implementation. This ensured consistency of the evaluation paper with the international standards as well as the appropriate quality and truthfulness of conclusions and recommendations included in this Report.

Finally, one should emphasize the need to develop such evaluation reports on a periodical basis, so that they become party of the development process of the national plans to combat trafficking in human beings. This would raise the state policy in this area to a new, higher quality, level.

## Acknowledgments

This report has been developed at the initiative of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings of the Republic of Moldova, and in line with the recommendations of the Report on the implementation by the Republic of Moldova of the Council of Europe Convention on Action against Trafficking in Human Beings adopted by GRETA at its 12th meeting (6-9 December 2011)<sup>1</sup>. Development of this Report was funded by the OSCE Mission to Moldova within the project “Strengthening the Coordination and Reporting Capacity of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings”.

I sincerely thank the specialists from public, non-governmental and intergovernmental organizations who generously offered their valuable time and participated to the reference groups, sharing their experience of preventing and combating trafficking in human beings, and who offered their personal opinions regarding the evaluation of the state policy during the investigation period:

1. **Ecaterina Berejan** – Policies, Strategic Planning and Foreign Aid Division under the State Chancellery, the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings;
2. **Ala Vechiu**, the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings;
3. **Nicolae Guriev**, the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings;

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1 GRETA. Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Moldova. First evaluation round. Strasbourg, 2012, p.18 (para 58)



4. **Eduard Bulat**, General prosecution Office;
5. **Ana Revenco**, Centre for Combating Trafficking in Human Beings, Ministry of Interior;
6. **Dinu Ostavciuc**, Border Police department, Ministry of Interior;
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8. **Raisa Dogaru**, National Employment Agency, Ministry of Labour, Social Protection and Family;
9. **Rotari Rodica**, Ministry of Justice;
10. **Angela Zagaiciuc**, Ministry of Justice;
11. **Vadim Zmeu**, Ministry of Foreign Affairs and European Integration;
12. Representative of the Ministry of Culture;
13. **Liudmila Ispravnic**, Ministry of Communications and Information Technologies;
14. Representative of the Ministry of Education;
15. Representative of the Ministry of Youth and Sports;
16. **Mariana Roşca**, The Diaspora Relations Bureau of the State Chancellery under the State Chancellery;
17. **Ecaterina Popa**, National Institute of Justice;
18. **Viorica Cerbuşca**, Organisation for development of small and medium enterprises;
19. **Dina Sorochina**, Municipal Commission for combating trafficking in human beings;
20. **Crudu Violeta**, Municipal Commission for combating trafficking in human beings;
21. **Otilia Bologan-Vieru**, OSCE Mission to Moldova;

22. **Liudmila Avtutova**, US Embassy;
23. **Andrei Lutenco**, International Organisation for Migration, mission to the Republic of Moldova;
24. **Diana Donoaga-Certan**, International Organisation for Migration, mission to the Republic of Moldova;
25. **Tatiana Fomina**, NGO International Centre „La Strada” (Moldova);
26. **Cristina Triboi**, „Terre de Hommes” Foundation;
27. **Aliona Stepan**, NGO Child’s Rights Information and Documentation Centre;
28. **Laurenția Filipschi**, Independent expert.

## LIST OF ABBREVIATIONS

THB	Trafficking in Human beings
CPA	Central Public Administration
LPA	Local Public Administration
NRS	National Referral System
MLSPF	Ministry of Labour Social Protection and Family
Mdt	Multidisciplinary teams
CCTP	Centre for Combating Trafficking in Persons
MIA	Ministry of Internal Affairs
NSIH	National Social Insurance House
NIJ	National Institute of Justice
SUM	State University of Moldova
NRS	National Referral System
MFAEI	Ministry of Foreign Affairs and European Integration
MoH	Ministry of Health
NAP	National Action Plan
TEA	Territorial Employment Agency
NAP	National Action Plan
NC CTHB	National Committee for Combating Trafficking in Human Beings
GPO	General Prosecution Office
MoJ	Ministry of Justice
PS	Permanent Secretariat
IOM	International organisation of Migration
TC	Territorial Commissions
CNPAC	National Centre for child abuse prevention
AIIS	Automatic Information System
NEA	National Employment Agency
UNODC	United Nations Office on Drugs and Crime
CIDDC	Child's Rights Information and Documentation Centre

MoH	Ministry of Health
MoE	Ministry of Economy
PNAET	National Plan on Economic Empowerment of Youth
DV	Domestic violence
CCCI	Centre to combat information crimes
CCP	Code of Criminal Procedure
CC	Criminal Code
UAE	United Arab Emirates
GPI	General Police Inspectorate
CAP	Centre for Assistance and protection of victims and potential victims of trafficking in human beings

## EXECUTIVE SUMMARY

The quality of the state policy documents and the coordination of all stakeholders during their implementation determine, to a great extent, the successes and failures of any field of activity. The phenomenon of preventing and combating trafficking in human beings in the Republic of Moldova used to be subject to frequent criticism and concerns on behalf of the European and international bodies. The Chisinau government has got two strategic policy documents relevant for the field: *the National Plan to Prevent and Combat Trafficking in human beings*, recently named the *National Action Plan* (NAP, 6 editions), and the Strategy of the *National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings*. This Report focuses on the assessment of the implementation of the last two National Action Plans, namely the 2010-2011 NAP and the 2012-2013 NAP.

This report with the title “Ex-post independent evaluation of the implementation of the National Plan to prevent and combat trafficking in human beings (2010-2011 and 2012-2013 periods)” focuses on the evaluation of the state policy of the Republic of Moldova in preventing and combating trafficking in human beings in the period under consideration and, additionally, on the quality of this important state policy document. It is for the first time in the Republic of Moldova that an independent review of the implementation results of the two mentioned above NAPs, has been carried out. Five internationally recognized policy assessment criteria (relevance, efficiency, effectiveness, impact and sustainability) have been used in this research, of about 80 pages.

The main purpose of this Report is to assess the degree of implementation and to develop recommendations for the improvement, in the nearest future, of the policy in the area. Another objective is to provide adequate information regarding the achievements, lessons learned,

but also weaknesses, to be dealt with, to the decision makers and experts, partners and donors and to the general public. The author of this Report pursued to carry out the following main tasks: to study the established qualitative and quantitative indicators and the degree of their accomplishment by each NAP; to assess the relevance of the state policy on preventing and combating trafficking in human beings; to assess the compliance of the NAP with the status and changes of the trafficking in human beings phenomenon and also with the recommendations of the external monitoring mechanisms; to assess the effectiveness of this state policy document (degree of accomplishment of objectives and realisation of the set goals, the policy impact) and its effectiveness (rational use of available resources for the achievement of set objectives and ensuring the policy sustainability); and, finally, to make recommendations on the improvement of the state policy in the area of preventing and combating trafficking in human beings.

In the process of preparation of this Report relevant primary sources of information were analysed and studied (the national reports on preventing and combating trafficking in human beings in the Republic of Moldova developed by the National Committee to Combat Human Trafficking, as of 2001 to the present and more detailed study of the last 2 NAPs) including the available information on the implementation of actions to prevent and combat human trafficking submitted during the period under consideration by APCs, LPAs, NGOs, IBs and IGOs.

In addition to primary information, also monitoring reports on the implementation of the 2010-2012 Strategy of the National Referral System for protection and assistance of victims and potential victims of trafficking in human beings were analysed together with a number of secondary sources (internal reports regarding strategic events organized in the Republic of Moldova during the period under consideration and external monitoring and evaluation reports of the anti-trafficking policy of the Republic of Moldova). Among the analysed sources there is also a consultation held within 2 reference groups, composed

of 32 representatives of the central public authorities, NGOs and intergovernmental organisations, participants to the two NAPs development, financing and implementation.

The Report is divided into six chapters, each containing a detailed analysis of various aspects of the planned activities implementation, they referring, in their turn, to the corresponding analysed NAP compartments.

Thus, **Chapter I - “Relevance of the prevention and combating human trafficking policy”** – contains a detailed analysis of the National Plans structure and content (strategic aims, specific goals and objectives, tasks / subtasks, structures and partners responsible for implementation, deadlines and outcomes), implementation indicators and ways of issues identification for the policy development. The PNAs were analysed against the relevance of the preventing and combating human trafficking policy, the anti-trafficking policy effectiveness and this area policy impact and sustainability.

**Chapter II - “Effectiveness of organizational measures”** – was dedicated to the analysis of the anti-trafficking activities coordination, the legal and regulatory framework (the legal provisions in force, the amendments to the legal and regulatory framework of related areas such as tourism, setting standards in preventing and combating human trafficking, improvement of the legal framework) and of strengthening capacities of professional groups with powers to prevent and combat human trafficking. Also, a review of the information and research management is done (including analysis of the statistical data, the dynamics of these data in relation to countries of destination, the phenomenon trends in terms of statistical data, etc.) along with the review of the analysis procedures, the monitoring and evaluation of the implemented activities and the use of resources and budget for their realisation.

Definition of **Chapter III** tells us that this Chapter is focused to the **implementation of activities aimed at prevention of human trafficking** within each NAP subject to analysis and research. The most important accomplishments in raising awareness and education of the general public during the implementation of the two NAPs are analysed here along with the anti-trafficking actors cooperation, the role of each ministry and of other state structures, involved under the Law in the prevention of human trafficking, and the participation of the most active stakeholders of the civil society.

Place and attention paid to human trafficking victims and witnesses are investigated in **Chapter IV - “Assistance and social protection of victims and witnesses of human trafficking”**. The main aspects of the anti-trafficking policy against the persons who have suffered or are involved in the phenomenon of criminalization of traffickers are analysed here (identification of the human trafficking victims, repatriation, rehabilitation and reintegration of identified victims, their assistance and protection and also protection of witnesses and the judicial settlements in case of trafficked persons). All these aspects are backed up by relevant statistical data submitted by entities involved in these activities.

**The investigation and prosecution of human trafficking cases** constitute the topic of a separate **Chapter (V)** of this Report. Additionally to the investigation, prosecution and conviction of traffickers, two other aspects, less convenient for the central government, (in terms of their implementation) are dealt with in this Chapter. One of them refers to the legal rehabilitation and compensation of victims of human trafficking, an issue yet unresolved by none of previous governments and the other refers to anti-corruption measures against the officials working in the law enforcement bodies responsible for combating the phenomenon. It is this category of servants that for many years serves as grounds for criticism of the Chisinau government in the US State Department Report on human trafficking in the world. At the same



time, a number of successes are mentioned in this chapter (in 2013, for the first time, a significant 55% decrease is registered, in comparison to 2012, of the number of organized illegal migration criminal cases. Also, according to international reports data (Frontex Eurostat), since 2009 the number of illegal EU border crossings by Moldovan migrants is steadily decreasing in comparison to the steady increase of the number of legal border crossings by Moldovans and the number of the persons who legalize their stay within the Schengen area, fact offering legal opportunities for a legal entry to this territory to other Moldovan citizens for family reunion purpose).

In the last **Chapter (VI)** – the “**International Cooperation**” is analysed, in particular the accomplishments of certain activities during the 2010-2013 period of time. The following could be listed among the mentioned accomplishments: the negotiation of several bilateral agreements, currently at a drafting stage, such as the draft Agreement between the government of the Republic of Moldova and the government of the Russian Federation on the cooperation in such areas as repatriation of victims of human trafficking, child trafficking, illegal trafficking of migrants, trafficking of unaccompanied children and migrants in difficulty; the draft Agreement between the government of the Republic of Moldova and the Ukrainian government on the cooperation in such areas as repatriation of victims of human trafficking, child trafficking, illegal trafficking of migrants, trafficking of unaccompanied children and migrants in difficulty; the draft Agreement between the government of the Republic of Moldova and the government of the Italian Republic on the cooperation regarding the protection of unaccompanied Moldovan children or of the ones in difficulty on the territory of the Italian Republic; a number of successes regarding police cooperation (cooperation with EUROPOL, INTERPOL and SECI) and the international judicial cooperation (guaranteed international legal aid in criminal issues in human trafficking cases, capacity building for officials working in the law enforcement bodies and judicial authorities following the aim to

facilitate the cooperation between these bodies with the ones of other countries and to improve the exchange of data with other countries, etc.).

One should also note that the Report includes about 56 references, in their majority, laws and decisions of the Government of the Republic of Moldova and relevant international documents, reports and standards. Although each chapter at its end includes specific conclusions and recommendations developed based on the analysis performed in that respective chapter, the Report includes a separate chapter “**General conclusions and recommendations,**” which constitutes a summary of all conclusions and recommendations contained at the end of each thematic chapter.

## Methodology used for the Report development

The Report “Ex-post independent evaluation of the implementation of the National Plan to prevent and combat trafficking in human beings (2010-2011 and 2012-2013 periods)” (hereinafter the **Report**) - includes an analysis of the implementation outputs of two national plans to prevent and combat trafficking in human beings approved by the Government for the 2010-2011 and 2012-2013 periods.

Given the fact that the Republic of Moldova has got an underdeveloped monitoring and evaluation regulatory basis for the public policies it was decided, for the sake of development of this Report methodology, to use the norms and policy evaluation standards<sup>2</sup>, as well as the terminology, of the Organization for Economic Cooperation and Development (OECD), the latter being one of international economic organizations with renowned expertise in this area. The OECD’s mission is to promote policies aimed to contribute to improving the economic and social welfare of the population worldwide<sup>3</sup>.

The focus of this Report is to evaluate the state policy of the Republic of Moldova in the prevention and combating trafficking in human beings in 2010-2014 and to develop recommendations for the improvement, in the nearest future, of the policy in the area. Another aim is to provide adequate information regarding the achievements, lessons learned, but also weaknesses, to be dealt with, to the decision makers and experts, partners and donors and to the general public.

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2 OECD DAC Network on Development Evaluation “Evaluating development co-operation. Summary of key norms and standards. Second edition”. Available at: [www.oecd.org/dac/evaluationnetwork](http://www.oecd.org/dac/evaluationnetwork).

3 OECD was created in 1961 at the initiative of the European developed countries, including USA and Canada. Currently 34 countries are members of OECD. The headquarters of the organisation are in Paris.

The development of this paper is based on five policy evaluation criteria, recognised at the international level, (relevance, efficiency, effectiveness, impact and sustainability) and it pursued the accomplishment of the following tasks:

- Study of the established qualitative and quantitative indicators and of the degree of their accomplishment under each NAP;
- Study of the relevance of the state policy on preventing and combating trafficking in human beings and study of the compliance of the NAP with the status and changes of the trafficking in human beings phenomenon as well as with the needs of trafficked persons;
- Study of the compliance of the NAP with the recommendations of the external monitoring mechanisms;
- Assessment of the policy effectiveness as far as the objectives degree of accomplishment and the set goals realisation, as well as the policy impact are concerned;
- Assessment of the policy efficiency as far as the rational use of available resources for the achievement of set objectives and ensuring the policy sustainability are concerned;
- Development of recommendations on the improvement of the state policy in the area of prevention and combating trafficking in human beings

The following methods/instruments have been used in developing this Report:

1. Analysis of primary information regarding the implementation of the 2010-2011 NAP and the 2012-2013 NAP:
  - The 2010 National Report on prevention and combating trafficking in human beings in the Republic of Moldova.

National Committee to Combat Human Trafficking, Chisinau, 2011;<sup>4</sup>

- The 2011 National Report on prevention and combating trafficking in human beings. National Committee to Combat Human Trafficking, The Permanent Secretariat, Chişinău, 2012;<sup>5</sup>
- The 2012 National Report on prevention and combating trafficking in human beings. National Committee to Combat Human Trafficking, The Permanent Secretariat, Chişinău, 2013;<sup>6</sup>
- Draft of the 2013 National Report on prevention and combating trafficking in human beings. National Committee to Combat Human Trafficking, The Permanent Secretariat, Chişinău, 2014;
- Information on the implementation of the human trafficking prevention and combating activities submitted by CPA, LPA, NGOs, IOs and IGOs in the period under investigation.

In addition to primary information, also the 2010, 2011 and 2012 Reports<sup>7</sup> on monitoring the implementation of the Strategy of the National Referral System (NRS) for the protection and assistance of human trafficking victims and potential victims were reviewed during the preparation of this report (Decision of the Parliament of the Republic of Moldova no. 257-XVI of 5 December 2008). In spite of the fact that the NRS Strategy is a political document, developed independently from the NAP, with its plan of actions for 2009-2011, the goals, objectives and actions under this strategy are inter-linked

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4 <http://antitrafic.gov.md/lib.php?!=ro&cidc=30>

5 Ibid.

6 Ibid.

7 The report for each indicated year can be found at: <http://mpsfc.gov.md/md/rapoarte/>.

with the NAP. Additionally, during the development of the 2012-2013 NAP, it was decided to merge the NAP with the action plan on the implementation of the NRS strategy.

**2. Analysis of supporting information:**

- Internal Reports regarding the strategic events organised during the period under consideration (referring to national and international events organised in the Republic of Moldova);
- External reports on monitoring and evaluation of the anti-trafficking policy of the Republic of Moldova.

**3. Interviews were carried out within 2 reference groups** including **32** representatives of central public bodies and non-governmental and intergovernmental organizations that participated to the development, financing and implementation of the 2010-2011 NAP and the 2012-2013 NAP. The purpose of these group discussions was to verify, in the process of this research realisation, the quality of the anti-trafficking policies assessment via the collection of additional data and discussions of this Report findings and recommendations.

### **Limitations of the study**

In this study the qualitative analysis of information predominates and less attention is paid to the quantitative analysis of collected information, fact that might be seen as a limitation of this Report. One should also note the absence of the baseline accurate information at the stage of the 2010-2011 NAP and the 2012-2013 NAP development, fact that could have made possible a comparison of the achieved policy implementation progress during the period

under investigation, its accurate evaluation and development of relevant conclusions. In addition, the aims and objectives are formulated in a general and vague way especially with respect to the 2010-2011 NAP. Therefore, the findings presented in this Report reflect the views of the author and experts in this area, interviewed within this research.

One should also mention the fact that many activities / actions included in the 2010-2011 NAP and the 2012-2013 NAP were financed within external projects, thus reducing the access to information on financial resources spent for the NAP implementation. Therefore, analysis of the policy effectiveness against the use of resources for the national policy implementation in comparison with the allocated resources is limited solely to the analysis of used resources indicated in the reports.

Another limitation of this study refers to the fact that the anti-trafficking policy assessment does not include the victims of human trafficking and the risk group representatives who are the beneficiaries of this policy. In accordance with international standards this is a very important component of the policy evaluation. However, this study methodology excluded this component for the reason that the International Centre “La Strada” (Moldova), published a few months in advance to this study, the Report “*Influence of the human trafficking countering policy of the Republic of Moldova on the rights of trafficked persons*”<sup>8</sup> - a paper specially developed to independently evaluate the policy in the area and its impact on the rights of trafficked persons. The victims of human trafficking who benefited of assistance and

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8 „Influence of the human trafficking countering policy of the Republic of Moldova on the rights of trafficked persons”, International Centre for Protection and Promotion Women’s Rights „La Strada”. Chişinău, 2013. Available in Romanian, Russian and English at: <http://migratiesigura.lastrada.md/rapoartesi-studii/>.

support from the state were interviewed in the study mentioned above and it being broad enough, public and accessible online, there was no need to include this information in this Report.

No conclusions on the impact evaluation of the trafficking of human beings are included in this report for the reason that the experts interviewed in the reference group did not reach a consensus. Nevertheless, all experts highly appreciated the state policy in this area and noted that it helps to prevent / control the spread of this phenomenon nationwide. At the same time, many experts consider the human trafficking a complex problem influenced by many internal and external factors, such as the population income level, employment opportunities, migration policy, including the other countries migration policies, the European course of the Republic of Moldova, visa liberalization, etc. Consequently, it is not possible to unanimously assess the reasons causing the fluctuations of statistical data per different years as far as the number of trafficked persons is concerned. It is also important to note that the statistics submitted by the state institutions, to a great extent, reflects the activity / activism in the area of these institutions rather than the human trafficking phenomenon as such. Sociology experts consider that it is impossible to estimate the number of victims or the trends of such a complex and latent phenomenon as the human trafficking at national and international levels<sup>9</sup>.

### Working terminology

***Evaluation*** – a systematic and objective assessment of an ongoing or completed project, a program or policy, an aspect hereby, its implementation and the achieved outputs. The purpose of evaluation

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9 "Macro Claims Versus Micro Evidence", Ronald Weitzer, Professor of Sociology, Sociology Department at George Washington University, <http://contexts.org/articles/winter-2014/selling-people/#basu>



is to determine the relevance and accomplishment of objectives, the development efficiency, effectiveness, impact and sustainability. An assessment is expected to produce reliable and useful information enabling the incorporation of lessons learned into the decision making process of both beneficiaries and donors. Evaluation also presupposes the establishment of the value or significance of an activity, policy or program. Evaluation of a planned intervention, in the process of its implementation or completed, should be, to the maximum possible, systematic and objective.<sup>10</sup>

***Ex-post Evaluation*** – denotes the analysis of an intervention<sup>11</sup> actual outputs, facilitating the understanding of the success or failure factors and of the intervention implementation impact. This definition is also applied with respect to the public policy evaluation.

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10 Glossary of Key Terms in Evaluation and Results Based Management, OECD, 2010

11 Ibid.

## INTRODUCTION

The National Plan to prevent and combat trafficking in human beings, also called the National Action Plan by the anti-trafficking community, in particular at the international level, constitutes one of the main documents aimed at promoting the state policy on preventing and combating trafficking in human beings. This is a document approved every two years by the government envisaging the implementation of certain complex actions along with the implementation of socio-economic initiatives / measures focused both on the criminalization of the respective offenses and on the protection of victims against this scourge consequences. Article 7 of Law no. 241-XVI of 20 October 2005 on preventing and combating trafficking in human beings<sup>12</sup> directly provides for the development of a NAP. The need of such a NAP is also dictated by the challenges and dangers generated by the trafficking in human beings phenomenon, as well as by the imperative to coordinate all activities carried out by the state agencies, civil society and the international community with the purpose to counter this phenomenon. Finally, the NAP is needed to spell out the special measures aimed at restoring the rights of the human trafficking victims and their social reintegration.

Five national plans to prevent and combat trafficking in human beings have been developed and adopted in the Republic of Moldova since 2001 to present: the 2001 NAP; the 2005-2006 NAP; the 2008-2009 NAP; the 2010-2011 NAP and the 2012 -2013 NAP. The next, number sixth plan, the 2014-2016 NAP, has been already developed and is submitted to the Government for approval. Unlike the previous five plans, this one is envisaged for 3 years, and it is expected to be adopted by the Government this year in May.

This Report provides a comparative analysis of the implementation scale of the last two national plans to prevent and combat trafficking in human beings - the 2010-2011 NAP and, respectively, the 2012-2013 NAP.

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12 Law on Prevention and Combating Trafficking in Human Beings no. 241-XVI of 20 October 2005, art. 7 (Official Gazette of the Republic of Moldova, 2005, no. 164-167, art. 812)

## **I. RELEVANCE OF THE POLICIES ON PREVENTION AND COMBATING TRAFFICKING IN HUMAN BEINGS**

In assessing a public policy, it is primarily important to determine its relevance, i.e. the extent to which each separate approved NAP corresponds to identified problems at the stage of its development, namely to the trends of the human trafficking phenomenon and the needs of organizing the phenomenon counteraction. To begin with, we'll make a review of the structure of the two national plans to prevent and combat trafficking in human beings.

### **I.1. Structure and content of the National Plans. Implementation indicators**

The structure and content of the two NAPs are characterised by a number of differences, sometimes essential, caused by changes and the new trends registered by trafficking in human beings phenomenon and also by the need to create conditions to promptly respond to the new challenges of the phenomenon.

The 2010-2011 National Plan to prevent and combat the trafficking in human beings

The 2010-2011 NAP, approved by the Government decision no 835 of 13 September 2010<sup>13</sup> includes 5 compartments or main activity areas:  
*1. THE ASSISTANCE FRAMEWORK*

- 1.1. Coordination structures
- 1.2. Legal and regulatory framework
- 1.3. Capacity building

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13 Governmental Decision no. 835 of 13.09.2010 on approval of amendments and completions operated in the Government Decision no. 472 of 26 March 2008 (Official Gazette of the Republic of Moldova, 2010, no. 179-181, art. 926)

- 1.4. Informational Management and investigations
- 1.5. Analysis, monitoring and evaluation

## *2. PREVENTION*

- 2.1. Awareness raising and education
- 2.2. Specialized control

## *3. ASSISTANCE and PROTECTION OF VICTIMS AND WITNESSES*

- 3.1. Identification of victims
- 3.2. Social assistance and protection of victims
- 3.3. Protection of witnesses and the legal approach with respect to trafficked persons
- 3.4. Repatriation, rehabilitation and reintegration

## *4. INVESTIGATION AND PROSECUTION OF TRAFFICKERS*

- 4.1. Proactive and reactive investigation
- 4.2. Prosecution and conviction of offenders
- 4.3. Legal rehabilitation and compensations for the victims
- 4.4. Police and judicial treatment of victims / witnesses

## *5. INTERNATIONAL COOPERATION*

- 5.1. Strengthening the international cooperation
- 5.2. Police and judicial international cooperation

With respect to the 2010-2011 NAP compartments, one should mention that this plan, in its capacity of a state policy document in the area, includes activities and measures focused on four main promotion directions of the policy on prevention and combating trafficking

in human beings, recognized internationally: 1) the phenomenon prevention; 2) assistance and protection of victims; 3) prosecution of criminals and 4) international cooperation, since the phenomenon is also transnational. The plan, right at its beginning, also includes the “assistance framework” chapter, which spells out the general measures aimed at ensuring the accomplishment of actions included in the other four directions (development of the coordination system and of the legal regulatory framework, the capacity building and information management / development in case of investigations, analysis, monitoring and evaluation activities).

Each section of the 2010-2011 NAP consists of the following components (columns) which, actually, serve as qualitative and quantitative indicators and were used as basis for the plan implementation monitoring and evaluation:

- 1) Strategic goals;
- 2) specific goals and objectives;
- 3) Activities/ sub-activities;
- 4) Structures responsible for implementation;
- 5) Partners;
- 6) Realization term;
- 7) Sources (budgetary/other sources);
- 8) Outcomes.

However, one should specify that, the *strategic goals* are formulated rather as the plan objectives, than as the plan goals. For example, *Strengthening measures to combat trafficking via the coordination of activities between involved subjects; Increase of capacities of public institutions and NGOs to carry out prevention and combating human trafficking through acceptance of the human rights-based and the victim-oriented approaches; Encourage the business community of the Republic of Moldova to effectively support the efforts against trafficking in human beings, especially children;* constitute objectives or tasks to be performed during indicated periods. Besides,

very often the specific objectives, in their turn, are formulated in a general way or they look like activities. And, on the contrary, we come across an objective that is formulated also as a goal: *Awareness raising and capacity building of the tourism business with respect to human trafficking, especially of children and their sexual exploitation*; or we come across objectives with the wording of an activity: *Organization of continuous training aimed at increasing the human trafficking knowledge among the state bodies and non-governmental organisations*; *Creation and development of the national centralized recording system of human trafficking data*.

With reference to the *Realization term*, one and the same NAP, indicates three types of terms: quarterly, half a year and permanent terms, or it indicates the entire 2010-2011 duration of the plan. At the same time, the progress indicators are absent, making monitoring and evaluation flawed.

The *Sources* compartment of the NAP makes it impossible to assess the costs of activities to prevent and combat trafficking in human beings, for the reason that one and the same wording is indicated in case of all activities falling under *budgetary* subdivision: *Within budget allocations earmarked for this purpose*. On the contrary, in case of *other sources* subdivision, concrete NGOs or international structures, meant to cover the respective activities costs, are indicated. In cases when the only wording *Within budget allocations earmarked for this purpose* is maintained, one understands that the realisation of the activity will depend on the state budget allocations. Consequently, given the austerity of the budget of the Republic of Moldova, one may come to the conclusion that the realisation of the respective activity, described with such wording, may be faulty or may require additional financial resources.

With respect to the *Outcomes* compartment, our conclusion is that a general type wording, mainly quantitative, has been used, and there

is no description of the progress qualitative indicators. This made it impossible to assess the qualitative impact of performed activities. Thus, in the absence of the qualitative indicators, meant to reflect the impact of planned activities, in the 2010-2011 NAP the activities were reported only in a numeric form.

And finally, one last comment. In the 2010-2011 NAP *the problem description* is totally missing. In the absence of even a short description of the problem it is difficult to assess to what extent were the problems resolved, in any field whatsoever, or at least to what extent their consequences were reduced in terms of the impact of undertaken actions.

Nevertheless, in no way can one deny the fact that the policy to counter human trafficking during 2010-2011 had a close connection with existent problems. This is confirmed by the response of public authorities to external monitoring mechanisms. Thus, following the recommendations contained in the "Trafficking in Persons" Report of the US Department of State, its 2010 edition<sup>14</sup>, there followed a prompt response of the Government of the Republic of Moldova which drafted, taking into account the suggestions and recommendations of this Report, an additional specific Plan to the Plan to prevent and combat human trafficking for 2010-2011, approved by the Decision no. 1170 of 21 December 2010<sup>15</sup>. One should mention the huge influence on the NAP content of the recommendations contained in the "Trafficking in Persons" Report of the US Department of State, developed in conformity to a set of indicators taken as basis in the assessment of the effectiveness of policies to prevent and combat trafficking in human beings. The Report on trafficking in persons highlighted the fact that the Republic of Moldova was facing serious shortcomings as far as the

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14 U.S. Department of State, "Trafficking in Persons" Report, June 2010

15 Decision of the Government of the Republic of Moldova no 1170 of 21.12.2010 on the approval of the additional specific Plan to the Plan to prevent and combat human trafficking for 2010-2011 (Official Gazette of the Republic of Moldova, 2010, no 259-263, art. 1315)

investigation and prosecution of state officials complicit to trafficking crimes was concerned and a number of other issues. The additional specific Plan to the 2010-2011 NAP contains completions and gives detailed description of a number of activities in the following areas:

1. Investigation of cases of the state officials complicit to human trafficking, their prosecution and conviction;
2. Assistance and protection of human trafficking victims;
3. National and international cooperation;
4. Awareness and information.

Actually, the additional specific plan indirectly reflects the recommendations of the Report of the US Department of State of that period of time. In the additional specific Plan concrete amounts of the allocated state budget resources start being indicated for certain activities (*Increase of financial allocations for co-financing the Centre for assistance and protection of human trafficking victims and potential victims according to the 2011-2013 Budgetary Framework* - an increase of 555,100 lei in 2011; *Allocation of funds under the 2011-2013 Budgetary Framework for repatriation of children and adults - victims and potential victims of human trafficking, victims of trafficking in illegal migrants and of unaccompanied children* - benefits amounting to 100 thousand lei in 2010 and 2011; *Provision of repatriation services to vulnerable persons residing abroad, victims of human trafficking (adults and children) and victims of trafficking in illegal migrants and to unaccompanied children* - benefits amounting to 100 thousand lei for each year; *Institutional protection of persons from the Transnistrian region who suffered from trafficking in human beings* - 373,500 lei, *Information campaign "Young persons constitute a resource"* - 30 thousand lei). Nevertheless, in the specific Plan, similar to the main Plan, problems are not specified.



## **The 2012-2013 National Plan to prevent and combat the trafficking in human beings**

The 2012-2013 NAP, approved by the Government Decision no 559 of 31 July 2012<sup>16</sup>, by all means, is a more progressive plan than the 2010-2011 NAP. First of all, the intervention areas are more extensive here, compared with the ones under the 2010-2011 NAP:

### *1. GENERAL MEASURES*

- 1.1.** Coordination of the anti-trafficking measures
- 1.2.** Legal and regulatory framework
- 1.3.** Capacity building (annex no 1 to the 2012-2013 NAP)
- 1.4.** Informational management and investigations
- 1.5.** Analysis, monitoring and evaluation
- 1.6.** Fund raising and budgeting

### *2. PREVENTION*

- 2.1. Awareness raising and education of the wide society (annex no 2 to the 2012-2013 NAP)
- 2.2. Reducing vulnerability (annex no 3 to the 2012-2013 NAP)

### *3. ASSISTANCE AND SOCIAL PROTECTION OF VICTIMS AND WITNESSES*

- 3.1. Identification of victims of trafficking in human beings
- 3.2. Repatriation
- 3.3. Rehabilitation and reintegration

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<sup>16</sup> Governmental Decision no. 559 of 31.07.2012 on approval of the 2012-2013 National Plan to prevent and combat trafficking in human beings, amending and supplementing a Government decision (Official Gazette of the Republic of Moldova, 2012, no. 165, art. 616)

#### *4. INVESTIGATION AND PROSECUTION*

- 4.1. Investigation
- 4.2. Prosecution and conviction of traffickers
- 4.3. Legal rehabilitation and compensation of victims of human trafficking
- 4.4. Anti-corruption measures

#### *5. INTERNATIONAL COOPERATION*

- 5.1. Intensification of the international cooperation
- 5.2. International cooperation of police and judiciary

The 2012-2013 NAP includes the following components (columns) clearly delineated:

- 1) Identified problems (description);
- 2) Goal;
- 3) Objectives;
- 4) Activities;
- 5) Institutions responsible for the implementation;
- 6) Partners;
- 7) Terms of realization;
- 8) Costs (budgetary sources of the public central authorities and/or local public authorities, other sources, uncovered activities);
- 9) Progress indicators.

An advantage of the 2012-2013 NAP compared with the 2010-2011 NAP, is the availability of progress indicators, which were missing in the 2010-2011 plan. Another advantage lies with the fact that any planned activity begins with the problem description and the goals and objectives, in their majority, are formulated in connection with identified problems.

## I.2. Identification of policy development problems

As mentioned above, in the 2010-2011 NAP, the problem description was missing. In the 2012-2013 NAP, for the first time since 2001 (when the first anti-trafficking plan was approved), this shortcoming was excluded and information on the identified problems was introduced. The problems identified in the 2012-2013 NAP are in their majority the ones mentioned in the **external and internal monitoring reports** of the state policy of the Republic of Moldova: *Annual “Trafficking in Persons” Report of the US Department of State; Report of the GRETA Expert Group on implementation in the Republic of Moldova of the Council of Europe Convention on Action against trafficking in human beings; the 2011 Progress Report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation*, and other reports. These major issues were, at the same time, discussed with the central public authorities and the civil society and intergovernmental organizations partners of the NAP implementation, working in this area. Thus, the 2012-2013 NAP includes a number of objectives and activities, aimed at addressing the identified problems.

It should be noted that in the 2012-2013 NAP summary data on problems inter-connected with trafficking in human beings were included (such as sexual exploitation of children via the Internet, sex tourism, etc.) and appropriate actions to prevent and combat these problems were planned. Nevertheless, a description analysing the phenomenon of trafficking in human beings as such is missing in this plan. Nor does it contain a description of the phenomenon evolution, its determining and generating factors and the link with other social life problems influencing the human trafficking phenomenon (poverty, unemployment, migration, domestic violence, corruption, etc.) In the absence of such information the development of this area policy and the assessment of its impact on the phenomenon turn out being difficult.

The 2012-2013 NAP doesn't clearly specify the link of this plan with the state policy in related areas, the exception being the reference, made in section 4.4 of the plan, to the national anti-corruption strategy for 2011-2015, approved by Parliament Decree no. 154 of 21 July 2011. One may see an inconsistency with the development rules and the unified requirements with respect to policy documents approved by the Government Decision no. 33 of 11.01.2007 stipulating that the policy documents "[...] shall make references to their interaction with other government programs under implementation or already completed, to ensure continuity and avoid overlapping of objectives, actions and costs".<sup>17</sup>

One should also mention the absence in all NAPs, and in other documents, of the information on the reference situation in the area. Depending on their complexity degree problems are different, which means that not all identified problems can be solved under a certain NAP. Reference situations are expected to provide a clear vision about the state of affairs and the degree to which a number of problems can be solved through the development of a certain NAP. For example, the NAP authors indicate the goal "Development of capacities of anti-trafficking actors to carry out prevention and combating human trafficking and to provide assistance to victims of human trafficking through acceptance of the human rights-based and the victim-oriented approaches." To achieve this goal, it is necessary to undertake a number of measures / activities such as: train the trainers, develop and institutionalize the training curriculum, identify the institution hosting the trainings, earmark the necessary resources, etc. However, it might happen that during the NAP development stage certain activities have been already accomplished, for example the curriculum had been approved. This is an information that should be fixed. Such aspects are important for

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17 Government Decision no. 33 of 11.01.2007, "On the Development Rules and unique requirements with respect to the policy documents" (Official Gazette of the Republic of Moldova, 2007, no. 6-9, art. 44), p.15

the evaluation of the policy achievement scale. Or, for the evaluation of the NAP realization one is supposed to know what has been done to solve a concrete problem, described in the NAP, before the plan implementation start. It is the only way that achievements reached in the NAP implementation can be evaluated (separating them from the earlier NAP achievements). Unfortunately, so far, this exercise wasn't conducted in Moldova with respect to the development of the national plan to prevent and combat trafficking in human beings. Moreover, the Development Rules and unique requirements with respect to the policy documents, approved by Government Decision no. 33 of 11.01.2007, do not provide this thing either.

## **Conclusions**

The analysis of the relevance of the policy on prevention and combating trafficking in human beings indicated that failure to identify problems during the plan development time made it difficult to assess the relevance of the 2010-2011 NAP. However, an adjustment of the plan to the problems has been done by foreign experts, thing that should have increased the relevance of this document. The quality of the 2012-2013 NAP, compared to the 2010-2011 NAP, has been improved considerably, following the inclusion of the compartment "Description of identified problems and establishment of goals and objectives." In such a way, the analysis allows us to draw a number of conclusions, namely:

- Not all goals and objectives of the state policy have been clearly formulated in order to reflect the identified problems in SMART format;
- The descriptive part of the plan is missing, namely: the baseline analysis of the phenomenon and of the factors influencing this phenomenon; the connection of the NAP with other policy documents; the description of the problem and the degree to which the problem can be solved through the plan development;

- Also the progress indicators are missing, the ones that make possible a qualitative assessment of set objectives. The progress qualitative indicators continue being one area with respect to which more work is needed in order to improve the NAP accomplishment;
- An important conclusion can be made based on the comparative analysis of the two NAPs development. It refers to the period of time during which both NAPs have been approved. The 2010-2011 NAP was approved on 13.09.2010 when the first year of implementation was almost over. The approval of the 2012-2013 NAP was delayed as well, in this case approval took place 7 months after the beginning of the implementation (on 31.07.2012);
- With reference to the planning aspect one can notice inaccurate calendar terms in a number of cases when the implementation terms are equal to the entire duration of the Plan.

Existence of these planning phase flaws cause difficulties during monitoring and evaluation of the Plans realization.

### **Recommendations**

Based on the above analysis of the two national Plans to combat and prevent the trafficking in human beings the following recommendations have been drawn:

1. It is recommended to begin the development of a new / next NAP during the last year of the NAP under current implementation so that the new plan is approved no later than within the first 2 months of the implementation year. This is the only way to ensure an effective monitoring and a complex evaluation of planned activities. It is the best way to involve the anti-trafficking community into the planning exercise of their own activities in compliance with the NAP.

2. It is recommended to include into the national plan a descriptive part with reference to the phenomenon reference situation, factors influencing the phenomenon, the identified problems and the extent to which they can be solved during the period covered by the plan. This information will subsequently facilitate a qualitative assessment of the plan accomplishment and will contribute to the policy management improvement in this area. It is also recommended to include into the national plan, under the progress indicators compartment, the evaluation qualitative indicators of the undertaken measures (such as change of attitude and perception).
3. The next to be improved is the formulation of goals and objectives. Each particular goal shall be formulated taking into account the identified problem and a clear direction of the long term policy shall be set. The objectives shall be formulated in the SMART format, so they are measurable and achievable during the NAP implementation term.
4. It is recommended to indicate the link of the national plan with other approved policy documents to prevent and combat related phenomena that have an influence on the human trafficking phenomenon. Should such documents be missing, the NAP shall also include measures to prevent and combat related phenomena that directly influence trafficking in human beings.

## II. EFFICIENCY OF ORGANIZATION MEASURES

### II.1. Coordination of the anti-trafficking activities

The way the coordination of anti-trafficking activities are mentioned in **the 2010-2011 NAP** and in the **additional specific Plan** can be qualified as rather modest. The plan envisaged *The establishment of cooperation mechanisms (officially approved) between the state bodies and the NGOs, and Coordination of the anti-trafficking activities carried out by the stakeholders*. Additionally, the plan envisaged the creation, in the second half of 2010, the Permanent Secretariat (PS) of the National Committee to Combat Human Trafficking (CCTP) along with the development and approval of its organization chart.

However, the PS, as a unit of the State Chancellery, was established only in the third quarter of 2011, based on the Government Decision no. 900 of 2 December 2011 “On amending and supplementing the Government Decision no. 472 of 26 March 2008”<sup>18</sup>. In reality the PS started the coordination activity in August 2011, providing support to the National Committee to Combat Human Trafficking. It was performing monitoring of the realization of policies to prevent and combat human trafficking and was coordinating the development of the new NAP for the next coming period.

One responsibility of the PS is to coordinate activities and to facilitate the collaboration among all anti-trafficking stakeholders implementing actions to prevent and combat human trafficking and to monitor the observance of the relevant legal provisions. Another duty of the PS is to collect, from the competent authorities, data on prevention and combating human trafficking, to be further used for the development

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18 Government Decision no. 900 of 2 December 2011 “On amending and supplementing the Government Decision no. 472 of 26 March 2008” (Official Gazette of the Republic of Moldova, 2011, no 216-221, art. 985)



of the annual reports. The creation and capacity building of the PS was supported by the IOM and the OSCE Missions to Moldova, the US Embassy in Chisinau and the International Centre “La Strada”. Previously to the PS creation the function of Secretariat of the National Committee was performed in 2010-2011 by experts detached from the Ministry of Labour, Social Protection and Family, Ministry of Justice and Ministry of Education, under the leadership of the CCTP representative. The membership of the Permanent Secretariat, entitled to assist the National Committee, was approved by Government Decision no. 795 of 3 December 2009 “On approval of amendments and completions operated in the Government Decision no. 472 of 26 March 2008”<sup>19</sup>.

Before the creation of the PS the activities in the area used to be coordinated by the technical coordination meetings, monthly organized by the OSCE Mission to Moldova. These coordination meetings continued during the 2012-2013, after the creation of the PS. It is also appropriate to mention that the OSCE Mission has held similar meetings in the districts on the left bank of the river Nistru.

The coordination activity was also performed by the territorial commissions to combat human trafficking, created at the local level. Their tasks, specified in accordance with the regulatory framework on the TC, are as follows:

- organization of awareness campaigns, seminars and meetings in towns and villages of a particular administrative-territorial unit with the purpose of informing people about consequences of the illegal migration and trafficking in human beings;

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19 Government Decision no. 795 of 3 December 2009 “On approval of amendments and completions operated in the Government Decision no. 472 of 26 March 2008” (Official Gazette of the Republic of Moldova, 2009, no 180, art. 879).

- coordination of the activities to prevent and combat trafficking in human beings, and of the protection and assistance of trafficking victims;
- cooperation with the local public authorities, the law enforcement agencies, NGOs and representatives of civil society organizations, in particular with the representative of the IOM organisation in Chisinau, with the purpose to provide protection and assistance to victims of trafficking;
- monitoring and periodic evaluation of activities to prevent and combat trafficking in human beings carried out by the territorial state bodies; informing the respective authorities and the National Committee and submission of proposals to streamline these activities;
- provision of informational, organisational and practical assistance to state agencies involved in prevention and combating the illegal migration and the trafficking in human beings;
- cooperation with the similar commissions of other territorial-administrative units;
- implementation of training programmes on prevention and combating trafficking in human beings for persons belonging to vulnerable groups and for civil servants involved in this kind of activities;
- provision of assistance for the development of the research and analysis programmes and in collection of the human trafficking statistical data.

The review of the regulatory framework, at the basis of institutionalization of the territorial commissions (TC) to combat trafficking in persons, shows that district plans of actions were developed in 2011 with respect to the anti-trafficking area. After its creation the PS collected

the TC monitoring reports with the purpose to assess the territorial action plans. Annex 2 of the 2011 National Report on prevention and combating trafficking in human beings in the Republic of Moldova contains more detailed information in this respect.

The analysis of the **2012-2013 NAP** shows a much clearer coordination of the anti-trafficking activities compared to the 2010-2011 NAP. This area policy pursues the aim to actively involve the local public authorities into the development and implementation of the anti-trafficking policies. To achieve this goal, the PS planned the development of the communication Strategy with the local and foreign key stakeholders in the anti-trafficking area in the Republic of Moldova. Additionally, taking into account the recommendations of the GRETA Report to improve coordination of anti-trafficking activities, both at national and local levels,<sup>20</sup> measures to monitor the activity of TCs and the participation of the PS staff at the TCs meetings in different regions of the Republic of Moldova were included into the 2012-2013 NAP.

All measures regarding the coordination aspect, as introduced in the 2012-2013 NAP, have been realised, they being the following:

1. A communication strategy of the Permanent Secretariat was developed with the support of IOM Mission to Moldova, which can be open at [www.antitrafic.gov.md](http://www.antitrafic.gov.md). The document defines the main directions and the PS communication tools, aimed at ensuring communication both with the anti-trafficking community and the general public, as well as at the internal level of subdivisions of the National Committee (NC) to Combat Trafficking in Human Beings. The [www.antitrafic.gov.md](http://www.antitrafic.gov.md) site, in its capacity of the main communication strategy instrument, was launched at a press

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20 GRETA. Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Moldova. First evaluation round. Strasbourg, 2012, p.18 (para 57)

conference held during the NC Technical Group meeting on 18 June 2013. This communication tool was created and supported by the US Department of State;

2. Monitoring of actions carried out by the territorial commissions to combat human trafficking started being performed. Thus, according to collected information, in 2012, in response to the official request no. 2405-109 of 22 December 2012, 31 territorial committees have complied with the law and submitted to PS reports on their activities in the territory. Only four territorial committees failed to send activity reports (Cahul TC, Telenești TC, Basarabeasca TC and Taraclia TC). Annex 2 to the 2012 National Report on prevention and combating trafficking in human beings “Information on the activity of the TC to combat human trafficking” contains detailed information regarding the actions of TC in the anti-trafficking area.
3. The PS representatives organized in 2012 three monitoring visits: to the Chisinau municipality, Cimislia TC and Briceni TC. These visits were made with the purpose to revitalize the work of the territorial multidisciplinary teams created within the National Referral System for the protection and assistance of victims and potential victims of human trafficking<sup>21</sup>. Another task of these visits was to support involvement of the Labour Inspection into the Briceni TC activity in view of the fact that a possible increase of cases of Human Trafficking for Forced Labour was reported in the north of the country.

Evaluation of the implementation of the 2010-2011 and the 2012-2013 national plans showed a full accomplishment of objectives set

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21 Decision of the Moldovan Parliament no. 257-XVI of 05.12.2008 on the approval of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of human trafficking and the Action Plan on implementation of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings for 2009-2011 (Official Gazette of the Republic of Moldova, 2009, no. 27-29, art. 66).

under compartment 1.1. Institutionalization of the PS contributed to an active involvement of the CPA and LPA bodies, as well as of NGOs and intergovernmental organizations, working in the area, into the development and implementation of anti-trafficking policies. The interviewed professionals have also mentioned that following the PS actions the anti-trafficking activities are characterised by a greater transparency.

At the same time, the discussions with professionals, held within the reference groups, allow us to state that significant results have been achieved as far as coordination of activities at the national level is concerned. Coordination at the local level was less successful. We came to the conclusion that the purpose of anti-trafficking policy has been achieved only partially. At present, in the Republic of Moldova the decentralization policy is being implemented aimed at strengthening the independence of the local public administration. However, decentralization creates isolation and an information vacuum at the local level, including in the human trafficking area. It would be necessary that during the next NAP period of implementation the PS pays more attention to training and methodological support for the TC members.

Professionals, members of the reference group, mentioned that the PS had an important role in the NAP development as such and in the coordination of the development process and later in the NAP monitoring and evaluation. They also appreciated the coordination of all stakeholders, especially of the government entities, involved in this process. It is important to ensure that the draft plan is consulted with all state institutions, whose role in this process is to consult the partners of implementation. This would make the process more operative (it would be possible to avoid the delay of the document approval, given the request that a draft is endorsed by public institutions and later sent for comments to representatives of civil society and international organizations).

## II.2. Legal and regulatory framework

**Four specific objectives** are envisaged under this compartment of the **2010-2011 NAP**, qualified as very important for the human trafficking combating area:

1. Development of legal provisions ensuring access of trafficked persons to compensation from traffickers and / or state
2. Amendments of the legal and regulatory framework in force in the tourism area;
3. Establishment of standards referring to prevention and combating trafficking in human beings;
4. Improvement of the legal framework referring to protection and assistance of victims – the compartment which, in its turn, includes the chapters *Development of the assets distribution support program for victims of human trafficking (real estate, funds, etc., confiscated from traffickers in human beings, based on court decisions, and the ones obtained from donations* and *Development of standards / guidelines referring to the hearing of children victims-witnesses (interviewing techniques, requirements to be met by specialists involved in the hearing process and requirements to be met by the hearing rooms).*

In spite of the fact that the objectives and planned activities are complex and have a significant importance for the prevention and combating trafficking in human beings, “the 2010 National Report on prevention and combating trafficking in human beings in the Republic of Moldova” contains no information on the amendments of the legal framework. The only reference made is to the reform of the Ministry of Interior, the goal of the reform being: fighting corruption, capacity building and demilitarization of the institution. The concept of the institution structure improvement was developed based on the recommendations contained in the MIA reform roadmap, developed in collaboration

with the EU high level advisors, assisting the Ministry of Interior, and other external specialists (EUBAM, the Council of Europe, Norway, etc.).

In the “Report on the monitoring of the accomplishment of the 2011 National Plan and of the additional specific Plan to prevent and combat human trafficking”, attention is paid to the failure to accomplish the 5th activity: *Development of the assets distribution support program for victims of human trafficking (real estate, funds, etc., confiscated from traffickers in human beings, based on court decisions, and the ones obtained from donations*<sup>22</sup>. Responsible for this activity was MLSPF. However, during the planning phase, the situation that this ministry, according to its mandate, lacks the resources, mechanisms and opportunities necessary for the realisation of this activity, was not taken into consideration. In other countries, it is Ministry of Justice or other bodies responsible for combating human trafficking which have the mission to create and manage the fund. Later in the 2012-2013 NAP, under compartment 4.3, **The legal rehabilitation and compensation of victims of human trafficking** was provided in the form of three activities: 4.3.1. *Organization and conduct of a workshop / roundtable talks on the compensation mechanism*; 4.3.2. *Performance of an analytical study on the compensation of victims mechanism*; and 4.3.3. *Development of the compensation fund concept*. This constitutes an improvement of the NAP development process and its content. The first two activities were carried out during the years 2012-2013; Development of the compensation fund concept, however, remains a priority activity for the next NAP.

In connection with objective 2 of the 2010-2011 NAP one should mention that the 2010-2011 monitoring reports contain no

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22 *Report on the monitoring of the accomplishment of the 2011 National Plan and of the additional specific Plan to prevent and combat human trafficking*, Permanent Secretariat of the National Committee to prevent trafficking in human beings, Chişinău, 2012, p. 11

information about Amendments and completions to the Law on Tourism no. 798-XIV of 11 February 2000 regarding the introduction of more effective requirements to ensure strict recording of people's return home, within the terms specified in the contract on the tourism services provision, signed by tourists going abroad.

Objective 3 of the 2010-2011 NAP – *Establishment of standards for the prevention and combating trafficking in human beings area* – was not accomplished. The Regulation on prevention and combating trafficking in human beings was not developed. Actually, this document is not even envisaged by the Law 241-XVI of 20 October 2005 on prevention and combating trafficking in human beings.

*Development of standards / guidelines referring to the hearing of children victims-witnesses (interviewing techniques, requirements to be met by specialists involved in the hearing process and requirements to be met by the hearing rooms)* constitutes another activity reported to be achieved in 2011. In this context, we should mention that, in fact, this activity was considered achieved following the development of the draft amendment to Article 110 of the Code of Criminal Procedure (CCP) and by the proposal to introduce Article 110<sup>1</sup> in the CCP with the wording “Special measures for hearing children.” A significant result here is also mentioned in the Report on the 2012-2013 NAP implementation, the results of which will be analysed below.

The same chapter (**1.2. The legal and regulatory framework**), of the **2012-2013 NAP** envisages the following activities:

*1.2.1. Setting up working groups entitled to do the needs assessment of amendments to legal and regulatory acts;*

*1.2.2. The needs assessment at the national level of amendments to legal and regulatory acts regulating the prevention and combating trafficking in human beings and/or related to this issue;*



*1.2.3. Development of drafts of amendments and supplements to certain legal and regulatory acts regulating the transplants of human organs, tissues and cells;*

*1.2.4. Finalizing and promoting the drafts of amendments to the Law on the Legal Status of Aliens in the Republic of Moldova and the Law on Prevention and Combating Trafficking in Human Beings (reflection period and residence permit).*

*1.2.5. Amendment and/or supplementation of articles 165, 168 and 206 of the Criminal Code of the Republic of Moldova with provisions specifying offenses and establishing corresponding penalties; supplementation of art. 79 with a new paragraph, No 5, meant to exclude the application of this article with respect to offenses under art. 165 and 206 of the Criminal Code;*

*1.2.6. Development of a Regulation (guidelines,) compulsory for the Prosecution Office and Police staff, on the hearing of children-victims of trafficking in human beings;*

*1.2.7. Development of the guidelines on the protection of the victim-witness children during the legal procedures.*

It should be noted that, different from the 2010-2011 NAP, the activities planned in the 2012-2013 NAP were fully realized. Certain amendments to the legal framework implemented in 2012 can be fully qualified as progress indicators. The performed amendments and changes created a number of opportunities:

- to streamline combating the THB offenses committed outside the Republic of Moldova, the law enforcement bodies can create, as of 05.04.2012, joint investigation teams<sup>23</sup>;
- to enhance protection of children's rights and to eliminate the risks of sexual abuse against children a new article has been

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23 Article 540<sup>2</sup>, Code of Criminal Procedure

introduced in the Criminal Code, namely art. 104<sup>1</sup> “Chemical Castration”, through the adoption of Law no. 34 of 24 May 2012. This law has been severely criticized by the civil society and, later, the Constitutional Court deemed it unconstitutional (Constitutional Court Decision no. 315 of 07.04.2013) and the respective Article was repealed by Law no. 315 of 20.12.2013<sup>24</sup>. The decision entered into force on 01.24.2014;

- the Parliament adopted a new legislative initiative<sup>25</sup> in the second reading with the purpose to prohibit the application of amnesty or pardon to persons who committed sexual crimes against minors.

Nevertheless, professionals think that a number of counterproductive supplements to the Law were made, which may adversely influence the fight against trafficking in human beings. One of such supplements is considered the one operated in Article 132<sup>8</sup> of the Code of Criminal Procedure. Through this amendment the prosecuting authority lost the possibility to use special investigative measures, such as interception of communications in case of related crimes to THB (pimping, organization of illegal migration). Another counterproductive amendment is thought to be the one to Article 134<sup>2</sup> of the Code of Criminal Procedure, which makes it impossible to track the illicit proceeds obtained by human traffickers.

**In 2013**, based on the Government Decision no. 930 of 20 November 2013, the draft Law on amending and supplementing Law no. 42-XVI of 6 March 2008 regarding the transplantation of organs, tissues and cells was approved. These amendments and supplements are meant to form the legal basis for the law enforcement bodies interference into

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24 Law no 315 of 20 December 2013 on the amendment of certain legal acts (Official Gazette of the Republic of Moldova, 2014, no 17-23, art. 42)

25 Draft Law on amending and supplementing the Criminal Code of the Republic of Moldova (art. 107, 108, 109)

the transplant activities carried out by public and private medical institutions with the final aim to ensure effective control over the import and export of organs, tissues and cells. Additionally, it is expected that the performed amendments and supplements will succeed to ensure:

- legal delimitation of relations regulated by Law no. 42-XVI of 6 March 2008<sup>26</sup> from other public relations in the medicine area;
- more accurate wording of certain basic terms frequently used in the practice of transplantation activities;
- permission to private medical institutions to carry out transplantation activities of organs, tissues and cells and, subsequently, facilitation of a faster development of the public-private partnerships in the transplantation field;
- development and updating the procedures used by professionals in doing procurement and transplantation of organs, tissues and cells.

The Parliament of the Republic of Moldova adopted the Law no. 270 of 7 November 2013 on amending and supplementing certain legal acts<sup>27</sup>. This legal act provides for amendments to the Criminal Code, Articles 158, 165, 168, 206, 220, 302, 316 and to the Code of Criminal Procedure, Articles 90, 110, 215.

The General Prosecution Office developed in 2013, jointly with the International Centre “La Strada”, the draft Regulation on the children’ court hearing room. The draft Regulation was finalised but is not being applied yet. The reason brought forward is that the working Group, set

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26 Law no. 42 of 6 March 2008 on the transplantation of organs, tissues and cells (Official Gazette of the Republic of Moldova, 2008, no. 81, art. 273), in force as of 25 October 2008.

27 Law no 270 of 7 November 2013 on amending and supplementing certain legal acts (Official Gazette of the Republic of Moldova, 2013, no 290, art. 794).

up by the Ministry of Justice, the entity responsible for accomplishment of the action 6.3.2, item 2 of the Action Plan to implement the 2011-2016 Strategy of the Justice Sector Reform, is working in parallel to develop amendments to the Law on court hearing of minors (Article 110<sup>1</sup> of the Code of Criminal Procedure - “Special measures regarding the children’s court hearing”). In September 2013 the working group concluded its work and Ministry of Justice was supposed to prepare this draft Law for its submission to the Parliament. However, this activity was transferred to 2014. Also the Ministry of Interior, responsible for developing the Guidelines on the child victim-witness protection during the legal procedures, requested to postpone finalisation of this document for 2014. They put forward the explanation that a working group of the Ministry of Justice, has already worked to develop amendments to the legislation on the child victim-witness protection during the legal procedures.

Along to the above mentioned realizations there are, however, a number of failures falling under **this chapter**, they being:

- approval, by the Government of the Republic of Moldova, of the Regulation on the court hearing of children victims of human trafficking;
- development by the MIA, MJ, GPO, in partnership with CNPAC, of the Guidelines on the protection of the victim-witness child during the legal proceedings;
- application of the Regulation on the Children’s Court Hearing (GPO).

**In conclusion**, we can say that the activities under **the legal and regulatory framework** subchapter were partially implemented. In the 2010-2013 period of time, transfer of several activities from one NAP content to another was performed (transfer of activities for the next year). This indicates that performance of substantial amendments to the legal framework and its related documents (such as instructions,

regulations, etc.) requires much longer time than two years. The interviewed professionals within the reference group think that in Republic of Moldova the legal framework necessary to combat human trafficking exists and is a good one. The current aim now is to draft the “secondary” supporting legal acts, such as regulations and instructions meant to clarify / interpret the provisions of the approved laws. In future one can avoid this kind of gaps by developing NAPs with a longer than 2 years term of implementation and by developing measurable and achievable progress indicators for the planned period.

Nevertheless, we can say that overall the activities envisaged for the 2012-2013 National Action Plan were more concrete compared with the ones included in the previous one. Also the articles of organic laws, to be subjected to amendments, were properly indicated and their content better specified. The extensive consultations, dedicated to needs assessment of legislative changes, held with the participation of state agencies and civil society constituted an added value in this respect. In addition, a number of studies of the national legislation consistency with the international one, along with the analytical studies, such as the one dedicated to the creation of the compensation system / fund, contributed to the legal framework change.

### **II.3. Capacity building within groups of professionals working in the prevention and combatting human trafficking area**

*The Capacity building within groups of professionals working in the prevention and combatting human trafficking area* subchapter is one of the biggest, both in the 2010-2011 NAP and in the 2012-2013 NAP. The capacity building activities within the groups of professionals, in their majority, were accomplished, perhaps with some exceptions (Annex No 1 to the Report on monitoring of the 2011 National Plan and the specific additional Plan to prevent and combat trafficking in human beings gives a description of all performed activities).

#### **Capacity building of all stakeholders involved into anti-trafficking activities in 2010-2011**

**In 2010-2011** workshops, training courses, round table talks and thematic discussions were organized for employees working in the minors and morals services (about 10,000 people: 5,000 in 2010 and 5,000 in 2011). The criminal situation among minors along with the prevention of domestic violence and exploitation of child labour were addressed during these activities, as well as the prevention of human trafficking.

Also a number of workshops were organized for representatives of the district law enforcement bodies, pursuing the purpose to facilitate the identification of victims of human trafficking. The CCTP has organized and participated to 25 working sessions of the district territorial committees, attended by officers assigned to the human trafficking combatting groups within the district police commissariats. Additionally, a number of workshops were organized for the CCTP staff by entities of the civil society and international organizations (“Terre des Hommes”, Centre for Prevention of Trafficking in Women, International Centre “La Strada”, IOM).

Issues referring to pro-active investigation methods of trafficking in human beings, efficient documentation processes, and identification and protection of victims of human trafficking were addressed during these workshops.

Another range of successful activities in this area, in particularly in 2011, constituted the organization of study tours, workshops, regional and international workshops dedicated to the exchange of best practices in countering human trafficking and identification and protection of trafficked persons. The CCTP employees participated to more than 75 workshops, round table talks, national and international conferences organized under the auspices of the OSCE and IOM missions, of SICI-GUAM, EUBAM, Interpol and the International Centre “La Strada”. Also, numerous study tours were made this year in the area, hosted by the anti-trafficking community, but also by the CCTP. Thus, the latter received 18 delegations from the UK, Denmark, Belarus, Afghanistan, Armenia, Azerbaijan, Tajikistan, Slovakia, etc. In 2011, the anti-trafficking community hosted the GRETA group experts who carried out a monitoring visit to the Republic of Moldova with the purpose to evaluate the efforts undertaken by the Government in the implementation of policies to prevent and combat human trafficking. The experts’ recommendations were included as activities in the 2012-2013 NAP, and some of identified problems and recommendations, proposed to the Republic of Moldova for the improvement of the prevention and combating trafficking in persons, can be found even in the 2014-2016 NAP activities (it is expected to be adopted by the Government this year, in April).

With reference to activity under no 8<sup>th</sup> – *Organization of conferences, workshops, study tours to strengthen the international cooperation in combating trafficking in human beings, including with EUROPOL, SECI, INTERPOL and EUBAM* – one should mention that in 2011, Minister of Internal Affairs, Victor Catan, attended the 80th general Assembly of the International Criminal Police organization

INTERPOL, where he had a meeting with Mr Ronald K. Noble - the Secretary General of this prestigious international police organization. During the meeting, the two officials exchanged views on the possibility of strengthening the level of the international police cooperation between the Republic of Moldova and the INTERPOL member States. After having signed in 2011 the Strategic Cooperation Agreement with EUROPOL the Republic of Moldova has undertaken a number of activities to negotiate and sign the Operational Cooperation Agreement. Under the 2011 National Plan on the implementation of the Action Plan Republic of Moldova - EU for visa liberalization it was envisaged to finalise the EUROPOL evaluation mission of the Republic of Moldova meant to analyse the situation regarding the protection of personal data and, respectively, the mission results. As a result of the above mentioned evaluation mission the EUROPOL Management Board approved the initiation of the negotiations for signing the Operational Agreement.

*Activity 9th - Capacity building for specialists of the territorial employment agencies in issues dealing with counselling of graduates of educational institutions, youth, the unemployed and people looking for a job* - was fully accomplished. A number of 69,197 persons looking for a job benefited of counselling services, out of which 61,340 persons were unemployed. However, this information does not make it clear in which way the education of specialists from the territorial employment agencies influenced their abilities to identify the THB victims, given that the conducted trainings did not include the prevention of human trafficking as a direct aim of training. Those trainings of specialists were dedicated to counselling graduates in their looking for a job - an objective aimed at prevention of unemployment, in general, and, in particular, among young professionals. Additionally, it would be important to know how many of those young unemployed have found a job and what was the duration of their employment. Based on the analysed information it was not possible to assess the impact of this activity.



Also activity no 10 - *Developing professional skills of psychologists, social workers, healthcare personnel working in NGOs and in public institutions in providing assistance to victims and perpetrators of domestic violence, children - victims of abuse and of neglect, including victims of human trafficking* was fully accomplished. In 2011, the International Centre “La Strada” continued its capacity building programme for service providers in their assistance of victims of domestic violence. The program was launched in 2010 and envisaged the conduct of a number of workshops under the title “Therapy for Couples in risk situations – an effective approach to the prevention of domestic violence.” The training was carried out according to an established schedule and in 2011 three workshops were organized (48 hours in total) for about 28 experts from different NGOs and health centres of the Republic of Moldova. The goal was to combine training with subsequent implementation of the acquired knowledge and with the exchange of experience. Additionally, the identified needs of the participants were taken into account during the organisation of each workshop. This approach contributed to a considerable increase of the knowledge and skills of participants.

Activities 9 and 10 are focused on the phenomena related to trafficking in human beings (unemployment and domestic violence), each constituting preconditions or triggers for poorer people to go abroad in search of better paid jobs. It is well known that from the unsecured migration experience to the phenomenon of human trafficking there is one single step. However, in view of the reality and also in view of the complexity of the domestic violence problem, it would be better to include such activities into a specific national action plan to prevent and combat domestic violence. Regretfully, no policy document of this kind has been developed so far. In the situation when the mentioned above activities are addressed within the same NAP document it is impossible to objectively assess what were the results of prevention and combating human trafficking and what was the impact of mentioned actions.

## **Strengthening capacities of the stakeholders involved in anti-trafficking activities in 2012**

In the 2012-2013 NAP, similar to the previous one, there is much space dedicated to the same goal – strengthening capacities to prevent and combat THB (for details, see Annex 1 to the NAP 2012-2013). Out of the 88 activities, envisaged to be implemented by the CPA and its partners, 24 refer, exclusively, to strengthening capacities to prevent and combat THB. Out of these 24 activities, 18 have been fully accomplished, 2 were partially accomplished and 4 are considered unfulfilled.

It is important to note that in 2012 the 10 hours duration curriculum, dedicated to combating human trafficking, for the initial training of candidates to judge and prosecutor positions was institutionalized. The curriculum was approved by the Board of the National Institute of Justice no. 152/2 of 22.12.2012. This activity was carried out with the support of the IOM. The National Institute of Justice, in partnership with the International Centre “La Strada”, developed the continuous training curriculum “Hearing of children victims-witnesses of the sexual exploitation abuse”. The training activities were carried out with the support of the US Embassy in the Republic of Moldova, IOM and NGOs (CNPAC, the International Centre “La Strada”, “Terre des Hommes”, etc.).

In accordance with the year 2012 plans for continuous training of teachers and leadership, approved by Ministry of Education no. 498 of 02.12.2011, the following categories of teachers were included in continuous training to be carried out by institutions responsible for training in the period under consideration. These are the teachers supposed to work with the specific educational problems connected with prevention of abuse, neglect and trafficking in human beings:

- school psychologists – 25 persons;
- civic education– 75 persons;

- social assistance – 25 persons;
- social pedagogy– 25 persons;
- educators of the boarding schools – 25 persons;
- deputy directors responsible for education – 50 persons.

A number of 85 programmes and thematic modules were developed in 2012, but they were not supported with budget financing. In 2013, even a bigger number of 140 programmes and thematic modules were developed, again with no budget financing. The Ministry of Health, in partnership with the NGO “Medicins de Monde”, developed in 2012 the module for training of health professionals in the identification and assessment of victims of human trafficking. 400 healthcare professionals and paramedics from the North of the country were trained within this partnership to provide assistance and protection to victims of human trafficking. A training program organized by IOM with the support of the US Government came to complement this effort which contributed to training of 75 healthcare professionals as trainers.

In 2012, MLSPF in partnership with the IOM and the Centre for Health Policies and Studies, with the support of the European Union and the United Kingdom of Denmark trained 130 specialists, members of multidisciplinary teams (Mdt) of 5 districts, in assistance and protection of victims and potential victims of human trafficking. The 4 workshops aimed at exchanging best practices among specialists of multidisciplinary teams and the workshops conducted by IOM and the NGO “Medicins de Monde” constituted another capacity building event of this kind, involving 12 multidisciplinary teams from the North of the country.

MLSPF in partnership with IOM and the Red Cross Society, organized training of the community multidisciplinary teams from Glodeni and Telenesti districts (15 communities in each district, 129 specialists); IOM, also, supported training of the community multidisciplinary teams (social workers, police officers, doctors) from districts Orhei,

Criuleni, Stefan Voda, Causeni and Cimislia, a total of 348 specialists. The International Centre “La Strada” in partnership with MLSPF, has developed the supporting materials for continuous training of social workers in assistance and protection of victims of human trafficking.

Also in 2012, CAP carried out 7 training sessions for members of the Mdt from 10 settlements in districts Leova and Orhei, where the project *Guidelines regarding the inter-sector cooperation mechanism for monitoring and assistance in cases of abuse, neglect, exploitation, trafficking in children* was piloted.

Within the NRS, capacity building activities were carried out for psychologists providing assistance to victims and potential victims of THB at national, district and community levels. 100 school psychologists in the districts Riscani, Falesti, Singerei and Balti Glodeni attended these monthly professional continuous trainings dedicated to proactive identification of abused, neglected and exploited children and to provision of psychological assistance. This initiative was implemented by IOM in partnership with the NGO “Medicins de Monde”.

In 2012, also the multidisciplinary teams from Cahul, Ialoveni, Edinet, Ceadâr-Lunga and Taraclia districts were trained, 130 specialists in total, including specialists from the local employment agencies.

### **Strengthening capacities of stakeholders involved in anti-trafficking activities in 2013**

*Activities carried out for prosecutors, judges and investigating policemen from the regions*

In 2013, the National Institute of Justice, the General Police Inspectorate and the General Prosecution Office, in cooperation with the IOM

and with the financial support of the US Government, organized and conducted three seminars, in a form of a three-phase program in the area. 25 representatives of the law enforcement bodies (13 prosecutors and 12 investigators) attended the first stage of the programme with the title “Problems connected with the identification of the victim and the latter’s manipulation by the trafficker so that the victim changes its statements”. Within the second stage of the programme, the workshop “Hearing of victims, victim-witnesses and the judicial debates in cases of human trafficking” was held, which was attended by 10 prosecutors and 7 judges. And, finally, during the third stage of the programme the workshop with the title “Teamwork techniques and the pre-trial arrest in cases of trafficking in persons” was organized, which was attended by 8 prosecutors and 13 criminal investigators. The workshop focused on the practical problems arising during prosecution of trafficking cases.

The International Center “La Strada” in 2013 participated, in the capacity of a trainer, to three seminars with the title “Hearing the children victims-witnesses of exploitation and sexual abuse” carried out for the law enforcement bodies. A total of 84 prosecutors, criminal investigators and judges were trained during these three seminars. The specialists from the same centre also organized a workshop for 18 specialists, prosecutors, judges and psychologists during which the participants were trained to carry out hearing of the vulnerable children victims-witnesses.

Following the reform of the Ministry of Internal Affairs of the Republic of Moldova (MIA) the Centre for Combating Trafficking in Persons (CCTP) of this Ministry invited in 2013 the International Centre “La Strada” to act as a trainer during the training of criminal investigators newly employed in the CCTP (20 officers). The training topic referred to the *psychosocial profile of the victim, ways used by recruiters in handling victims and the techniques of hearing of the THB victims and of vulnerable witnesses.*

In the same period of time, within a project funded by the US Government, the IOM published and presented during a National Forum the *Analytical Study of the investigation and prosecution of human trafficking cases and related crimes*. The Study contains a thorough analysis of files of recorded cases, as well as the findings and recommendations for improving the situation in terms of investigation and prosecution of human trafficking cases and of related crimes and for the protection of victims during criminal proceedings. Based on this study also practical *Guidelines on the investigation of human trafficking crimes* were published.

Based on the curriculum institutionalized in 2012 by the National Institute of Justice (NIJ), the NIJ in cooperation with the International Centre “La Strada”, organized in 2013 several trainings for prosecutors and judges dedicated to the topic “Hearing of children victim-witnesses of exploitation/sexual abuse”. In the same year, the State University of Moldova (SUM), in partnership with the International Centre “La Strada”, developed the ***Judicial Psychology*** curriculum for master’s degree. Graduates of this master’s course shall be entitled to mediate the interaction of children with the status of victim-witnesses of different types of abuse with the judicial system. They are also supposed to provide assistance to children in conflict with the Law, to develop criminal profiles, to participate to probation groups and to provide psychological expertise to them, to provide assistance to law enforcement bodies in their investigation of crimes, to contribute to the prevention of criminal behaviour by developing individualized behavioural programs for children in conflict with the Law. In December 2013 this program was approved by the Senate of the SUM and was submitted to the Ministry of Education for approval.

*For diplomatic missions and consular offices of the Republic of Moldova and for the central staff of the MFAEI*

Ministry of Foreign Affairs and European Integration, together with the IOM Mission to Moldova and the International Centre “La Strada”, organized two training sessions on the identification of victims of trafficking in human beings: one for the diplomats of the diplomatic missions and consular offices of the Republic of Moldova, and the second for the MFAEI central staff. Discussions carried out during both trainings focused on the role and involvement of diplomatic missions in the identification of the THB victims, provision of assistance to them and, eventually, termination of such situations outside the Republic of Moldova. Actions were also specified that the central specialised state bodies expect to be undertaken by the employees of diplomatic missions and of the consular offices for the identification of the THB cases.

*For teaching staff and the leadership of the educational institutions*

Activities to revisit and adjust curricula for continuous training are being carried out in the Republic under the aegis of the Institute of Education Sciences. These also include issues dealing with prevention of human trafficking, child labour exploitation, domestic violence, school dropout, health education etc. In 2013 the Minister of Education issued Order no. 975 of 12.03.2012 “On approval of continuous teachers and managers’ training plans for 2013”. In accordance with the *plans of continuous teachers and managers training for 2013*, to be carried out in specialised training institutions during the reference period, the categories of teachers listed below were included, with the task to conduct teaching of specific topics concerning prevention, abuse, neglect and trafficking in human beings:

- *school psychologists* – 100 persons;
- *civic education* – 75 persons;
- *social assistance* – 50 persons;
- *social pedagogy* – 75 persons;
- *educators from boarding schools* – 25 persons;
- *deputy directors responsible for education* – 50 persons.

The trainings in this area were conducted thanks to partnerships of the Ministry of Education with the Child Rights Information and Documentation Centre, the International Centre “La Strada”, the National Centre for Prevention of Child Abuse and the IOM Mission in Moldova.

Taking into consideration the specific educational issues and the task to ensure inclusion of all categories of children in programs on prevention and combating the destructive social phenomena, the teacher training responsible institutions, in collaboration with the Child Rights Information and Documentation Centre, proposed to teachers a number of thematic training programs, such as *school psychologists, civic education, social assistance, social pedagogy, educators in boarding schools, deputy school directors responsible for education, praxeology, activities for head teachers, stress management, inclusive education, management of the “school-family-community” partnership, prevention of deviant behaviour of the student, self-regulated psychosomatic methods, narrative psychotherapy in counselling*, etc.

#### *For healthcare professionals*

During 2013, the MoH has organized and conducted within the National Referral System (NRS) trainings for healthcare professionals with the theme *Protection and assistance of victims of human trafficking and domestic violence*. The training activities were held in the following administrative districts: Chişinău municipality, Comrat, Calarasi, Dubăsari, Ceadâr-Lunga, Orhei, Basarabasca, Soroca, and were supported by IOM and the Red Cross.

On 7 to 8 November 2013, in the context of drafting of the 2014-2016 National Action Plan, the training on combating human trafficking in terms of observance of human rights was organized and conducted. The Permanent Secretariat (PS) of the National Committee to Combat Trafficking in Human Beings (NC CTHB) participated in the Working



Group of this activity (the PS organized the training in partnership with the OSCE Mission to Moldova).

*For social workers and members of the territorial multidisciplinary teams*

For this category of professionals, a significant number of activities were organized in 2013 dedicated to the capacity building for the anti-trafficking actors. In particular, Ministry of Labour, Social Protection and Family (MLSPF) organized in 2013 numerous activities of this kind. MLSPF organized trainings for multidisciplinary teams (Mdt) members from districts Soroca, Leova, Râșcani, Briceni, Ungheni and for communitarian Mdt from districts Comrat, Calarasi, Chisinau, Dubasari, Ceadâr-Lunga, Orhei, Basarabasca and Soroca.

Following the goal to improve cooperation, within the National Referral System (NRS), of police officers with the district Mdt coordinators, three roundtables were organized within the Centre for Combating Trafficking in Persons with the title: *Collaboration of the police officers with the district Mdt coordinators within the National Referral System* with the participation of Mdt from the North (Mdt coordinators from districts Balti, Briceni, Donduseni, Drochia, Edinet, Falesti, Floresti, Glodeni, Ocnîța, Soroca, Sângerei, Telenești Șoldănești, Riscani and Rezina), of Mdt from the Center zone of the country (Mdt coordinators from districts Dubasari, Calarasi, Orhei, Straseni, Hincesti, Nisporeni, Ialoveni and Criuleni) and of Mdt from the South (Mdt coordinators from districts Cahul, Basarabasca, Cantemir, Causeni, Cimislia, Ceadâr-Lunga, Comrat, Leova, Stefan Voda, Taraclia and Vulcănești). Additionally, MLSPF organized five workshops dedicated to district and communitarian Mdt monitoring (Stefan Voda, Causeni, Cimislia, Orhei and Criuleni). Finally MLSPF organized 3 Mdt monitoring sessions within the Chisinau Center for assistance and protection of human trafficking victims (one session for teams from districts Sângerei, Dubasari and Floresti, the second for teams from districts Cantemir Leova and Rezina, and the third one for teams from districts Hancesti, Cimislia and Causeni).

In 2013, the Ministry of Labour, Social Protection and Family in partnership with the IOM Mission to the Republic of Moldova and Women's Law Centre, conducted training of professionals from districts Soroca, Leova, Râșcani, Briceni and Ungheni aimed at capacity building of multidisciplinary teams in issues dealing with assistance and protection of human trafficking victims and of potential victims. Additionally, in 2013, within the NRS, 5 round tables were organized with the participation of the district Mdt. The Mdt were represented by the Mdt coordinator, the Head of Social and Family Protection Directorate and by a community social worker (one round table was organised for districts Ceadâr-Lunga, Taraclia, Comrat Vulcănești; the second - for districts Calarasi, Nisporeni Strășeni; the third - for districts Floresti, Dubasari and Sângerei; the fourth - for districts Leova, Cantemir and Rezina; and the fifth - for districts Hâncești, Causeni and Cimislia).

MLSPF in partnership with IOM and the Red Cross Society organized trainings of the community level multidisciplinary teams in the districts Comrat (12 communities, plus the Comrat town), Calarasi (20 communities, plus the Calarasi town) and in "Ciocana" sector of the Chisinau municipality, where five community Mdt and the Mdt from the Vadul-lui-Voda town were trained. During 2013 MLSPF in partnership with IOM conducted trainings for community level multidisciplinary teams (social workers, police officers, doctors) in the Dubasari district (12 mayoralities and the Dubăsari town), in the district Ceadâr-Lunga (8 mayoralities and the Ceadâr-Lunga town), in the district Orhei (13 mayoralities and the Orhei town), in the district Basarabasca (6 mayoralities and Basarabasca) and in the district Soroca (30 mayoralities and the Soroca town).

In 2013, the district councils of Leova and Orhei in partnership with CNPAC conducted 15 sector training workshops for the Mdt members from all settlements of the respective districts, during which inter-sector cooperation mechanism was extended. 338 specialists were

trained in these workshops on the implementation of this mechanism. Later, additional 14 supervising workshops were organized for Mdt from 10 villages of the district Leova, to further extend the inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and human trafficking. A number of 263 professionals from 63 settlements participated to the supervisory activities. In the same year, at the invitation of PS, the representative of the International Centre “La Strada” participated, in the capacity of an expert, to the regional seminar held in Soroca for territorial anti-trafficking commissions from 12 districts (heads and secretaries of regional committees, leaders of Mdt). The expert presented information regarding the special measures to be observed in conducting hearing of children victims-witnesses of abuse/sexual exploitation. During the period under consideration also MLSPF organized training workshops for members of the multidisciplinary teams in district towns Soroca, Leova, Râșcani, Briceni and Ungheni, where the participants were trained in issues referring to psychological profiles of men, women and children victims of trafficking.

In 2013 an international workshop was organized, together with the EC / ISEC-Payoke project, with the title *Joint efforts of police and health authorities from the EU member states and tertiary countries to combat and prevent trafficking in human beings and to provide assistance and protection to victims*. Several topics were discussed during this workshop, including the ones referring to medical and psychological profile of human trafficking victims, women, men and children.

*For professionals of the territorial employment agencies*

Professionals from the territorial employment agencies, responsible for providing assistance during reintegration of victims and potential victims of human trafficking, were trained by MLSPF during workshops held for the district multidisciplinary teams. In 2013, training of

the multidisciplinary teams from districts Soroca, Leova, Râșcani, Ungheni and Briceni pursued also the goal to strengthen capacities of professionals in combating human trafficking and domestic violence (including specialists of the territorial employment agencies).

The professionals participating to discussions described the difficulties they come across in estimating the costs of training programs dedicated to a number of topics referring to the competence of specialized institutions. It is not always possible to estimate the training format at the very beginning (which can be trainings, workshops, study visits, etc.). At the same time, this exercise has already become good practice for international organizations. It was also proposed to introduce, under the NAP costs section, an additional compartment for risks, allowing assessing the risks in achieving progress indicators. Another suggestion put forward was the need for development of qualitative indicators for the estimation of the training impact (for example, the number of hours completed by each participant, the number of criminal files initiated by the law enforcement bodies following the attendance of a training, the number of victims identified and assisted by the representatives of social services, etc.) .

## II.4. Information and research management

The 2010 – 2011 NAP envisages the following goals with respect to information and research management:

- *Creation and development of the national centralized data records on human trafficking.* Two activities are envisaged here: *Establishment of an effective exchange of information mechanism between empowered institutions and involved NGOs; Establishment of common indicators referring to data records on trafficked persons;*
- *Strengthening the role of the Centre for Combating Trafficking in Persons in its capacity of a specialized subdivision in prevention and combating trafficking in human beings, with 6 activities: Expanding capacities of the Centre for Combating Trafficking in Persons in areas of analysis, monitoring and evaluation of human trafficking; Establishment of effective mechanisms for collaboration between the Centre for Combating Trafficking in Persons and public institutions, national and foreign non-governmental organizations; Periodic collection by the Permanent Secretariat of the National Committee to Combat Human Trafficking of statistical data and analytical information on human trafficking from relevant institutions and NGOs; Creation within the Centre for Combating Trafficking in Persons of a centralized database on trafficking in persons; Connection of the central database with the institutions involved in prevention and combating trafficking in human beings and in provision of assistance to victims; Creation of the website of the National Committee to Combat Human Trafficking;*
- *Organising and conducting research referring to advanced international practices and their implementation at national level, with 2 activities: Organising and conducting studies referring to advanced international practices and the analysis of national*

*legislation on monitoring and evaluation mechanisms of efforts/ services undertaken for the social protection of victims of trafficking human beings and Development of a mechanism for accreditation of social service providers.*

It was envisaged to accomplish all these goals and activities within budgetary allocations earmarked for this purpose.

In conformity to NAP a set of actions was envisaged in this compartment, with the strategic goal *to ensure accessibility of information and data exchange at national and international levels in prevention and combating human trafficking*. Addressing activities from this compartment constitutes a response to the fact that the THB phenomenon in Moldova was highlighted in the US State Department Report on human trafficking during the 2010 period of time. According to the recommendations of this report, the Government was supposed "... to continue efforts to improve data collection on human trafficking cases during all stages of criminal proceedings, including investigations, prosecutions, convictions and sentencing of offenders for trafficking in human beings."

Nevertheless, no information exists on the practical implementation of these activities included in the 2010 National Report on prevention and combating trafficking in the Republic of Moldova. The report for 2011 (**Annex no 1**), however, does contain such information, but it refers only to 2 working meetings of the Coordinating Council of the law enforcement bodies, under the General Prosecutor, responsible for combating human trafficking. During these meetings the creation and management of the THB cases database was discussed, but the Report does not describe in a clear way the results of this activity. With respect to the establishment of effective mechanisms of collaboration between CCTP and the public institutions and the national and foreign non-governmental organizations, one should mention that CCTP has negotiated with the Transplant Agency of the Ministry of Health a

draft cooperation Agreement on cooperation in the area of protection of the physical integrity of citizens by combating illegal transplantation of human organs, tissues and cells.

The task of the regular collection of statistical data and analytical information on human trafficking lies with the Permanent Secretariat of the NC CTHB, which is supposed to receive this data from relevant institutions and NGOs. For this purpose a legal counsellor was employed by the CCTP, with the support of IOM Mission in Moldova, (former US attorney with broad experience in investigation and prosecution of human trafficking cases and related crimes). The counsellor provided consultation to the CCTP staff on the development of a mechanism to harmonize statistical data produced by the anti-trafficking actors. However, this action should have been carried out sometimes in the future.

In the same context, in 2011 the International Centre “La Strada”, with the support of IOM Mission in Moldova, developed the concept of the NRS monitoring mechanism based on the results of the NRS piloting in 2010. Consequently, based on relevant information, the MLSPF collected data from 31 Mdt and developed the second consolidated report on the NRS implementation in the year 2010 period of time. The consolidated report contains a comparative analysis of the NRS monitoring data for 2009 and 2010. Additionally, the International Center “La Strada” produced an analytical report, describing the elements of the NRS monitoring and evaluation mechanism.

With reference to the degree of accomplishment of the three goals of the 2010-2011 NAP it should be noted that the goal *Creation and development of the national centralized data records on human trafficking* has not been fully realized. Although some results have been achieved in this area in 2010-2011, this goal remained on the agenda of the next plan, and continues being on the agenda at present. The same conclusion is made with respect to the other two goals that continue being actual at present.

The analysis of the 2010-2011 reports does not clearly indicate the costs for activities under the compartment *Information and research management*. The information is rather presented in terms of data collection and the NRS monitoring than in terms of generalized data at the country level, both from the social point of view and from the point of view of the law enforcement bodies.

Speaking of the same compartment *Information and research management* of the **2012-2013 NAP**, one should mention that the problems highlighted in the Plan coincide with the ones referred to in the Report of the US State Department, and in the Report of the GRETA expert group on the implementation of Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova. In response to the identified problems, the 2012-2013 NAP envisaged the following activities:

- *1.4.1. Development of the software for the database of the Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings (NC CTHB);*
- *1.4.2. Development of scientific research regarding the anti-trafficking response and assessing the evolution size and trends of human trafficking with the publication of results;*
- *1.4.3. Development and implementation of the information system on prompt information about human trafficking cases identified abroad.*

The accurate financial resources for the development of the Permanent Secretariat (PS) database software are indicated in this chapter, (209 500 lei offered by IOM). However, the information on costs for other activities is either missing, or an uncertain formula “within budgetary resources” is indicated.



In 2013, within the project “*Strengthening the PS of the NC CTHB*,” funded by the US State Department, the software based on six standard forms, to be filled in by PGO, MIA/CCTP, MJ and MLSPE, was tested, aimed to contribute to the harmonization of the THB data collection. The program facilitates the data collection at all stages of the criminal proceedings. It is expected to increase the amount of available information on the quality of measures undertaken to combat THB and to contribute to a better monitoring of the observance of victims’ rights in the criminal justice system. Piloting of the software resulted in an improvement of the used forms. Data collected based on these forms are stored in a software which, at the user’s request, produces certain information. A number of 46 prosecutors were trained to fill in the forms in a harmonized way.

One of the activities mentioned in the 2010-2011 NAP, namely - *Creation within the Centre for Combating Trafficking in Persons of the centralized database on trafficking* – had a continuation in 2013 under the project “Combating Trafficking in Human Beings - Stage 1 (THB/IF/1),” coordinated and implemented by ICMPD in cooperation with CCTP. The expert from the International Centre “La Strada” carried out the evaluation of the existing data collection mechanism for THB cases, both in terms of the social system and in terms of the legal system. The Report contains an analysis of the legal provisions, of the institutional capacities and of the existing practice of data collection and management in the Republic of Moldova. The report also includes a number of recommendations on the improvement of the data collection and management system in terms of observance of victim’s rights, and on the improvement of the prosecution system. The Report can be accessed on the website of the PS. The next step shall focus on the improvement of the PS computer program, with the aim to ensure the automatic statistical data collection on trafficking in human beings and the improvement of the data collection mechanism on combating human trafficking, activities to be continued in 2014.

The activity 1.4.2. *Development of scientific research on anti-trafficking response and assessment of the size and trends of trafficking in human beings with the publication of results*, has been reported as accomplished on the grounds that four reports were published following the international scientific-practical conference “Criminality in the European Union and within the Commonwealth of Independent States: evolution, trends, prevention and combating problems” and a number of scientific articles were published by the “Stefan cel Mare” Academy in its professional journals. This is a welcomed act and the fact that the academia has managed to publish several scientific articles is very important. However, in terms of quality, these articles do not meet the set progress indicator, if analysed in terms of the achievement of the set goal, namely *Identification of needs for conducting national research of the human trafficking phenomenon and of the anti-trafficking response. Finding possibilities for the expansion of the number of research papers*. The envisaged outcome in this case was a scientific publication regarding the anti-trafficking responses and the assessment of the phenomenon size and trends. In this case, the progress indicators should have been formulated in a form of scientific articles or reports-publications of conducted scientific conferences. This activity cannot be evaluated in terms of cost-effectiveness, since such information is missing.

Activity 1.4.3. *Development and implementation of an information system facilitating prompt information about human trafficking cases abroad* was integrally accomplished in 2013. MFAEI, with the support of IOM Mission to Moldova, launched the module “The travel clearance” of the “Consul” information system. Since August 2013 this information system has an application which sends notifications to national competent institutions (MIA and MLSPF) whenever the travel documents are issued for the THB victims.

## **Analysis of the 2010-2013 statistical data**

Given that, in reality, the Permanent Secretariat, as a unit under the State Chancellery, was created only in 2011, the statistics for 2010-2011 is, of course, thinner compared to the one for the 2012-2013 period. However, it was later, only in the second half of 2012, when staffing of the PS took place and when it started performing coordination functions at national level, that the impact of the PS creation could be felt, especially on the dynamics and interpretation of statistical data collection, this being one of its main operation directions.

It should be mentioned that the statistics at the basis of annual national reports (number of criminal files, the number of victims, the number of traffickers, etc.) reflects mainly the activity of the entities that collected this data (the law enforcement bodies when reference is made to the number of registered crimes, or files sent to court, or the number of convictions in criminal cases related to human trafficking crimes; or the social protection institutions when reference is made to the number of trafficking victims assisted within the NRS). One cannot say that the mentioned statistics reflect the trends of trafficking in human beings in Moldova, given that this is a latent phenomenon and its evolution is influenced by many factors. Of course, the number of human trafficking cases, managed by different organizations, reflects to a certain extent the evolution of the phenomenon. However, the interpretation of this statistics should be done in a balanced way, taking into account other factors influencing both the phenomenon and the collected statistical data. This is shown by the table below with statistics submitted by the Ministry of Interior, General Prosecutor's Office, Ministry of Labour, Social Protection and Family and the International Organization for Migration Mission to Moldova. Thus, the Table indicates the identified trafficking cases, the initiated criminal trials and the assistance provided to victims within the NRS and by the IOM in the form of different services.

**Table 1.** *Statistics of the law enforcement bodies, MLSPF and IOM referring to trafficking in human beings (THB)/ trafficking in children (TC) for year 2013*<sup>28</sup>

Statistics of the law enforcement bodies, MLSPF and IOM – THB/TC (art. 165/art. 206)									
Year	Registered crimes	Files sent to court	Number of convictions/ persons	Persons convicted to imprisonment	Suspended sentence	Persons executing their conviction	No of victims assisted by IOM	No of victims in the MIA records	No of victims assisted within NRS
2006	245/59	141/52	62/7	67	data missing	data missing	295	data missing	41
2007	245/43	150/26	52/7	51			273		34
2008	215/31	96/12	63/5	58			158		84
2009	185/21	102/11	64/4	43/6			159		131
2010	140/21	45/10	48/5	31			139		132
2011	111/24	45/14	35/2	7/1			11/1		98
2012	151/20	60/5	21/10	13/9	8/1	8	205	266/24	189
2013	135/20	43/8	27/12	20/4	1	14/2	150	232/29	131

Based on the analysis of the last four years (2010-2013) period of time we may see that the biggest number of human trafficking offenses was recorded in 2012. In no way, does this mean that traffickers were more active in that year, than in previous years. The explanation of this data lies with the improved skills of the law enforcement professionals to proactively identify the offenses as a result of attendance of trainings during 2010-2011. Nevertheless, according to the Table data, there is only a slight decrease of the number of recorded human trafficking offenses in 2013 compared to 2012. This can be explained by the practical application of Law no. 66 of 05.04.2012 on amending and

28 See the 2013 National Report on prevention and combating trafficking in human beings of the Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings, Chisinau, 2014, p. 9.

supplementing the Code of Criminal Procedure of the Republic of Moldova no. 122-XV of 14 March 2003 and its influence on the special investigation activity.

If we do, based on the same table, a similar comparative analysis of the number of identified and assisted victims during 2010-2013, we see approximately the same picture: the cumulative number of assisted victims in 2010 and 2012 is higher compared to the one registered in 2011 and 2013. The big number of identified and assisted victims in 2012, both by the ILO, and within the NRS, is explained by the fact that labour exploitation cases have been identified in that year, where victims used to exploited in large groups, the largest group being of 80 people. Such a rate shows that, on one hand, human trafficking is a cyclical development, and on the other hand, the number of identified and assisted victims depends largely on the skills of professionals to meet the new challenges.

The picture of identified and assisted victims in terms of the institutions involved looks equally controversial (see *Table 2*). As seen in the table, the number of identified and assisted victims fluctuates in terms of the time and the involved institutions. The Centre for Combating Trafficking in Persons has no statistics on the number of identified victims in the 2010-2011 period of time while the 2012-2013 data indicate that this institution identified the biggest number of victims. The number of identified victims by the assistance centres is more or less constant.

**Table 2.** *Number of identified/assisted victims in 2010-2013*

<b>Entity</b>	<b>Adults/children</b>			
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
CCTP of the MIA	Data missing	131	266/24	233/29
Assistance centres	100/7	85/13	98/12	92/13
Repatriated (IOM Moldova)	70/67	70/26	80 /3	28/2
Identified/assisted by IOM	127/12	114/20	189/16	137/13
Assisted within NRS (data submitted by the national coordination unit of the NRS, MLSPF)	100/32	90/19	169 /20	118/13

In 2012 the number of human trafficking victims identified and assisted by IOM during the 4 years under consideration reaches its peak, the maximum number of assisted victims being 189 adults and 16 children. Also within the NRS, the maximum number of assisted victims, as we see from the table, refers to the same 2012 year, amounting to 169 adults and 20 children.

At the same time, one should not interpret data presented in Table 2 in terms of the number of references made to CCTP and SNR/IOM, for the reason that not every victim identified within the NRS wishes to cooperate with the police. Besides, the number of victims assisted by IOM refers mostly to human trafficking victims identified outside the Republic of Moldova, their repatriation and their further assistance being organized by IOM Mission to Moldova; in addition, not all repatriated victims wanted to cooperate with the police, they being entitled to an unconditional right to assistance. In case of victims identified by the CCTP, there are also cases when some of them refuse to benefit of rehabilitation and reintegration services, meaning that they are not directly referred to the NRS. This situation indicates

the need to rethink the data management system, ensuring that the number of victims contacted by the law enforcement bodies can be subsequently contacted by the social services and offered assistance. Of course, the victim has the right to choose whether he/she wants to benefit of rehabilitation and reintegration services, and whether he/she wants to cooperate with the law enforcement bodies.

### **Dynamics of statistics in relation to countries of destination**

In 2001-2004 the military conflict zone in the former Yugoslavia (Bosnia and Herzegovina, Macedonia, Montenegro and Serbia) constituted the main destination of trafficking. By the end of the first decade of the new millennium these addresses disappeared from the statistics, the geography of countries of destination recording totally new addresses. The Middle East countries (Turkey, United Arab Emirates, Lebanon, Israel, etc.) and the CIS countries (predominantly the Russian Federation and Ukraine)<sup>29</sup> have become the main directions of trafficking. One should note that in recent years (2011-2013), in the Republic of Moldova there is an increase of the number of internal trafficking cases (especially with regard to trafficking in children).

The analysis of statistical data of the 2010-2011 and 2012-2013 national reports indicates that the external trafficking prevailed in the Republic of Moldova: in 2010-2011 the external trafficking share was 89% and in 2012-2013 - 94% . The geography of human trafficking shows almost the same destinations, with slight different figures per years. The Russian Federation is one of the main countries of destination for trafficked persons, especially during 2012-2013, followed by Turkey, Northern Cyprus and UAE. The Russian Federation continues being the main country of destination for THB with one of the most intense flow of migrants in recent years. Thus, CCTP identified in 2013 a total

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29 Trafficking in persons. Comments. Trends. Recommendations. Edition II. International Centre "La Strada", 2011, pp. 37-38

number of 232 adult victims of THB, out of them 142 individuals (or about 61%) being trafficked in this country. In case of Russia, trafficking for the purpose of forced labour exploitation (59.1%) predominates, followed by trafficking for sexual exploitation (26.8%) and the trafficking in persons for the purpose of begging (14.1 %). On the contrary, in case of Northern Cyprus, the statistics indicate an increase of the number of people trafficked for sexual exploitation compared with the previous period. The criminals' exploitation of the regional conflict constitutes the main reason for such a state of affairs. The lack of a more rigorous control over this region generates opportunities for criminal activities.

Meanwhile, during these years, the internal trafficking started appearing in the statistics as well. Thus, the 2010 statistics indicates 11% of internal trafficking cases out of the total number of recorded cases followed by 11% in 2011, 5% in 2012 and 6% in 2013.

### **The trends of the trafficking phenomenon in the light of statistics**

The Monitoring Report of the accomplishment of the National Plan and of the Specific Additional Plan to prevent and combat trafficking in human beings during 2011 contains an analysis of the trends of the trafficking phenomenon in the light of statistics on identified victims submitted by CCTP of MIA. Also references to the reports of the International Centre "La Strada" and OSCE/ODIHR were made to a significant extent for the purpose of this analysis (for details, see **Annex 1** to the Report on monitoring the accomplishment of the National Plan and of the Specific Additional Plan to prevent and combat trafficking in human beings during 2011). The phenomenon analysis presented in this report refers, in particular, to the new trends both in terms of modification of the identified victims' profile and in terms of change of this phenomenon criminality status. In spite of the fact that in 2011 data regarding the identified and assisted victims by the international organizations and the number of cases reported by the law enforcement



bodies used to be interpreted as a decrease of the phenomenon intensity, in reality the fact was not confirmed in time. The 2012 national Report on prevention and combating trafficking in human beings indicated again an increase of data in this respect. The new trends of this phenomenon, initially noticed by the civil society, started being outlined in 2011, they being an increased number of cases of trafficking in human beings for forced labour, the first cases of criminals' use of information technologies for recruitment of victims via the Internet, etc. The professionals working in the monitoring and evaluation area, who make comparison analyses for longer period of times and develop certain forecasts, should also show a permanent vigilance with respect to this phenomenon trends. In practice, it was confirmed that the phenomenon shows new modifications, and this explains the proposed activities for the next 2012-2013 NAP, in which also the growth of quantitative indicators is highlighted. In this context, one should interpret the figures indicating the number of identified and assisted victims and the number of initiated criminal cases as performance indicators of the professionals working in the area, rather than as an increase or decrease of trafficking in human beings phenomenon.

The following picture is seen based on the analysis of the CCTP data:

- As of 2010, the tendency to recruit victims via the abuse of the vulnerability position and less via deception is noticed. Thus, in 2013 48% out of the total number of trafficked victims were recruited by the combined method (fraud and abuse of the vulnerability position) whereas about 37% out of the total number of victims were recruited by deception and 15%, respectively, was recruited by the abuse of the vulnerability position. In 2013, for the first time a case of human trafficking abduction was registered;
- Recruitment is carried out by physical persons aged between 18 and 62 years, out of them men making – 97 (58%) and women – 72 (42%);

- Transportation by land (road) and/or by rail way is used, in particular, towards the Russian Federation whereas to other destinations the airway transportation is preferred. It is organised directly from the Republic of Moldova or is combined with transit – terrestrial to Kiev, Odessa, and further on the air transportation;
- The tendency of recruitment of persons via the social networks is seen lately in case of such destinations as Cyprus and/or the UAE. Thus, the recruiter is not personally familiar to the victim;
- In most cases border crossing is done based on authentic personal documents. Thus, the traffickers renounced to fake the identity documents;
- In case of trafficking in persons for labour exploitation purpose the transportation of persons is organized in a group, victims often being accompanied by one of the traffickers during their entire route. In case of sexual exploitation the transportation of victims is an organized one, most often, (tickets are being purchased and other arrangements are made). The victims, however, go by themselves following the indications and the schedule set by traffickers;
- The financial debt and seizure of identity documents are used as methods of control during the exploitation phase, not very much the violence and threats with violence.

In 2012-2013, compared to previous years, the duration of exploitation decreased by several months and in most cases it coincides with the duration of the victims' legal stay in the country of destination.

## II.5. Analysis, monitoring and evaluation

The following were the objectives envisaged in the **2010-2011** NAP under the compartment *Analysis, monitoring and evaluation*:

- *Evaluation of the size and tendencies of trafficking in human beings;*
- *Systemic monitoring and evaluation of activities undertaken within the National Plan to prevent and combat trafficking in human beings;*
- *On-going analysis of the activity of stakeholders involved in combating trafficking in human beings .*

Six, out of the 8 planned activities for achieving the set objectives, were fully achieved and one activity was accomplished partially (activity 5 *Development of monitoring and evaluation indicators required for the report drafting*). One activity remained unaccomplished (activity 4 - *Development of scientific research papers in the field of prevention and combating trafficking in human beings in terms of the economic, legal and psychological aspects*).

With reference to the outcomes, as spelled out in the 2010-2011 NAP, one should say that they are developed strictly in quantitative terms (number of evaluation reports, number of organized and conducted public meetings, number of carried out researches, etc.), whereas the costs are described with the wording “within the available budget allocations envisaged for this purpose”.

The goal and objectives of this compartment of the **2012-2013** NAP are better formulated and derive from the problems identified in the GRETA expert group Report on the implementation by the Republic of Moldova of the Council of Europe Convention on Action against Trafficking in Human Beings (2011) and in the first progress Report

on the implementation by the Republic of Moldova of the Action Plan on visa Liberalisation (2011). Three activities out of the 4 planned in the 2012-2013 NAP under Chapter 1.5. *Analysis, monitoring and evaluation* have been accomplished, and only one was reported as being partially fulfilled and was included into the 2014-2016 NAP.

The analytical Report “Management of state policies in combating human trafficking. Experience of the Republic of Moldova.”<sup>30</sup> was conducted by the expert of the International Centre “La Strada” with the support of IOM Mission to Moldova. This report is a first attempt to carry out a comparative analysis of the experience in development and monitoring policies on combating THB in relation to international and regional standards in this field.

In 2012 and 2013, the Ministry of Labour, Social Protection and Family in partnership with IOM and a number of NGOs, conducted several roundtable talks with the title “Monitoring the Strategy implementation degree,” (*here* - the National Referral System (NRS)) attended by active NRS actors. During these events annual implementation reports on the NRS implementation were presented and challenges of the system were discussed. At the same time, the participants made themselves familiar with the new working tools in the area, currently in use in the daily work of professionals.

Taking into consideration the recommendations of the international expertise the 2012- 2013 NAP was finalized and approved in 2012. In this year, the PS developed and piloted, with the support of experts from the International Centre “La Strada,” the first form for monitoring the actions envisaged for 2012, as included in the 2012-2013 NAP. Having had acquired the role of the national monitoring and evaluation entity,

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30 *Management of state policies in combating human trafficking. Experience of the Republic of Moldova*, Tatiana Fomina, International centre for protection and promotion Women's Rights „La Strada”, Chişinău, 2012. Available in Romanian and Russian languages at: <http://antitrafic.gov.md/lib.php?l=ro&idc=30&t=/Raport/Nationale/>.

the PS also carried out the on-going monitoring of the operation of territorial commissions, based on actions undertaken at the district level. Thus, pursuing the goal of having a comprehensive view of actions undertaken during the year, a set of indicators was developed as integral part of the national anti-trafficking Policy.

The Permanent Secretariat, jointly with the International Centre “La Strada” and the IOM Mission to Moldova, started the development of the first draft of the Concept of the anti-trafficking state policy management, to be developed and completed in 2014. Also the NAP monitoring and evaluation methodology is expected to be completed and tested during 2014.

In 2011 the PS responsibility for the anti-trafficking policy monitoring and evaluation and for drafting the respective reports was barely emerging. At that time this activity was party of a project approved by the IOM and the US Embassy. Consequently, one may say that the analysis, monitoring and evaluation of the policy on prevention and combating trafficking in human beings have become more intensive only during the 2012-2013 period of time.

The professionals interviewed within the reference groups highlighted the importance of the availability of monitoring and evaluation reports of the national plan to prevent and combat human trafficking with respect to previous years, when the development of the national plan for the next planning period was happening.

The experts from the reference groups stated that in 2010-2013 there were no internal evaluation reports in the public institutions, reflecting the impact of undertaken actions or, at least, reports monitoring the phenomenon and the response of institutions to these challenges. For these reasons, in their majority, the national plans for the 2010-2011 period of time and, to some extent, the 2012-2013 plan, were a simple compilation of the ongoing projects to prevent and combat human

trafficking implemented by international organizations, state entities and NGOs, carried out based on monitoring the recommendations of external groups. It was not that those plans were developed based on a thorough analysis (internal) of the problem awareness and of the gaps within public institutions. Neither were those action plans, during their development, based on an analysis subject of consulting with international structures and NGOs in the area.

## II.6. Fund raising and the budget for activities in the area

This compartment was not included in the **2010-2011 NAP**. Such a compartment was included only in the **2012-2013 NAP**, following the recommendations of the GRETA international experts to subcontract / provide funding to NGOs to carry out certain activities in the anti-trafficking area. The contents of the compartment included the following activities:

*1.6.1. Training of the working group to do cost estimation of activities to prevent and combat trafficking in human beings;*

*1.6.2. Estimation of costs necessary for the implementation of this Plan;*

*1.6.3. Gradual co-financing of social services provided to victims of trafficking in human beings with resources from the state budget, in line with the Medium term budgetary framework for 2012 - 2014.*

Activity 1.6.1. was carried out in 2013 by the PS in partnership with the OSCE Mission to Moldova and IOM. The anti-trafficking professionals were trained in a specialized training in issues referring to the development and coordination of anti-trafficking policies and to budget management.

The cost estimation for the 2012-2013 NAP implementation (activity 1.6.2.) was not completed for the reason that ME, MLSPF and the central public authorities have submitted no estimates of the costs required for the implementation of the National Plan, the only exception making MIA. The Ministry of Finances stated that it data on the execution of the 2013 planned spending by LPAs could be available only following the presentation of the annual reports by these authorities.

Activity 1.6.3. of the 2012-2013 NAP – *Gradual co-financing of social services provided to victims of trafficking in human beings with resources from the state budget, in line with the Medium term budgetary framework for 2012 - 2014* – has been accomplished in a way described below<sup>31</sup>:

- MLSPF, in its capacity of the chief budget executor, allocated in 2012 an amount of 1118.0 thousand Lei for the support of the Chisinau Centre for assistance and protection of victims and potential victims of trafficking; for 2013 a budget of 1312.1 thousand Lei were earmarked for these activities. As of the situation on 31 December 2013 an amount of 1311.9 thousand Lei, equal to 99.9% of the planned amount for that period, was executed. Thus, in 2013 the allocated amount was by 193 900 lei bigger than the one allocated in 2012;
- An amount of 120.0 thousand Lei has been earmarked in the ministry's budget for year 2013 for the repatriation of children and adults - victims of human trafficking, trafficking in illegal migrants and of unaccompanied children. During 12 months of 2013, this budget was executed in the amount of 111,200 lei, or 92.6% of the earmarked amount;
- In 2012 funds in the amount of 3659.3 thousand Lei were approved for budgets of the territorial administrative units aimed at the support of centres for assistance and protection of victims of human trafficking, namely for the support of a number of 120 beneficiaries accommodated in 6 centres (in Cahul, Causeni, Balti Drochia and Hancesti districts). In 2013 total funds in the amount of 1026.3 thousand Lei were approved for the support of 34 beneficiaries (guardianship) accommodated in 2 centres for assistance and protection of victims of trafficking in human beings (Causeni and Cahul districts).

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31 See also compartment IV of this report for detailed information regarding the allocated funds for the assistance and protection of THB victims.



At the same time, in 2013 funds in total amount of 3053.6 thousand Lei were approved for budgets of the territorial administrative units aimed at the support of the psychosocial rehabilitation centres for victims of domestic violence, namely for the support of 88 beneficiaries (guardianship) accommodated in 5 psychosocial rehabilitation centres for victims of domestic violence (in Causeni, Drochia, Hincesti districts and Balti municipality).

MIA estimated its extra-budgetary needs for the implementation of the National Plan in the amount of 2,175,000 lei (500,000 lei to carry out refurbishment of the building and to transfer the premises under the management of the Municipal Police Department of the MIA and 1,675,000 lei for the procurement of cars, special machines and devices, computers, video conference equipment). These activities were supported by the US State Department. However, no exact figure of allocated funds is indicated in the reports.

The discussions within reference groups, held during the research, revealed contradictory views regarding the causes of these problems. Professionals from the public institutions mentioned the absence of budget management knowledge and admitted the need of training in issues concerning budget management, project development, and additional fund raising from external sources. It was also mentioned that a number of activities were included into the national plans only if they had a financial support within projects under implementation. In spite of the fact that the necessary justifications were put forward to support the need of certain actions, some actions were not proposed by the public institutions for the inclusion into the plan for the reason that they had no financial cover or for the reason that, in view of the economic decline, the allocations from the state budget were insignificant. At the same time, professionals from the public institutions indicated that they use outdated formulas for cost estimation, which do not meet the current requirements and, respectively, the resources allocated from the state budget cannot ensure a qualitative accomplishment of set objectives.

Based on this research one may say that in spite of the considerable progress in the allocation of resources from the state budget for the accomplishment of the national plan objectives (each year Ministry of Finance and LPAs allocate more funds), the allocation of resources from the state budget remains a challenge. Accomplishment of the national plan activities depends, to a big extent, on the foreign donors. Thus, the subsequent national plans should include relevant activities, in line with the identified needs and problems, even if they have no financial support and, in future, the national plan document should be used in attracting additional funds.

## **Conclusions**

- One first conclusion here is that both in the 2010-2011 period of time and, especially, in the 2012-2013 period of time, the coordination of actions to prevent and combat trafficking in human beings was supported and carried out at a higher level, in spite of the fact that certain delays in the implementation of planned activities took place (creation of the PS was delayed by almost a year).
- Institutionalisation in 2011 of the PS has significantly improved the coordination of anti-trafficking activities of the CPAs in the 2012-2013 period of time, which was much better performed compared to the 2010-2011. This has contributed to more active involvement of LPA in the development and implementation of the anti-trafficking policies and, given the launch of specific actions, a bigger transparency of the anti-trafficking activities could be ensured.
- Monitoring activities of territorial commissions (TC), in general, have been successfully accomplished. However, since in the 2012-2013 NAP the progress indicators were not quantified (number of monitoring visits, number

of attendances of the TC meetings, the content of those meetings), it is difficult to state to what extent the objective *Providing permanent support to TC operation to combat human trafficking* was achieved.

- Amendments made in 2012 to the relevant legal framework can be qualified as qualitative progress indicators, they creating opportunities for better combating human trafficking crimes, for enhancing protection of children's rights and elimination of risks of sexual abuse against children and for prohibition of amnesty or pardon of persons who committed sexual crimes against children. At the same time, no secondary legislation, such as instructions and/or regulations were developed to support these amendments.
- Nevertheless, the practical specialists think that certain amendments of the legal framework have brought about an unplanned impact. They think that the performed counterproductive supplements of the Law that can adversely affect the fight against trafficking in human beings. Thus, the use by the prosecution body of special investigative measures has been excluded among them the interception of communications in case of human trafficking related crimes (prostitution, illegal migration) and the pursuit of illicit proceeds obtained by human traffickers.
- Numerous capacity building activities for groups of professionals were planned and carried out both within the 2010-2011 NAP and the 2012-2013 NAP. Although some activities were accomplished later than the planned terms, there were no cases of transfer of activities from the 2010-2011 NAP to the 2012-2013 NAP. In 2010-2011 the capacity building for specialists took place mainly at the central and district levels. It also included participation of specialists from the Republic

of Moldova to a number of international events and hosting of international delegations in the Republic of Moldova.

- Trainings at central and district levels continued during the 2012-2013 period of time, but also several training activities were conducted at the community level. During this period, also extension of professional groups, benefitting of trainings, was done compared to the 2010-2011 period of time. Additionally, teachers, school psychologists, medical staff, employees of diplomatic missions were involved in the specialized thematic trainings.
- An accomplishment of the 2012-2013 NAP in the capacity building area was the institutionalisation of two curricula: *hearing of children victims-witnesses of the sexual exploitation and abuse* (institutionalised within NIJ) and the *Judicial Psychology* master degree curriculum (institutionalized within SUM). Although the curricula were institutionalized, these courses are being implemented by partner organizations for the reason that these institutions haven't got trained specialists of funds needed for the implementation of the two curricula.
- Three activities of the 2012-2013 NAP remained unaccomplished, namely: 1.3.4. *Conductance of training seminars for law enforcement officers (inspectors for juvenile services, heads of police stations and sector operative officers) aimed at strengthening of the working skills with children, with particular emphasis on repatriated children* (MIA, partners 'Terre des Hommes'), 1.3.9. *Developing of the e-learning software for the staff of diplomatic missions and consular offices of the Republic of Moldova abroad* (MFAEI and partners) and 1.3.15. *Development and adoption of the supporting material for continuous training of members of the Mdt* (MLSPE, PS, International Centre "La Strada"). The last activity was not accomplished within the set deadlines

for the reason that, at present, MLSPF hasn't got a centre for continuous training, at least for training of the social protection specialists, fact constituting an obstacle for the realisation of the inter-sector training platform.

- The NAP progress indicators contain a shortcoming, it being the fact that activities included under the capacity building component for professional groups, were measured only in terms of the number of seminars and the number of participants. However, a number of other quality indicators are also necessary to estimate the quality of training, such as the content of training programs, the skills acquired as a result of training and the number of trained specialists who applied the acquired knowledge at their work place during the next 3 years.
- Participation of the Republic of Moldova to the conference organized in Vienna, by OSCE and the Council of Europe with the support of several Austrian federal authorities constitutes one of the important accomplishments in this area. Contributions of the specialists of the Republic of Moldova to high international forums constitute another good result. This indicates the fact that the expertise of specialists-experts from Moldova, along with the impact of training activities organized at national and international levels, can be qualified as best practice and can be replicated in other countries facing the same phenomena (especially with respect to trafficking in human beings, assistance and protection of victims of this phenomenon).
- Activities focused on the related to human trafficking phenomena (prevention of unemployment and prevention of domestic violence), included in the 2012-2013 NAP were fully accomplished. At the same time, it is not possible to assess the impact of these activities on prevention and combating THB

for the reason that these phenomena are complex and constitute favouring human trafficking factors, but not its cause. In this context, several experts reiterated the need of developing separate national plans for human trafficking related areas such as the national plan to prevent and combat domestic violence. The latter should include clear objectives and qualitative and quantitative indicators, facilitating the assessment of the impact of policies in this area. References to such a plan could then be made in the national plan to prevent and combat trafficking in human beings.

- The absence of official joint national data (fact also identified in the US State Department Report and in the GRETA expert group Report) and the identified gaps in data collection on human trafficking cases, at all stages of criminal proceedings, constitute grounds to conclude that the information management in 2010-2011 was weakly developed. Also the budgets of performed activities are missing, making it impossible to evaluate their effectiveness.
- One can list the following failures of the 2010-2011 NAP: failure to set up the most important information management systems; failure to create, in the established terms, the centralized system of human trafficking data records; failure to consolidate CCTP so that it acquires the capacity of developing a national data harmonization mechanism.
- Although most activities under the *Information management and research* compartment of the 2012-2013 NAP have been accomplished in terms of quality progress, further improvement is required as far as the automated data collection process by PS and the adjustment of the proposed software to meet the needs of unification of data collected by MIA are concerned. These improvements shall have to cover training of specialists

and provision of financial resources to procure the necessary technical equipment. At the same time, another challenge for the data management system continues being the interconnection between the social protection and the law enforcement data collection systems. The anti-trafficking community will have to cope with this challenge, especially, starting with the moment when the state takes over the responsibility for the integral financial support of activities to prevent and combat trafficking in human beings in general and to assist victims of trafficking in human beings.

- In view of the fact that the permanent Secretariat of the National Committee to Combat Trafficking in Human Beings was established only in 2011, the statistics for 2010-2011 is less comparative with the 2012-2013 period. The quality of the national reports has significantly improved starting with the second half of 2012, when the PS was fully staffed and when it took over all coordination functions at national level.
- The statistics regarding the number of victims and the number of criminal cases included in the national reports and in this Report reflects the work of the state institutions rather than giving the picture of the phenomenon of human trafficking or modus operandi, things that should be taken into consideration by all anti-trafficking actors. It is also necessary to develop reports analysing the phenomenon covering a period of 3-5 years in order to monitor the trends and, respectively, to adjust the policy documents.
- The highest number of human trafficking crimes was registered in 2012. This increase can be explained by an improvement of the proactive identification skills of law enforcement bodies as a result of their attendance of training programs during 2010-2011.

- The progress indicators of the 2012-2013 NAP were formulated more precisely compared with the ones of the 2010-2011 NAPs. Nevertheless, they still reflect a quantitative perspective (*developed software, developed and implemented information system, publication of scientific papers in the field*, etc.). The progress indicators, analysed in terms of qualitative indicators, should reflect a proper functionality of the computer systems/software, able to produce qualitative information (analysis) that could be used in the annual report on the NAP implementation.
- A conclusion refers to the duration/terms of the information management activities. In addition to identifying resources for the databases and data collection software development/adjustment, it is also necessary to allot time for their piloting and adjustment. That explains the fact that certain activities were included both in the 2010-2011 NAP, and in the 2012-2013 NAP, and will also continue in 2014. These types of activities are time demanding and the progress indicators should be established by taking into account the concrete realities and also the assessment of risks that may occur.
- Although in 2012 and 2013 the role of the Permanent Secretariat of the NC CTHB (National Committee for Combating Trafficking in Human Beings) was defined and strengthened, it being the monitoring and evaluation of anti-trafficking policies at central and local levels, we may not say the same with respect to the NAP monitoring and evaluation mechanism, which is not defined yet. In spite of having been piloted, this mechanism needs to be improved in the nearest future. At the same time, the PS, in view of its limited human resources, attracts national and international experts to carry out evaluation and monitoring of anti-trafficking policies. It is a welcome fact given that the international expertise



contributes to strengthening the national capacities in this area, thus ensuring the sustainability of this process.

- The evaluation, monitoring and planning exercises for the next period began in reasonable terms (September 2013) contrary to the development and approval of the 2010-2011 NAP, the additional specific Plan, and the 2012-2013 NAP when delays of 7 months and even 12 months took place. This made possible to develop a draft 2014-2016 NAP plan already by the end of the current Plan implementation. This is an encouraging thing, it making possible a better organization of the implementation, monitoring and evaluation activities and, respectively, a planning within useful and reasonable terms.
- Also in case of the 2012-2013 NAP the indicators measuring the progress of performed activities were mostly quantitative than qualitative in nature (report developed, roundtable held, NAP developed and approved in the first quarter of the plan implementation year, developed and tested methodology). The costs for performed activities are totally missing as well (except for the amount of 44 thousand lei for the conductance of the roundtable talks with the participation of the NRS actors).
- Although the accurate estimation of costs of the NAP implementation constituted one of the deliverables, this exercise was not completed for the reason that not all Local Public Authorities (LPA) provided the required information.
- One of the recommendations of international experts was to allocate to specialized NGOs financial resources in the form of grants or to sub-contract their services. This objective was not accomplished. The resources allocated from the state budget

or local budgets were offered exclusively to public institutions. The mechanism of the State procurement of services provided by NGOs has not started yet.

- Although the plan envisaged the gradual state budget co-financing of social services to victims of human trafficking, no increase of the number of Assistance and Protection Centres funded by the state budget took place. In spite of the fact that the amounts allocated per each centre grew up, they still do not fully cover the needs of beneficiaries accommodated in the specialized centres.
- The Progress indicators do not specify the exact percentage increase of the number of funded centres and neither do they specify the percentage increase of financial allocations per centre/beneficiary.

## **Recommendations**

1. A period of time bigger than 2 years is required to carry out the development and endorsement of the significant amendments to the legal framework. This can be also resolved by developing NAPs for a longer than 2 years period of time. In view of this, the draft 2014-2016 NAP has been already developed for a period of 3 years.

2. Taking into consideration the quality of the 2012-2013 NAP and the aim to further improve the future NAPs it is recommended to establish more specific progress indicators, such as drafting of documents, approval of developed acts, in particular of the inter-sector instruments (regulations, guidelines, instructions). They should be approved by the Government or by the relevant institutions and references should be made in the corresponding NAP.

3. It is recommended that, in addition to the number of participants and their profile, the number of hours per program and the institution responsible for implementing the course are introduced in the next NAP as quality indicators for the training programs. It is also appropriate to create a platform/cross-sector centre for continuous training, meant to ensure not only training of specialists from various fields, but also to monitor the application of obtained practical skills.

4. It is appropriate to include in a NAP the financial indicators and the amount of the state budget resources allocated for the specialists' training. At present, the training programs, including the ones already institutionalized, are implemented with the support of the development partners.

5. In view of the actuality and the complexity of the domestic violence problem, it is important that such activities are included in a national plan of actions, specific for the prevention and combating domestic violence and reference be made in the national plan to prevent and combat trafficking in human beings to its interaction with other ongoing government programs.

6. Achievement of a good functionality of the data management system requires a period of time longer than two years to carry out the system design, piloting and introduction of adjustments/changes. It is advisable to indicate real terms for the development and operation of the unified data collection systems while the set tasks, to be achieved in the predetermined period, could act as indicators. At the same time, several experts mentioned the need to create a single platform for the exchange of data between law enforcement bodies, social security and health care systems, allowing inter-sector connection and ensuring access to the analytical information. This data can be subsequently considered during planning of the policy documents.

7. A more detailed wording of both quantitative indicators (e.g. *computer software developed and defined*) and qualitative indicators (e.g. *functional computer software, trained professionals responsible for managing systems, available aggregated data*, etc. ) would be more suitable.

8. In case of research reports and scientific publications, in addition to quantitative indicators (data) it is recommended to also indicate qualitative indicators, saying where to find this report (available on the website of the “Stefan cel Mare” Academy), the circulation of the paper if its publication is envisaged, in what languages will be available, how/ where will it be distributed.

9. By all means, should the qualitative indicators be introduced in the next NAP, at least where it is possible (such as: 1. *Profile of the specialists involved in monitoring, information about assisted cases segregated* 2. *Annual National Report on prevention and combating THB developed anti distributed to the community anti-trafficking community, available in Romanian and English on the PS website*). Also the costs estimation and the introduction of financial ratios would be appropriate.

10. In the development of the next NAP a diversification of the state budget funding sources is recommended for centres with the public institution status, but also for NGOs in the field. Thus, the recommendations of NGOs, IGOs, and international experts, regarding the mechanism of purchasing social services from NGOs, would be implemented. We also recommend to plan, as progress indicator for each year, a percentage (or, if possible, the exact amount) of gradual funding increase. This is the only way to evaluate the provision of the state budget resources and to ensure that allocations for other activities are incorporated into the NAP, such as prevention and awareness activities, capacity building activities, research, data management etc., and not just for social services to victims of human trafficking.

11. It is recommended that analytical reports on the evolution of trafficking in human beings phenomenon are regularly developed and published. This task could be accomplished by CCTP, given that this institution has got data both on the profile of victims, the offenders' profile and the modus operandi of the phenomenon. These reports should be submitted to all anti-trafficking actors so that activities for prevention, awareness, and protection of victims could be adjusted.

### III. IMPLEMENTATION OF ACTIVITIES AIMED AT PREVENTION OF TRAFFICKING IN HUMAN BEINGS

#### III. 1. Degree of implementation of prevention activities in the 2010-2011 period of time

The **awareness and education** component (section 2.1.) is one of the biggest section of the 2010-2011 NAP (it is also incorporated in activities under the compartment **Awareness and information** (4) of the additional specific Plan) and in most activities provided in the 2012-2013 NAP under the similar section **Awareness and public education** (2.1.). Since it is a very big compartment, this component was inserted into a separate annex - Annex 2 to the 2012-2013 NAP. This is understandable, given that the prevention of human trafficking is easier to organize, and is more cost-effective compared to the phenomenon combating or the support of a comprehensive system of assistance and protection.

*The 2010-2011 NAP and the additional specific Plan* envisaged the following goals-objectives:

1. *Information and awareness raising with respect to risks associated with human trafficking and strengthening the capacity of self-defence against this phenomenon threats;*
2. *raising awareness among risk groups with respect to dangers associated with human trafficking and illegal migration;*
3. *raising awareness and information on preventing and combating trafficking in human beings;*
4. *raising awareness and training of representatives of public entities and NGOs working with at-risk groups on human trafficking;*
5. *improving the prevention of human trafficking activities;*

6. *continuous training of specialists of competent institutions responsible for prevention and combating trafficking in human beings;*
7. *reduction of social and economic vulnerability of potential victims of trafficking and of potential migrants;*
8. *reduction of children's vulnerability to trafficking by providing access to various educational services;*
9. *decrease of discrimination against women, representatives of minorities, children, migrants and other vulnerable groups;*
10. *improving access of children from rural areas to basic education;*
11. *updating the school curriculum in connection with the prevention of trafficking in human beings;*
12. *promotion within the educational institutions of democratic values and of international standards of human rights;*
13. *strengthening the mechanisms facilitating the youth participation in decision making;*
14. *raising awareness among the wide society on the prevention of trafficking in human beings.*

Practically all CPA and LPA relevant entities were responsible for the accomplishment of these objectives: Ministry of Education, Ministry of Youth and Sports, MLSPF and, in particular, NEA, MFAEI, as well as the territorial commissions on combating trafficking. GPO and MIA were less involved in awareness and information activities. The awareness and education activities were implemented with the support of international organizations and NGOs active in the field: IOM Mission to Moldova OSCE, the International Labour Organization, International Centre "La Strada", "Terre des Hommes", CIDDC, Medecins des Monde, Centre for Prevention of Trafficking in Women, etc.

The most important achievements in raising awareness and education of the general public in the 2010-2011 period of time are described below:

1. In addition to awareness campaigns and general public information events held in 2010, both at the central and local levels, the prevention measures were also targeted to potential victims, namely the vulnerable persons at-risk (people with low income, incomplete families, victims of domestic violence, persons with disabilities, the HIV/AIDS infected persons). Pursuing the purpose to reduce the vulnerability to trafficking phenomenon and taking into account the risk of re-trafficking the Government of the Republic of Moldova, with the IOM support, continued to expand the assistance programs so that not only victims of trafficking, but also the potential victims of trafficking, are addressed. To carry out these actions the geographical extension of NRS was performed, offering services to both trafficking victims and potential victims. (it should be noted that Moldova has pioneered the establishment of the *referral mechanism* (NRS). The latter is aimed not only to grant assistance and protection services to victims, but also to prevent the trafficking in human beings through extending assistance to potential victims. One can find information regarding the activities carried within the NRS in a broad and specific description in the Chapter dedicated to *Protection and assistance to victims and potential victims of human trafficking in 2010*).
2. Pursuing the goal to prevent human trafficking and also to provide qualitative information to persons intending to go abroad, the MFAEI established in 2010 the Call Centre, which operates to present days and provides consultation on safe migration as well as advice and emergency counselling in cases of trafficking in human beings.



3. Pursuing the same goal, namely the promotion of safe migration, and prevention of human trafficking, the International Centre “La Strada” operates in the capacity of an alternative service to the government one. It launched in 2001 a National Hotline, for the first time in the Republic of Moldova, to complement the efforts undertaken at the country level. It is now for many years that it used provided and still provides information and assistance services to persons at-risk residing in the country and abroad (migrants in need, alleged victims of THB, etc.).
4. In 2010-2011 a number of activities to educate and raise awareness of school age young people were carried out. The CPA institutions, and also the LPA institutions, in partnership with the civil society, organized, based on the peer to peer education principle, seminars for young people, summer school educational activities, educational activities in orphanages and shows of the social theatre aimed at informing/educating young people on the risks and dangers of trafficking in human beings.
5. Following the goal to encourage young people to express their views on migration and diversity through art cinema the National Youth Video Contest “PLURAL+” - Moldova, editions 2010, and 2011, was organized with the support of IOM Mission in Moldova and the UNFPA Representative in Moldova in partnership with the Ministry of Youth and Sports.
6. Another innovative instrument, made available to the general public, was the social theatre with the shows dedicated to human trafficking for sexual exploitation and forced labour purpose. Thus, the OSCE Mission to Moldova supported in 2010-2011 the production and presentation to a large audience of the show-document “CASA M”. The show is based on true stories of THB victims and victims of domestic violence. The show had a strong impact on the general public, it giving the opportunity

to carry out an analysis of the presented case studies through a direct interaction of the audience with the actors, and also with professionals and experts who participated in the debates organized at the end of the show.

7. During 2010-2011, the International Centre “La Strada” and the IOM Mission in Moldova continued implementing the awareness campaigns by demonstrating video spots during TV programmes with national coverage, training of journalists in preventing human trafficking, and by organizing awareness-raising activities in this area for LPA.
8. In 2010-2011, a number of awareness-raising and educational activities were organized for students and training activities for teachers dedicated to the way of discussing the human trafficking topic in school. Activities were carried out by the Ministry of Education, in partnership with the civil society organizations. The topics of discussions also included the new trends of the phenomenon. Thus, the objective of informing beneficiaries of the education system (students and teachers) included also the commercial sexual exploitation of children, and the domestic violence prevention and, finally, the promotion of a more secure Internet.
9. Analysing the objective *Efficiency of activities to prevent trafficking in human beings*, we note that *Monitoring the implementation of the specific national legislation and its permanent adjustment pursuing the aim to improve assistance to children victims of human trafficking* constitute one of the most important activities. In this respect, MLSPF drafted the Law on amending and supplementing certain legal acts, which contributed to streamlining of the institutional framework within which the guardianship authorities are supposed to fulfilment their responsibilities. Based on the proposed draft law the existing notion of child without parental care has been

developed and diversified, it being divided into three specific groups, specifying the conditions of identification and the status of each group of children. Accordingly, supplements have been proposed referring to the registration procedure, records, assistance and monitoring of the situation of affected children. At the same time, a study was initiated, envisaging the evaluation of the legal operational and functional framework of various committees/ councils/multidisciplinary teams working in areas dealing with assistance to families with children at risk, orphans and children without parental care, victims of trafficking in human beings, victims of domestic violence, etc. This study was supposed to analyse the operation of mentioned entities at the central, district and community levels, and to make recommendations on optimisation and streamlining the work of these entities. The respective activities were developed in the 2012-2013 time framework. In the same context of adjustment of the national legislation on the child assistance and protection, in 2011 the Republic of Moldova ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 25 October 2007 in Lanzarote. In this regard, the International Centre “La Strada” put forward proposals on harmonising the national legislation with the Lanzarote Convention. The draft Law on the amendments to the legislation was approved in 2012.

10. One of the causes of human trafficking is the precarious economic situation, i.e. lack of jobs or, in other words, lack of adequately paid jobs. In this respect, one of the activities included in the Prevention section of the 2010-2011 NAP was the *Development and implementation of annual action plans to promote the labour market policy. Development of the labour market information system.* Thus, pursuing the goal to improve the situation on the labour market, to promote active policies and to achieve the highest possible employment and the reduction of unemployment, the NEA, together with its regional structures, develop on an annual

basis, the action plan to promote labour market policies, taking into account the republican and the local labour market situations. This Action Plan is consistent with the Law of the Republic of Moldova no. 102-XV of 13 March 2003 on employment and social protection of people in search of a job<sup>32</sup> and its subsequent amendments and additions, as well as with the 2007-2015 National Strategy on the labour force employment policies<sup>33</sup> and the Government Program “European Integration: Freedom, Democracy, Welfare<sup>34</sup>”. The continuous development of the labour market information system helps to increase awareness of people in search of a job. Thus, in 2011 the NEA opened 3 labour market information centres in Chisinau, Balti and Cahul. The Automated Information System “Evidence labour migration” (the “EMFM” AIS) was also developed and installed. It constitutes one of the record-keeping elements of the labour market processes in the Republic of Moldova, offering to users the possibility of recording, storage and provision of data on labour migration in the republic. The Automated Information System “EMFM” is an integral part of the “labour market” information resource. All these activities provide supplementary information regarding the socially vulnerable population, and also contribute to somewhat diminish, the risks of illegal migration and the risk of being captured by the traffickers networks.

11. Also activities, meant to contribute to the youth capacity building and acquisition of economic skills, were planned under **Prevention** compartment. In this respect, in 2011 activity 19 was introduced in the NAP: *Orientation, vocational training and employment of graduates of educational institutions, youth, the*

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32 The Law no. 102-XV of 13 March 2003 on employment and social protection of people looking for a job (Official Gazette of the Republic of Moldova, 2003, no.70-72, 312)

33 Decision no. 605 of 31.05.2007 on the 2007-2015 National Strategy on the employment policies of the labour force market (Official Gazette of the Republic of Moldova, 2007, nr.82-85, art. 660)

34 <http://gov.md/doc.php?l=ro&idc=445&cid=3350>.

*unemployed and persons in search of a job, as well as of potential victims and victims of human trafficking.* Ministry of Economy continued the implementation of the ongoing training program “*Efficient business management*”, the latter’s aim being to improve entrepreneurial knowledge and to develop the business culture as well as to strengthen the professional skills of active entrepreneurs and of the potential ones in entrepreneurship and management areas. On-going stimulation of rural youth in their creation of new businesses and in developing entrepreneurial skills constituted one of the state’s priorities as far as the development of business community is concerned. In this context, Ministry of Economy continued in 2011 the implementation of *the National Programme on the Economic Empowerment of Youth* (for details see **Annex 1** of the Monitoring Report on the accomplishment of the National Plan and of the specific Additional Plan to prevent and combat human trafficking in 2011). One should mention that the number of trained people is reported with respect to these activities and that women constitute 69% of participants of the first training program and 42% of the participants of the second program. The amount of offered loans is also indicated and a statement is made regarding the partnership with the NGO “Island of Hope” that contributed to the implementation of this project. However, no qualitative conclusions could be made as long as no data is available on the number of victims or potential victims of human trafficking who initiated or continued their businesses and preserved the same job during the next 3 years.

Although in 2010-2011 only 90 percent accomplishment of the planned activities was achieved (by the 2 plans), the undertaken measures corresponded to the phenomenon dynamics and were consistent with the recommendations of international experts (Report of the US State Department and the GRETA experts’ Report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in the Republic of Moldova).

### III. 2. Degree of implementation of the prevention activities in 2012-2013

Unlike the 2010-2011 NAP and the specific additional Plan the **Prevention** compartment of the 2012-2013 NAP (same refers to chapters **Awareness and education** of the 2010-2011 NAP and **Awareness and information** of the additional specific Plan) is better structured and includes two chapters, separately inserted into two annexes: *Annex 2: Raising awareness and education of wide public* and *Appendix 3: Reduction of vulnerability*. There is a logical continuation for such a division and is based on lessons learned from the implementation of the 2010-2011 NAP and on the recommendations of national and international experts in the field.

*The segment **Raising awareness and education of wide public** (Annex 2 to the 2012-2013NAP)*

Compared to the previous NAP, the prevention activities included in the 2012-2013 NAP are based on new trends of the phenomenon, described in a number of activity reports in 2010-2011, undertaken both by the state institutions and the international organizations and by NGOs working in this area. Most of the activities planned under the compartment *Awareness and education of the wide public* were accomplished in the proportion of 99 percent.

Most of the prevention and awareness-raising activities were organized within the educational institutions of the country by representatives of NGO working in this field, in partnership with the MIA employees. Although MIA planned the conductance of 80 seminars in 2012-2013, the ministry reported the realisation of only 60 seminars. At the same time, numerous NGOs organized seminars dedicated to vulnerability reduction. In terms of quality it is not possible to estimate the impact of these seminars and to determine whether the number of seminars influenced the quality of young people's access to information on the

prevention of THB. Taking into consideration the profile of the MIA activity and, in particular the profile of the CCTP activity, we consider appropriate that the awareness-raising activities in schools are the responsibility of the Ministry of Education. The MIA should rather focus on the operative activity and on combating this phenomenon. At the same time, the CCTP can provide information to Ministry of Education and to the specialized NGOs about the dynamics of the criminal profile, so that the education and awareness activities are adjusted to the new trends.

Both in 2012 and in 2013 the *Fighting against human trafficking Week*, also called the *Anti-Trafficking Week* was conducted, mostly through awareness-raising activities. Conductance of this campaign is an indication of consolidation of efforts undertaken by CPA, LPA, NGOs and international specialized structures to promote anti-trafficking policies in Moldova, and also to raise the wide public awareness about the new trends and dynamics of THB.

Another national awareness campaign – *Every trafficked person has the right to be protected* - was implemented in 2013 by the International Centre “La Strada” in partnership with the PS. This time, the aim of the campaign was to encourage victims of THB to cooperate with the law enforcement bodies and to inform the wide public about the legal protection opportunities in cases of human trafficking. Also in 2013 the awareness-raising campaign on promoting a safer Internet for children was implemented, thus preventing the risks of using information technologies in recruitment of persons, especially children. This campaign was party of a project implemented by UNODC, the International Centre “La Strada” in partnership with PS. During the project the [www.siguronline.md](http://www.siguronline.md) information portal was developed, seminars were organized in summer camps for children, materials were developed and distributed aimed at promoting the portal and the software “Report the abuse” and also videos warning parents about the risky behaviour of children in the online environment were broadcasted.

In 2013 the Memorandum of cooperation between the General Police Inspectorate and the International Centre “La Strada”<sup>35</sup> was signed, establishing the cooperation mechanism between these institutions in the prevention and combating trafficking in human beings area. It also defines the cooperation mechanism in cases of children’s exploitation and sexual abuse and the cooperation in case of need of referral of cases identified on the Hot line 0800 777777. In 2013 over 5,100 persons (the largest number of calls since the service was launched) were counselled by this telephone service. 4,400 calls out of these calls, constituted requests from the population of information about the possibilities and procedure of going abroad. Thus, we conclude that the interest of the wide public to go abroad in search of jobs, or to find better employment opportunities abroad, continues being very high. In this respect, it is necessary to sign bilateral agreements on employment of citizens of the Republic of Moldova abroad and on ensuring their legal and social protection in countries of destination.

Also, 10 notifications on crimes were submitted in 2013 by the CCTP via the Hot line and have been entered into the “R-2” - the Register recording the notifications related to offenses and evidence. In 2012, MoH in partnership with the NGO “Medicins des Monde” carried out a number of awareness-raising activities in Balti, Soroca, Glodeni and Telenești districts within the project “Promotion of human rights of human trafficking victims in Moldova and Transnistria through multidisciplinary assistance and prevention”. Within the same project informational materials were distributed and a video spot was developed and released. In 2013 the MoH conducted 10 meetings dedicated to reproductive health which were attended by health care workers of the reproductive health cabinets and of the Youth Friendly Health Centres. During these meetings, the human trafficking topic was also touched upon.

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35 <http://sigurantacopii.lastrada.md/advocacy-si-lobby/>



Numerous awareness-raising activities, including photo exhibitions and contests were conducted during 2012-2013 by NGOs CIDDC, Terre des Hommes, CNPAC, the International Centre “La Strada”, by IOM in partnership with the Ministry of Education, Ministry of Culture, MLSPF and the Local public authorities. Several thematic films and the show “CASA-M” were presented and the video-photo contest “PLURAL +” was replicated both in the capital city and in districts during these activities.

In 2012, at the request of MLSPF and with the support of the CNPAC a reflection group was created consisting of children who made themselves familiar with the priorities of the 2013-2020 National Strategy for Child and Family Protection. 24 children attended this exercise, including disabled children, Roma children and boarding school graduates. Three rounds of consultations were held, as a result of which children have developed and submitted to the national authorities, experts and mass media their priorities for the strategy. This exercise is welcomed and, in fact, materializes the recommendations of international experts to involve the direct beneficiaries of a policy document in developing policy in the field. It is recommended to maintain this practice in future and to apply it with respect to other categories of beneficiaries as well.

The MFAEI places, on a regular basis, information on prevention and combating trafficking in human beings on social networks and on the official websites of the Ministry, diplomatic missions and the consular offices. Also the banners of the [www.antitrafic.gov.md](http://www.antitrafic.gov.md) site were placed on these electronic pages.

The segment ***Reduction of vulnerability*** (Annex 3 to the 2012-2013) Activities, planned under this compartment were, in their majority, accomplished except the activity *Support to projects and information campaigns on trafficking in human beings targeted to young people through the Grants Program of the Ministry of Youth and Sports*. The latter was

partly accomplished in 2012 but had no continuation in 2013. Below, we proceed making a review of activities and actions carried out by the institutions responsible for implementation.

*Ministry of Labour, Social Protection and Family*

MLSPF, together with the Ministry of Labour and Social Affairs of Italy and the IOM Mission to Moldova implemented during 2011-2013 the project “*Addressing the negative effects of migration on minors and families left behind.*” A quantitative study was conducted within this project in 2012, to identify children in need, including the ones left without care of the family members who left abroad. The project resulted in the creation of an electronic database, disaggregated per municipalities and territorial administrative units, which contains evaluations of more than 168 thousand children.

In the same 2012 year the MLSPF developed the draft Law on special protection of children at risk and children separated from their parents, approved by Parliament on 14 June 2013<sup>36</sup>. The Law entered into force on 1 January 2014, once the necessary amendments were made to the family Code. The Law (no. 140) defines a number of basic terms used in the child protection system, reviews the activity of guardianship authorities and places guardianship responsibility on mayors and the social and family protection territorial institutions. The Law also regulates the self-initiative procedure and the registration of notifications about children at risk and the terms hereby. It lists the specialists and authorities responsible for issuing indications on the assessment of the situation of children, assigning of a status to them and placement of children separated from their parents within institutions.

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36 Law no. 140 of 14 June 2013 on the special protection of children at risk and children separated from their parents (Official Gazette of the Republic of Moldova, 2013, no. 167-172, art. 534); effective from 01.01.2014

## *Ministry of Education*

During the period under consideration, more than 3,050 events were organized at the general education level (out of which 1,950 within the residential institutions) and about 2,100 of extracurricular activities dedicated to the prevention and combating THB topic. Ministry of Education states that all students in residential institutions are included in the curriculum and extracurricular activities dedicated to dangers associated with trafficking in human beings if taken into consideration the cyclical nature of the educational process and the mandatory *Civic and head master classes* hours as well as in view of the obligation to develop plans of educational activities.

In 2013, the Minister of Education issued Order no. 77 of 22.02.2013 on *the procedure of organising a certain institution and of intervention of the employees of the educational institutions in cases of abuse, neglect, exploitation and **trafficking of children*** within the residential school system and Order no. 858 of 23.08.2013 through which the methodology of this procedure application was approved. Employees of the Ministry of Education carry out a permanent monitoring of the implementation of these orders. In the same context, through letter of the Ministry of Education no. 02 / 13-690 of 23.10.2013, the Ministry requested the directors of the residential educational institutions to undertake actions to improve the situation in this area. One of the envisaged measures is the approval by an institution of a plan of actions and the presentation by 01/15/2014 of a report on suspected cases of violence against children.

In the same 2013 year, the Republican Centre for pedagogical support and the district and municipal pedagogical assistance services began to operate in the country in accordance with the Government Decision no. 732 of 16/09/2013<sup>37</sup>. The Republican Centre provides

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37 Governmental Decision no 732 of 16.09.2013 on the Republican Centre for Pedagogical Assistance and Services providing district / municipal pedagogical assistance (Official Gazette of the Republic of Moldova, 2013, no. 206-211, art. 823)

assistance to specialists from the district Services, to teachers and support personnel, psychologists from the preschool, primary and secondary education institutions, to other specialists involved in the educational inclusion, to local public administration bodies and to children and their families.

In general educational institutions, prevention of human trafficking is a subject of the curriculum. It is included both under compulsory subjects (*Civics education, Head master hours, etc.*) as well as an optional course (*Family life education, human rights education etc.*) thus, contributing indirectly to the prevention of THB.

In cooperation with social partners, the secondary education institutions, the vocational secondary schools and the specialized secondary institutions conducted various curriculum and extra curriculum activities dedicated to the anti-trafficking topic (for details see **Annex 1: Progress of the National Plan (for 2012-2013 )** implementation). The accomplishment of all these activities was possible through the established partnerships of the Ministry of Education with the civil society.

### *Ministry of Health*

The Ministry of Health has got under its subordination two Placement Centres (in municipalities Balti and Chisinau), which incorporate two maternal sections. 31 “parent-child” couples, 7 of which minor mothers, were assisted in 2013 by the maternal section of the placement and rehabilitation Centre for young children from the Chisinau municipality (which is a maternal and child protection service meant to ensure every child’s right to enjoy its family relationships). In 2013 a number of 23 mothers with 23 children benefited of assistance, out of which 12 couples reintegrated into their biological families, four couples reintegrated into the extended family and 7 couples created a family entity. In the same 2013 year the maternal section for temporary

placement and rehabilitation of children from Balti town assisted 13 “parent-child” couples, out of which 8 “parent-child” couples were integrated into their biological families.

In 2013, activities continued to implement the inter-sector cooperation mechanism in the medico-social area aiming at the prevention and reduction of the infant mortality at home and of children under 5 years of age. Thus, in 2013, the inter-sector mechanism covered approximately 9000 children under 5 years of age, out of which about 3,000 children up to 1 year. The development and distribution since 2013 of the Family agenda – the Child Development Booklet - constitute an innovative tool used to train parents and to increase their knowledge regarding the child’s supervision and development and the signs of danger for the child’s life and health.

During 2012-2013 the youth-friendly network of health services has been extended. At present, Youth Friendly Health Centres operate in all administrative territories.

Ministry of Health benefited of the UNICEF support in developing two communication strategies - *Improved childcare skills* and *Promotion of safe sexual behaviour among adolescents*. The communication strategies were approved in early July 2013 by Order no. 776. The process of development of action plans to implement these strategies has been initiated at present.

Although not included in the national plan, the CRIC implemented a project on human trafficking prevention among children without parental care, with the financial support of OSCE and in partnership with MLSPF and MoE. Emphasis was placed on school / vocational guidance seminars and career development for students of grades IX of Bender, Orhei and Leova gymnasiums.

The program for entrepreneurs of all ages, *Efficient Business Management* (GEA) is targeted to beneficiaries who carry out economic activities under any legal form wishing to strengthen their entrepreneurship skills and is aimed to ensure effective management of their business. A number of 1,732 people were trained under the GEA Program during the reporting period. At the same time, the ODIMM coordinators provided consultation to other 1,700 people. Additionally, 57 training courses were organized in 14 localities, one of the seminars being organised in the Transdniestrian region. Out of the total number of trained people 737 were women.

The National Program for Youth Economic Empowerment (NPYEE) is a program for young people, aged 18-30, wishing to develop their entrepreneurial skills in order to launch or expand an agricultural or production business in rural areas, thus creating new jobs. Under Component I of the NPYEE program *Entrepreneurial Training and Consultancy Programme*, 20 training courses were organized in 2012, which were attended by 577 young people, including 266 women.

In view of creating the business incubators network, during the reference period business incubators were launched in cities Stefan Voda, Leova, Rezina, Edinet and Dubasari. 32 information and training sessions were organized within the Network of Business Incubators aimed at developing the entrepreneurial culture of the residents.

The “PARE 1 + 1” program to attract remittances into the country’s economy was targeted to migrant workers or their first degree relatives wishing to invest their money, generated through the work abroad, and to launch or expand their business at home. The Program objective was to provide incentives for the creation and development of small and medium enterprises in the Republic of Moldova by mobilising human and financial resources of Moldovan migrant workers. The Program started in 2010 with the support of the ILO and, through the partnership with the Ministry of Economy, got an extension up to

2015. In 2012 five entrepreneurial training courses were held within the PARE 1 + 1 programme, which were attended by 101 migrants and their first degree relatives. A number of 158 investment projects were submitted under the business financing/Rule 1 + 1 component in 2012, developed to be implemented by migrant workers and/or by their relatives. Following the analysis and evaluation of all grant applications a number of 69 business ideas were accepted and contracts of grant-based funding, within available financial resources, were signed. The total planned investment made 52.1 million lei with the grant amount under PARE 1 + 1 of about 9 million Lei. According to ODIMM data, by the end of 2013 over 1,500 people got jobs or maintained their previous employment within enterprises created based on money invested by Moldovan migrants, out of whom about 40% were women and 35% were young people. These figures, also quoted in written mass media,<sup>38</sup> could constitute qualitative indicators for the NAP.

## Conclusions

- In 2010-2011, the civil society and the international organizations were the ones that organised virtually all awareness raising and public information activities on the THB phenomenon in the Republic of Moldova. The impact of these activities was felt much deeper during these years compared to the first campaigns conducted in this area (since 2003 awareness campaigns were organized and held on a continuous basis). In addition, given the complexity of used instruments and as a result of activities performed at national and local level, the impact had also a cumulative effect.

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38 "Pare 1 + 1" or *adding up via deduction*. „Ziarul de Garda” newspaper, no. 4 of 6 February 2014, p. 18

- All prevention and awareness raising activities, carried out at the level of wide public, had a direct influence on combating human trafficking, and brought about an increase of the responsiveness of law enforcement agencies. Thus, in 2010 a steady decline of the number of crimes falling under Articles 165, 206 took place, a trend that was also maintained in 2011-2013. Of course, the numbers also indicate an ability to adjust actions to the new trends of the phenomenon (following the introduction of the new identification indicators). One should not neglect, in this regard, the impact of prevention activities that have contributed to an increase of the population awareness and knowledge about the phenomenon.
- Better information of the general public on the risks of human trafficking led to a decrease of the number of trafficked/re-trafficked victims, and the protection and assistance services have been extended to a bigger number of vulnerable groups, potential victims of THB.
- It was difficult to assess the impact of these activities on the target group of rural area youth in terms of economic empowerment or reduction of vulnerability, given that the indicated progress indicators constituted exclusively the number of trainings, the number of people who participated to trainings, the number of business plans drawn up, the amount of grants provided or non-reimbursable funds transferred to the accounts of beneficiaries of the *Pilot Program for Attracting Remittances to the Economy of the country PARE 1 + 1*. Besides, the economic empowerment activities are aimed primarily at increasing the economic welfare and one cannot assess the impact of these activities on prevention of the trafficking phenomenon. These activities should rather be included in plans to manage migration. A NAP is supposed to only to make reference to them.



- As far as the **Prevention** section of the NAP is concerned, especially of the 2012-2013 NAP, one may say that it meets the new trends and changes of the human trafficking phenomenon and is developed in line with the recommendations of the international experts and of the external monitoring mechanisms. In comparison with the 2010-2011 NAP, the 2012-2013 NAP is better and more clearly structured. One can feel here the influence of the planning exercise conducted after the evaluation of the plans for the previous period.
- Both in case of the 2010-2011 NAP and the 2012-2013 NAP, the set objectives were achieved in their majority. At the same time, many activities of the 2010-2011 NAP, aimed at reducing vulnerability, in particular adjustment of the legislation on child protection, have been accomplished only in 2012 or even in the 2012-2013 NAP, thus, taking them three years to be accomplished.
- In the context of reduction of vulnerability to human trafficking it is very important to undertake activities aimed at the increase of entrepreneurial skills, including of women and young people. However, to estimate the sustainability of these activities and investments one needs qualitative indicators to measure progress, such as, for example, the number of people who have extended their business after three years, the number of people involved in the business management and, finally, the number of jobs created, these being indicators illustrating the business competitiveness and also its turnover.
- During 2010-2013 no survey or research was conducted assessing the knowledge or perceptiveness, or the general public attitude towards the human trafficking phenomenon. Thus, the conducted awareness campaigns were developed

in the light of conclusions drawn by specialists rather than based on a number of objective indicators on the change of the general public perception of the human trafficking phenomenon.

- Costs of planned activities are indicated only with respect to the *Reduction of vulnerability* compartment and only for the 2012-2013 period (50% of them). Thus, the exercise of the activity budgeting for the next period (or provision of information regarding this issue) remains a challenge for the anti-trafficking community.

## **Recommendations**

1. It is recommended to continue activities on information of the general public about the human trafficking risks, including activities focused on social publicity campaigns, broadcasted, in particular, by TV programmes with national coverage and at prime time and over social networks.

2. Given the specific profile of the MIA, especially of its CCTP, we consider it appropriate that the awareness and prevention activities within the educational institutions should be the responsibility of the Ministry of Education while the MIA should focus more on operative and combating human trafficking activities. At the same time, MIA should provide information to MoE and the specialized NGOs on the dynamics of the criminal profile ensuring that the education and awareness activities are in line with the new trends.

3. We consider it appropriate to continue the awareness-raising activities within the *Anti-Trafficking Week* carried out under the guidance of the Permanent Secretariat of the National Committee to Combat Human Trafficking. This campaign contributes to strengthening the efforts of the CPA, LPA, NGOs and international entities working in this area in

their promotion of the anti-trafficking policies in Moldova, and also in raising awareness of the general public with respect to the phenomenon and its new trends. At the same time, it is appropriate to promote awareness campaigns for the THB victims, such as *Every trafficked person has the right to be protected* in order to encourage the victims to cooperate with the law enforcement bodies and to inform the general public about opportunities of legal protection in cases of trafficking of human beings

4. It is very much recommended to intensify the awareness-raising activities via the Internet, pursuing the goal to inform teachers, parents and students about the risks of complicity to pornography, paedophilia, sexual abuse, and consequently, to trafficking in children within the cyberspace. Another pursued goal would be to familiarize beneficiaries of the online environment with the protection mechanisms and with the reporting software to be used in case of risky and harmful behaviours in cyberspace (e.g. the [www.siguronline.md](http://www.siguronline.md) information portal of the International Centre “La Strada”)

5. Creation of the reflection groups, out of beneficiaries of special strategies or national policies, is considered a good practice, especially prior to their development. They facilitate a consultation of beneficiaries with the drafts of these strategies, policies, laws. Participation of beneficiaries to such exercises contribute to the improvement of the content of developed documents, bringing the content of phenomena, domains, policies closer to the concrete reality.

6. Activities falling under the reduction of vulnerability to human trafficking are very important. The primary goal of these activities, however, is either the prevention of child abandonment (assistance and rehabilitation services offered to mother-child couples) or the increase of the economic welfare of young people through activities developing the entrepreneurship skills, including among women and young people. These types of activities should be party to other policy

documents, they not being the causes of trafficking in human beings, but rather predisposing factors. The anti-trafficking NAP may simply make reference to the corresponding policy documents.

7. Keeping in mind the request of the GRETA Expert Group to provide information on the number of residence permits issued to victims of THB, it is recommended that the relevant bodies include such a requirement as an indicator in their statistics management. In spite of the fact that the MIA considers that the risk assessment actions before the return of victims to their country of origin are beyond the functional duties of CCTP, nevertheless, collection of this indicator could be a task for the Bureau of Migration and Asylum of the Ministry of Interior given that it is this body which issues permits for permanent residence.

8. Conduct of surveys should be urgently resumed. No surveys were conducted during the last 5 years assessing the way the population perceptiveness changed regarding trafficking in human beings, or assessing whether or not there is increased knowledge about the phenomenon. This could, actually, be a qualitative, long-term indicator of the impact of information activities.

9. Continuation of public awareness campaigns, targeting the general public in the next period, focused on new trends of the phenomenon, but also offering solutions, shall provide access to certain services.

#### **IV. SOCIAL ASSISTANCE AND SOCIAL PROTECTION OF VICTIMS AND WITNESSES OF TRAFFICKING IN HUMAN BEINGS**

The compartment in the **2010-2011 NAP** dedicated to this aspect of the anti-trafficking policy (**3. Assistance and protection of witnesses**) is divided into 4 segments:

- 3.1. Identification of victims;*
- 3.2. Social assistance and protection of victims;*
- 3.3. Protection of witnesses and legal approach towards trafficked persons;*
- 3.4. Repatriation, rehabilitation and reintegration.*

In the specific additional Plan of this compartment a number of additional activities are included, referring to the identification and protection of children, victims of human trafficking, and improvement of their protection based on the encouragement of the law enforcement bodies to seek expert advice from NGOs. In case of the **2012-2013 NAP** this compartment (**III. Assistance and social protection of victims and witnesses**) is divided into 3 segments: *3.1. Identification of victims of trafficking in human beings; 3.2. Repatriation; 3.3. Rehabilitation and reintegration.* The chapter referring to the protection of witnesses and the judicial approach towards trafficked persons from the 2010-2011 NAP is found later under the compartment **Investigation and prosecution**. This was a very logical reorganization because the legal protection and compensation of prejudices caused to victims of THB, is rather belonging to the legal system, than to the social aspect.

Therefore, *Social assistance and social protection of victims and witnesses of THB* is analysed in this report from the point of view of three segments: (a) *identification*, (b) *repatriation* and (c) *rehabilitation and reintegration*. The activities relating to the protection of witnesses

and legal rehabilitation/compensation of victims will be found under section *V of this Report (V. Investigation and prosecution of cases of human trafficking)*.

#### **IV. 1. Identification of victims of trafficking in human beings**

Once a victim of human trafficking has been identified, it is expected that sufficient resources and services are available to provide assistance, to ensure its physical, psychological and social integrity and to prevent its re-victimization. Such facilities and unconditional right of victims to appropriate assistance constitute the most important prerequisite for its rehabilitation and reintegration, and for the participation of the victim/witness to the criminal proceedings.

In conformity to Art. 20 (1) of Law no. 241 on prevention and combating trafficking in human beings, “*Victims of human trafficking shall benefit of assistance for their physical, psychological and social recovery in the form of provision of specialized medical, psychological, legal and social<sup>39</sup> services*”. The implementation of these actions is also provided in the NRS strategy. Thus, within the 2010-2011 NAP, protection and assistance activities were carried out under subsections 3.1, 3.2, 3.3, 3.4 and Chapter 2 of the Additional Specific Plan. In the 2012-2013 NAP they were implemented under subsections 1.6, 3.2, 3.3 and 4.3. See Annex 1 of the national annual reports on prevention and combating trafficking in human beings for detailed information on the implementation of these activities. At the same time, the protection and assistance of victims of THB, as a subject of analysis, can be also found in the Monitoring Report on the implementation of NRS. The strategy represents a complex system of cooperation between different actors and a clear mechanism for monitoring and

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39 Law no. 241-XVI of 20 October 2005 on Prevention and Combating Trafficking in Human Beings (Official Gazette of the Republic of Moldova, 2005, no. 164-167, at. 812)

evaluation needs to be implemented. The annual monitoring report on the implementation of the NRS is presented at a session of the NC of the CTHB and is placed on the MLSPF website.

The early identification of trafficked persons from the Republic of Moldova constitutes the main goal of the **2010-2011 NAP**. To achieve this goal, the development of a Regulation on the identification of victims started as early as 2007. The Regulation draft was developed by MLSPF with the support of the International Center “La Strada”, IOM and OSCE. It was, however, approved much later in the form of *Guidelines on the identification of victims and potential victims of human trafficking*. Only under the 2012-2013 NAP signs of institutionalization of the identification of victims of THB mechanism appeared under activity 3.1.1. with the title *Completion and approval of guidelines on the identification of victims and potential victims of human trafficking*.

Consequently, in accordance with Article 18 of the NRS Strategy the *Guide on the identification of victims and potential victims of THB* was developed, which was approved by Order of the MLSPF No. 33 of 20 February 2012. The guide is a common inter-sector operational tool dedicated to the central public administration specialized bodies and to other CPA, LPA, civil society, NGOs and service providers, regardless of the type of ownership and legal form, engaged in the implementation of the national policy to prevent and combat THB within the SNR. The Guide establishes the **order in which the identification is done, the identification marks of the victims, the cooperation procedure between the organizations participating to the NRS** during the course of actions needed for the identification. It also establishes **the circle of persons assigned to identify victims** and potential victims of trafficking in human beings, their order of appointment, functions and responsibilities.

Development of the legal framework for the identification of victims of human trafficking was carried out in parallel with the consolidation of

the institutional basis at the district level, which included the creation of multidisciplinary teams (Mdt) and training of specialists – members of these groups in each district.

As mentioned above, the ultimate goal of the identification of trafficked persons is to ensure their access to assistance and protection. The table below illustrates the number of THB victims identified and assisted by various institutions in 2010-2013.

**Table 4. Statistics on the identification of victims of trafficking in human beings by the empowered institutions (the 2010-2013 period of time)**

Year	Number of identified victims in conformity with the MIA data (adults/children)	Number of victims assisted by IOM (adults/children)	Number of victims identified/assisted within the NRS/ data of the UNC MLSPF (adults/children)
2010	Data are missing	127/12	100/35
2011	131 (Segregated data are missing)	114/20	90/19
2012	266/24	189/16	150/18
2013	233/29	137/13	118/13

The Table clearly indicates a trend: in the 2012-2013 period of time, the number of victims identified by law enforcement bodies is bigger than the number of victims assisted by IOM and the NRS. At the same time, it is not clear how many victims, out of the ones identified by MIA, are incorporated into the number of victims referred to IOM or NRS for assistance. It is known, however, that a certain number of victims, identified by the law enforcement bodies, refuse to receive assistance and, respectively, the social assistance system does not target them during their work with the law enforcement bodies. On the



other hand, some of the victims identified in the social system refuse to cooperate with law enforcement. Thus, for the time being, the information about the number of victims who have benefited of the intervention of the social system and of the legal system can be used only by the mechanical verification of that information.

At the same time, while pursuing the aim to perform a complex analysis of the anti-trafficking policy implementation, especially of the interventions of the empowered entities, and the aim of doing cost planning, it is important to have an inter-sector data collection system, able to provide to social services information about the victims who cooperated with the law enforcement bodies, but for some reasons refused to benefit of assistance services. They might request social assistance later, after a period of time. The same would be relevant with respect to the law enforcement bodies. It would be useful to know whether the victims have previously benefited of support services and what were the reasons for them to refuse to cooperate with the law enforcement bodies. The need for inter-sector information about victims of both systems will be felt when the state compensation fund is created and the state assumes all costs for the care and protection of victims of trafficking in human beings.

Analysis of measures undertaken in 2010 - 2014 to identify victims of human trafficking indicates the development of the regulatory basis starting with the approval of the *Guide on the identification of victims and potential victims of THB* and the development of the institutional basis through the creation and training of multidisciplinary teams to do identification of victims. On the other hand, these achievements are relative. The above mentioned guide is a recommendation rather, since it was approved by the MLSPF and not by a government decision as initially foreseen. The multidisciplinary teams are active, but not in all districts, and their membership changes frequently due to staff turnover. Consequently, the development of the identification of victims of human trafficking remains a current issue.

It should be noted that problems connected with the identification of victims of human trafficking are also generated by the fact that the very concept of identification is unusual, innovative. The *Council of Europe Convention on Action against Trafficking in Human Beings* describes identification as a procedure to discover victims of the human trafficking crimes in view of ensuring their access to social assistance. This special right of victims of human trafficking is also included in the international law and fully complies with the European values, but it contravenes to the relationship between the law enforcement bodies and the social services. This is the reason why the development of the identification mechanisms goes slowly not only in Moldova but also in other countries and still remains a policy priority. At the same time, the development in the Republic of Moldova of the identification mechanism was possible only thanks to the reforms of the law enforcement bodies and of other state institutions within the European integration context.

## IV. 2. Repatriation of the identified victims

Only the 2012-2013 NAP includes a well-defined and separate activity dedicated to repatriation of victims, whereas this aspect in the 2010-2011 NAP is placed under rehabilitation and reintegration and is party to them.

One of the objectives of the Repatriation section in the 2012-2013 NAP is the *Identification of protection and assistance remedies to victims or potential victims of human trafficking in countries of destination where the Republic of Moldova has got no diplomatic missions and consular posts (Objective 1)*. Thus, during the 2012-2013, based on Resolution no. 944 22/11/2013 of the Government of the Republic of Moldova the Consulate General of the Republic of Moldova to Milan<sup>40</sup> was established and based on Resolution no. 945 of 11.22.2013 the Consulate of the Republic of Moldova to Padua<sup>41</sup> was established. Following the establishment of these two diplomatic entities contributed to the consular presence of the Republic of Moldova in the northern part of Italy, both in the west and in the east. It provides access to consular services to over 106,000 Moldovans who live in this part of the peninsula, out of the total number of 147,519 persons officially residing throughout Italy.

In 2013, the Embassy of the Republic of Moldova in the Netherlands, the Embassy of the Republic of Moldova in Qatar and the Embassy of the Republic of Moldova in Canada were opened, which has strengthened the presence of Moldova in these regions, where a considerable number of Moldovan citizens reside.

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<sup>40</sup> Governmental Decision no. 944 of 11.22.2013 on the opening of the Consulate General of the Republic of Moldova in Milan, Italy (Official Gazette of the Republic of Moldova, 2013, no. 276-280, art. 1049)

<sup>41</sup> Governmental Decision no. 945 of 11.22.2013 on the opening of the Consulate of the Republic of Moldova in Padua, Italy (Official Gazette of the Republic of Moldova, 2013, no. 276-280, art.1050)

At the same time, the MFAEI gave the task to the Moldovan Embassy in Romania to intervene with the Embassy of the UAE in Bucharest (accredited also to the Republic of Moldova) and request information regarding the UAE state institutions and NGOs that can act as connection entities to be contacted by MIA and MFAEI in the need of identification of trafficked victims and entities empowered to assist them. Following these efforts the UAE Embassy recommended an institution of the Ministry of Internal Affairs of this State responsible for this issue.

responsible for the organisation of repatriation missions of unaccompanied children (including the victims of child trafficking). In 2010, with the support of IOM and the Swiss Foundation “Terre des Hommes”, 27 repatriation missions of 67 children were organized, namely for 33 children from the Russian Federation (10 missions), 30 children from Ukraine (12 missions), 2 children from Romania (2 missions), 1 child from Belgium and 1 from Italy. A number of 70 adults were also repatriated in 2010 (55 victims of human trafficking; 13 men and 42 women) and 15 migrants in difficult situation (8 men and 7 women). They were identified and travel documents were issued for them. The victims were accompanied during their air or land transportation up to their destination in the Republic of Moldova.

In 2011, again with the support of IOM and the Swiss Foundation “Terre des Hommes,” 12 repatriation missions for 26 children were organized, namely for 17 children from the Russian Federation (5 missions) and 8 children from Ukraine (6 missions). Additionally, in 2011 70 adults were repatriated, out of them 32 were victims of human trafficking (18 women and 14 men) and 38 migrants in difficulty (22 women and 16 men).

In 2012, MLSPF, with the support of partners, organized 18 repatriation missions, for 48 children, including for 19 children from Ukraine (10 missions) and 29 children from the Russian Federation

(8 missions). Of the total number of children repatriated in 2012, 15 children were reintegrated into their biological/extended families and 28 children were placed in temporary placement centres; 3 children (a minor mother and 2 children) were placed in a maternal centre and two children were placed under the foster care service. At the same time, in 2012, 103 adults were repatriated: 80 victims of human trafficking (46 women and 34 men) and 23 migrants in difficult situation (16 women and 7 men). The countries of destination involved in the repatriation process were: Ukraine (85), UAE (16), Kosovo (14) Russia (12), Italy (10) and others.

In 2013, MLSPF organized 31 repatriation missions of 58 children, out of which 30 from Ukraine (16 missions), 24 from the Russian Federation (12 missions), 1 child from Austria and 1 from Hungary (one mission each) and 2 children from Romania (1 mission). 23 children out of the total number of repatriated children during 2013, were reintegrated into their biological/extended families, 1 child was placed in foster care service, 4 children were placed in the family-type children's home and 30 children were placed in temporary placement centres. At the same time, in 2013, 28 victims of human trafficking (adults) were repatriated, out of which 26 women and two men. Also, seven migrants in difficulty were repatriated (5 women and 2 men), with 5 children (one girl and four boys). Also in 2013 with the support of IOM, 70 people were repatriated, including 35 minors (12 girls and 23 boys) and 35 adults (31 women and 4 men). From the point of view of the category of repatriated beneficiaries, 30 victims of THB were assisted (2 minor boys, 26 women and 2 men), 12 migrants in difficult situation (including their 5 children) and 28 unaccompanied minors. All repatriated minors (accompanied or unaccompanied) were reintegrated into their biological families or placed in specialized centres, observing the best interests of the child. From the point of view of the category of countries of destination the following countries were involved: Ukraine (36) Russia (26), UAE (3) etc. Ministry of Health in 2013, through its health workers from the placement and

rehabilitation centre for young children in Chisinau, assisted the repatriation of 11 minor children (9 children under the age of 1 year), who were subsequently placed in care in this institution (10 children from the Russian Federation, 1 child from Romania).

In conclusion, one may say that in 2010-2013 there was a big number of repatriated children. In 2012-2013 an increase of children apprehended abroad is seen. One should not understand this like a trend of unaccompanied children migration, but rather like an improvement of the specialists' capacity to identify the absence of children. It is also a result of the consolidation of the cooperation mechanism with NGOs working in the countries of destination which, in fact, have identified the largest number of children. The analysis of the information submitted by the MLSPF shows an improved capacity of the multidisciplinary teams to assess the living conditions of returned children, a better cooperation with the biological/extended family and an improved monitoring of identified cases. However, numerous NGO report the inability of local specialists to assess the risks for the child before placing it into the biological family. They also indicate deficiencies of monitoring of the (re) integration of children into their families. This finding allows us to conclude that the territorial specialists need continuous programs of professional capacity building. Another finding is that in 2010-2011, repatriation took place mainly from the Russian Federation and Ukraine, with few exceptions (1 case from Romania, 1 case from Belgium), whereas in the 2012- 2013 period of time, in addition to Ukraine and Russia, some unique cases of repatriation from the EU countries and the UAE appeared. Nevertheless, Russia and Ukraine remain in top during this period as well. These are countries with which the Republic of Moldova has no visa regime, making the illegal stay in these countries less visible. Identification of large groups of victims of trafficking for labour exploitation constitutes another trend observed in 2012-2013. For example in Ukraine in 2012 a group of 80 people was identified and in 2013 another group of 36 persons was identified there. A sustainable long-lasting collaboration

mechanism with the specialized NGOs from Russia and Ukraine has been established in this area. However, it is very complicated to establish sustainable collaboration contacts with the UAE both on the repatriation of victims of THB, and in terms of prosecution of offenders. At the same time, it is absolutely necessary to sign bilateral agreements between the Republic of Moldova and Ukraine, Republic of Moldova and the Russian Federation on cooperation in assisting and repatriation of victims of human trafficking, unaccompanied children and migrants in need. The agreements with Ukraine were scheduled to be signed in 2013, but the Ukrainian side stopped this process due to the political events there.

It should be noted that in 2010-2013 the repatriation missions were organized, to a big extent, with the support of foreign organizations. Starting with 2012, the budget of MLSPF envisaged 100,000 lei for the repatriation of children and adults, which was executed in the amount of 59% at the situation on 31 December 2012. This amount is expected to gradually increase. However, the non-execution of the budget remains an impediment for the social protection policy.

### **IV. 3. Rehabilitation and reintegration of victims of trafficking in human beings**

The **2010-2011 NAP** envisaged a number of specific activities related to this issue such as: *Involvement of the human trafficking victims into active labour market events: job fairs, “Labour Club” workshops, public works* and the activity *Organization of training courses, provision of minimum benefits, housing, scholarships and humanitarian aid to victims and their children*. These activities were reported as being completed in 2011. The employment agencies and labour departments provide free labour mediation services, information and professional counselling, guidance and training. In 2011 16 persons - victims of human trafficking, benefited of services provided by these agencies, out of them 13 were women. These people benefited of social protection. They received, in accordance with the Law in force, the professional integration or reintegration allowance. In 2011, the NEA reported 16 persons - victims of human trafficking, who received the annual allowance for the professional integration or reintegration.

According to art. 26 of Law no. 102-XV of 13.03.2003 on employment and social protection of persons seeking employment, different groups of vulnerable persons, including victims of human trafficking, are supposed to attend the vocational training courses. The unemployed, who attend the training courses and who are not receiving unemployment allowance or the professional integration or reintegration allowance, are granted, during training, a non-taxable monthly scholarship amounting to 10 percent of the previous year country's average wage on the date of the payment establishment. In 2011, six unemployed - victims of THB were trained out of 16 persons registered in the database of the Agency. In case of 2 persons, out of 6 attending the vocational training courses, the accommodation expenses were covered throughout the study and in case of 3 unemployed persons the transportation expenses were paid (round trip commuting). This category of unemployed is not entitled



to receive a scholarship for the reason that they have been granted the professional integration or reintegration allowance. Two people found employment after the graduation of these courses.

MLSPF in its annual report on monitoring of the implementation of the NRS Strategy for victims and potential victims of human trafficking, presented an information in conformity to which in 2011 the multidisciplinary teams integrated into the compulsory education 14 victims of THB and other 8 victims of human trafficking in 2012. The NGOs, in their turn, integrated into compulsory education 3 victims in 2011 and other four victims in 2012. With reference to professional integration the multidisciplinary teams reported the integration of 5 persons in 2011 and 3 persons in 2012. The NGOs contributed to the professional integration of 21 beneficiaries in 2011 and 15 persons in 2012. Another reported activity refers to assistance in employment. The multidisciplinary teams contributed to employment of 9 people in 2011 and of 6 people in 2012. The NGOs contributed to employment of 15 persons in 2011 and 20 people in 2012.

The conclusion, however, is that the number of professionalized and economically reintegrated victims is considerably lower compared to the total number of victims of THB identified and assisted during the reference years (NEA: 16 trained persons and only two trained persons placed in employment). Although efforts are made to integrate the victims of human trafficking as beneficiaries of the single social protection system, the number of victims going to professionalization and economic reintegration is low. The explanation could be the increased vulnerability of the THB victims who have no capacity to study, but also the absence, scarcity of jobs that would allow these people to fully enter into the economic activity. In conclusion, one can mention the need for special professionalization programs, enabling the vulnerable groups to acquire professions suitable to them. Another need would be the conduct of lengthy rehabilitation and reintegration programs

based on the needs of vulnerable groups, including victims of THB, and the conduct of activities with employers, so that they maintain employment of vulnerable persons for a longer period of time.

The following activities were carried out within the **2012-2013 NAP**, under the **Rehabilitation and reintegration of victims of human trafficking**: 3.3.1. *Development/reprinting and updating of information materials/brochures for the beneficiaries of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of human trafficking, approved by Parliament Decision no. 257-XVI of 5 December 2008*; 3.3.2. *Development of the Framework Regulation for the multidisciplinary teams* and 3.3.3. *Development and promotion of minimum quality standards for the protection and assistance services provided to victims and potential victims of human trafficking.*

All three activities were fulfilled. MLSPF updated in 2013 the brochure “NRS – the cooperation framework between public authorities and civil society in prevention and combating trafficking in human beings”, published in 1,000 copies circulation in Romanian and subsequently distributed during different events organized throughout the year. It is expected that by July 2014 the brochure is also published in Russian and English languages. Also in 2013, with the support of the US State Department, the NRS materials were updated and published, including brochures for service providers (possible), partners within the NRS system, and brochures for beneficiaries and target risk group. The brochure for service providers is an informational material on the structure and way of the NRS operation. It is targeted to organizations and experts who are at present, or may become later, participants to the NRS.

MLSPF also developed in 2013, the draft Government Decision on the approval of the Regulation of activity of regional multidisciplinary teams (Mdt) within the NRS, which was sent for approval to the National Anti-Corruption Centre (letter no. 08/2124 of 13 November 2013)

and to the Ministry of Justice (letter no. 08/2158 of 11/18/2013) and also to the civil society for comments and suggestions. It was expected that this Regulation be approved in 2014 (and it was approved in March 2014).

The operation of the multidisciplinary teams was supported by local budgets. Thus, the information available in the monitoring reports on the NRS implementation in 2010 indicates an amount of 8500 lei, financed from local budgets, oriented for this purpose. 28.4 thousand lei were allocated by the district and municipal budgets to support the NRS activities. Also, the multidisciplinary teams received a contribution of 116 thousand lei from the state budget for protection and assistance of beneficiaries. We note that this category of expenditures of the Mdt comprised mainly the social benefits, sources of local funds for the population social support, and other forms of financing. In 2010 the multidisciplinary teams received a contribution of 464 900 lei from donors.

In 2011, the multidisciplinary teams reported the amount of 56 thousand lei as resources allocated from the local budgets for assistance of beneficiaries. The NRS activities were supported with about 66 thousand lei from the district and municipal budgets. The territorial Mdt received a contribution of about 176,700 lei from the state budget for the protection and assistance of beneficiaries and about 97 thousand lei from the foreign donors. During the next 2012 year, the Mdt reported contributions from local budgets in the amount of 12.9 thousand lei for the assistance of victims and potential victims. The NRS activities were supported with about 53,000 lei from the district and municipal budgets and with approximately 134,000 lei from the state budget. The Mdt reports indicated under funding sources a total contribution of about 58 500 lei from donors.

In conclusion, we state that in the 2010 – 2013 time frame, there was an increase of spending on assistance and protection of victims and

potential victims of THB, covered by the state budget. The resources allocated by local budgets, however, are still modest and varies in different localities. At the same time, the amounts allocated by donors for assistance to victims, although decreasing, continue covering a part of the costs for assistance to victims by Mdt.

In the context of developing and promoting the minimum quality standards for protection and assistance services to victims and potential victims of human trafficking, and in the context of developing amendments to the Regulation on the functioning of the Centre for assistance and protection of victims of trafficking in human beings, the MLSPF organized three workshops, during which issues were discussed related to records and content and principles of the internal documents to be observed in provision of assistance within the Centre for assistance and Protection (CAP). Several key issues were addressed hereby: *The draft of the framework Regulation on the operation of the Centre for assistance and protection to victims of human trafficking and of the minimum Quality Standards, The internal Rules of the Centre (CAP) and the Content of the beneficiary's file accommodated within the Centre (CAP)*. These documents are to be approved in 2014.

The table below shows the funds allocated from the state budget and local budgets as earmarked for the support of CAP and centres for assistance and rehabilitation of victims of domestic violence. Data are extracted from the legal provisions and the information provided by authorities in the field.

**Table 6. Funds allocated to centres for assistance and protection of victims of human trafficking and to centres for assistance and rehabilitation of victims of domestic violence**

Institution	Beds	Funds allocated from the state budget (thousand lei )				Funds allocated from the budgets of territorial administrative units (thousand lei)			
		2010	2011	2012	2013	2010	2011	2012	2013
Chisinau Centre for Assistance and Protection	24	461,1	739,5	1.118	1.312,1				
„Ariadna” Maternal Centre	30		545,0	324,9			654,2		
Drochia Centre for perpetrators			372,0	372,0					
Căuşeni maternal Centre	19		344,0	523,86			761,0		
Căuşeni Centre for Assistance and Protection of victims and potential victims	14		339,0	355,37			427,8		
Family Crisis Centre „Sotis”, from Bălţi			530,1	658,6					
Cahul maternal Centre	15		558,0	449,0					
Hânţeşti maternal Centre	18		513,0	541,3					

## Conclusions

- Unlike other chapters of the NAP 2010-2011, the assistance and protection Section in the Additional Specific Plan and in 2012-2013 NAP is characterised by the biggest degree of achievement of the planned activities - (100%) according to predefined indicators. The proposed activities meet the guidelines of the external monitoring mechanisms, but not to the same extent the new trends of the phenomenon.
- Starting with 2010, the reports show an increase of the number of children victims of human trafficking but in 2013 still there was no highly specialized centre able to provide assistance and protection to children. This target group used to receive services within other institutions, such as CAP, the maternal centres, in spite of the fact that the needs of children are different from the ones of the adults or mother-child couples and require an individualized approach. Although the multidisciplinary teams take measures to integrate children - victims of THB into biological /extended families, the risk assessment and monitoring of their (re)integration remains being flawed. There were cases when the child was integrated into its biological family, in which there was an eminent risk, because there were no placement alternatives. The specialized centres are missing. In 2013 the construction of such a centre began with the IOM support, but it is unclear when this institution will become operational, for the reason that further investments are needed and they have not yet been identified.
- Allocation of financial resources from the state budget for assistance and protection of victims is increasing gradually. Seven centres in the country began receiving these allocations (“Ariadna” Maternal Center and the Drochia Centre for perpetrators, the Causeni Maternal Centre and the Causeni

Centre for Assistance and Protection of victims and potential victims of THB, the “Sotis” Family Crisis Centre in Balti, the Cahul Maternal Center, and the Hânțești Maternal Centre). However, the contribution from budgets of the territorial administrative units is still insignificant, unstable and sporadic. A considerable part of the expenses are covered by foreign donors, while the authorities allocate resources mainly to NRS, in the form of social benefits, material assistance, social support, services to the identified and assisted beneficiaries. At the same time, in all reports information on the amount of money used per beneficiary for direct services is missing. Thus, an estimation of costs necessary for the final reintegration of the THB victim is not possible.

- Analysis of the structure of the *Assistance and protection of victims of THB* against the performance indicators, indicates that most of these indicators are formulated in terms of the system needs rather than the needs of the victims (2012-2013 NAP: *Guide developed and endorsed, at least three honorary consular offices open, the number of developed and distributed materials, the number of identified and assisted children, regulation developed, quality standards developed and promoted*). Formulation of indicators from the victims’ perspective presupposes, additionally to systemic indicators, also indicators reflecting the impact of services on beneficiaries (*number of identified and referred victims, the range of offered services and the duration of services, the number of repatriated persons and referred to the crisis intervention services or to long-lasting services, the number of professionalized people, the number of rehabilitated people, the number of persons integrated into the labour market and monitoring of employed persons for a period of at least 6 months, etc.*).

- Numerous NGO report the inability of local specialists to assess risks for children before placing the child into the biological family. They also highlight the flaws of monitoring of (re) integration of children into families. This statement allows us to conclude that the specialists from territories need continuous professional capacity building programs.

## **Recommendations**

1. It is necessary to introduce in the next NAP clear quantitative and qualitative indicators for the victim assistance and protection (number of identified persons, the number of persons referred to services, the duration of stay of a beneficiary within a particular service, specification of the service: is it assistance, crisis or long-term rehabilitation assistance and integration).

2. It looks imperative to introduce financial progress indicators (by what percentage will increase the annual allocations from the state budget and the budgets of territorial-administrative units, growth of costs for direct services, not just maintenance expenses and administrative expenses).

3. It is imperative to envisage in the next NAP the development of rehabilitation and reintegration long-term services and to introduce the duration of stay of a beneficiary within the service and the impact hereby as quality indicators (more than 6 months, the number of people who kept their job, in which way has their quality of life improved). It is necessary to train professionals to carry out assessment of the impact on beneficiaries of provided services.

4. It would be appropriate to also include into the next NAP the extension of state guaranteed services on victims of THB and victims of DV, as well (in particular, state guaranteed legal assistance), thus,



indicating the number of victims assisted by ex officio lawyers, the number of trained lawyers to assist victims of THB, and victims of DV, etc.

5. Progress indicators do not reflect the increase of the support/allocations from the state. The NAP should include the percentage of increase of the state allocations for assistance and protection of victims and potential victims, specifying both resources from the national budget and from the local budgets. At the same time, in the context of accreditation of social services and purchase of services from NGOs, it would be appropriate to indicate the number of services purchased from NGOs and the paid amount.

6. Numerous NGO report the inability of local specialists to assess risks for children before placing the child into its biological family. They also indicate the flaws in monitoring the (re)integration of children into families. Consequently, it is imperative that specialists from the territories benefit of continuous professional capacity building programs.

7. To avoid future duplication of data, it is recommend to develop a database, allowing to identify the beneficiaries entered into the system by different reporting sources, thus, avoiding the numerical duplication in cases reporting. An uniform database would facilitate the analysis of the range of services enjoyed by each beneficiary, starting from the highly specialized service (CAP) up to the assistance provided by Mdt at the local level and vice versa.

## V. INVESTIGATION AND PROSECUTION OF CASES OF TRAFFICKING IN HUMAN BEINGS

Analysis of Chapter *Investigation and prosecution of cases of trafficking in human beings*, as laid out in the 2010-2011 NAP, in the additional specific plan and in the 2012-2013 NAP, indicates that the structure and content of this Chapter in all three documents have undergone the fewest number of changes compared to other chapters.

In the 2010-2011 NAP, this chapter is divided into four sub-chapters: (a) *Pro-active and responsive investigation* (the desired outcome being the extension of the use of proactive investigative techniques), (b) *The prosecution and conviction of offenders*, (c) *Legal rehabilitation and compensation of victims* and (d) *Judicial and police treatment of victims/witnesses*.

The additional specific plan approved in December 2010 contains, at its very beginning, an additional chapter *Investigation of involvement of civil servants into human trafficking, their prosecution and conviction*. This chapter contains a number of concrete actions aimed at combating complicity of officials/public persons to the human trafficking. The latter is the most serious identified problem. The report referred to above contains a series of recommendations in this respect.

It is encouraging to see in the 2012-2013 NAP a continuation of the logic flow of activities designed to address the identified issues as a result of the implementation of previous plans. It is equally encouraging to see that the Plan is based on the recommendations of international experts that carried out monitoring visits to the Republic of Moldova with the purpose to evaluate the anti-trafficking policy. It should be noted that it is for the first time that the NAP structure includes a description of identified problems, which is a first exercise of establishing the base-line (defining directions, basic) of activities envisaged to be implemented, and also an exercise of establishing a number of progress

indicators, from the quality point of view. Thus, in the 2012-2013 NAP the chapter *Investigation and prosecution* contains the following four sub-chapters: 4.1. *Investigation*; 4.2. *Prosecution and conviction of traffickers*; 4.3. *Legal rehabilitation and compensation of victims of human trafficking*; and 4.4. *Anti-corruption measures*. Activities included in the last sub-chapter are of the same nature as the ones under the respective chapter of the previous Plan and reference is made to the Report of the US State Department.

Below there is an analysis of the results obtained in all 4 sub-chapters, as spelled out in the 2012-2013 NAP, along with a review of efforts undertaken in 2010-2011.

## V. 1. Investigation

Extension of pro-active investigation techniques constituted one of the set aims for the 2010-2011 period of time. This explains the fact that the reported outcomes indicate the highest number of trained representatives of law enforcement bodies in combating human trafficking, child trafficking and related crimes such as migration and qualifications. The biggest number of trainings was organized with the support of implementation partners: IOM, UNICEF, European Commission, US Embassy and NGOs active in the field. A list of all kind of events (conferences, round tables, international seminars) is given in the reports for the 2010-2011 period of time. However, the exact number of trained law enforcement representatives doesn't come up for the reason that the number of participants trainings in combating human trafficking is indicated only in case of two events (63 law enforcement officers and 40 criminal investigators and 10 teachers and students of the "Stefan cel Mare" Police Academy). In spite of the fact that several training curricula for law enforcement personnel were piloted, the information about the curriculum development on the training of pro-active investigations of human trafficking cases is missing. An indicator, is equally missing, showing the dynamic application of proactive methods in the investigation of human trafficking causes as a result of organized trainings.

Through the efforts of IOM and partners the identification and analysis of systemic issues related to the effective investigation and prosecution and conviction of human trafficking cases and of related crimes cases continued. An analytical study was conducted in this respect, dedicated to the research and trial of trafficking and related crimes cases, funded by the US State Department. A team of experts, contracted by the IOM, conducted a thorough study of 380 finalised criminal cases (2006-2009) per the following categories of offenses: human trafficking (Art. 165 CC), trafficking in children (Art. 206 CC), pimping (art. 220 CC), illegal border crossing (Art. 362 CC), illegal migration (art.

362/1 CC), illegal removal of children abroad (art. 207 CC) and forced labour (Art. 168 CC). The findings, conclusions and recommendations were included in a report presented at several public events, but also at the technical coordination meetings, organized and hosted by the OSCE Mission to Moldova. The study was published in 2012. It should be noted that a number of findings were taken as basis for the development of proposals and amendments and legislative initiatives incorporated into the 2012-2013 NAP.

Pursuing the goal to achieve an *Effective investigation of human trafficking cases via the application of modern investigation techniques and protection methods of victims / witnesses* the following activities were introduced under **Objective 1**, compartment 4.1. , subchapter *Investigation* of the 2012-2013 NAP: (*Identification of the human trafficking investigation flaws and their causes. Development of the necessary measures to streamline the investigation, the application of modern investigation techniques and carrying out amendments to the legislation*):

1. A study aimed at streamlining investigations and the development of recommendations for prosecutors was conducted by the General Prosecution Office. These recommendations are included into the draft version of the Special Guidelines on streamlining investigations in case of application of art. 109 para. (3) of the Criminal Procedure Code. This Guideline was envisaged to be approved by the GPO in semester II of 2013.
2. Amendments and supplements have been operated to art. 165, 168 and 206 of the Criminal Code of the Republic of Moldova to delimit offenses and to establish proportionate penalties. Additionally, art. 79 was supplemented with a new paragraph 5, to exclude the application of this Article with respect to offenses under art. 165 and 206 of the Criminal Code. These measures were accomplished by the adoption of Law No 270 of 11.07.2013 on amending and supplementing certain acts.

3. The General Prosecution Office issued an enforceable instruction on the hearing of victims by avoiding their re-victimization and an instruction on waiving penalisation of the alleged victims, where there are certain reasons to suspect other persons' intervention/intimidation/determination to submit false deposits (including the trafficker). This Instruction was envisaged to be approved by the General Prosecution Office in January 2014.

*Participation of psychologists/teachers in the hearing of child witnesses/victims* (activity 4.1.4) constitutes another activity designed to improve the *Hearing process of children, victims of human trafficking* (**Objective 2** compartment 4.1. of the 2012-2013 NAP). Under this activity, a number of 109 hearings of children victims/witnesses were conducted in 2012-2013 with the participation of psychologists from CNPAC and the International Centre "La Strada". 53 hearings were held with the participation of psychologists from CNPAC (35 in 2012 and 18 in 2013) both within the specialized hearing Chamber of the Centre for psychosocial assistance to children and families "AMICUL" and within premises arranged inside the police stations, prosecution offices and territorial courts. The other 56 legal hearings were held with the participation of psychologists of the International Centre "La Strada" (42 legal hearings of children victims of exploitation/sexual abuse in 2012 and 14 hearings conducted within the hearing Chamber of the same institution in 2013). Although in NAP the number of conducted hearings and conditions of their organization (child-friendly, within the police stations, prosecution offices and/or in courts) are referred to as progress indicators, however, the number of interviews to which the child victim/witness was subjected is not clearly specified. Judging from the information on the premises where the hearings were held it becomes clear that the child's hearing took place at different stages of the criminal process. Thus, the principle of reducing the number of interviews to a minimum (preferably to one single hearing) was not observed.

Regarding the *Establishment of partnerships in view of securing the rights of the child victim-witness in a legal hearing process by involvement of specialists trained in child hearing and by use of the child hearing Chamber* (activity 4.1.5. of the 2012-2013 NAP) the following has been carried out: In February 2013, the General Prosecution Office established a partnership with the International Centre “La Strada” within which the International Centre “La Strada” makes the child hearing Chamber, arranged in terms of Article 110<sup>1</sup> CCP, available to the prosecution offices and provides mediation services, as well as lawyer’s services, for cases of child trafficking, child pornography and child prostitution. In 2013 the Centre to Combat Trafficking in Human Beings signed a cooperation agreement with the State Labour Inspectorate in the context of investigation of human trafficking for the purpose of labour exploitation and forced labour. A cooperation agreement with the anti-trafficking partners (CCTP, MLSPE, GPO, IOM and the International Centre “La Strada”) is under the process of negotiation and is expected to be finalized in 2014.

With reference to **objective 3**, section 4.1. of the 2012-2013 PNA - *Capacity building for bodies responsible for the protection of victims/witnesses of human trafficking through provision of technical support to the Directorate for witness protection of the Ministry of Interior and to courts*, one should mention that on 21 September 2012 the telephone conference hearing system was officially launched. This system was installed within the premises of the courts of appeal and within three prosecution offices. The activity was accomplished within the project “*Capacity building for investigation and prosecution of human trafficking offenses in Moldova*”. It was funded by the US State Department with the support of the US Embassy in Moldova and was implemented by the International Organization for Migration (IOM) Mission to Moldova, in partnership with the Government of the Republic of Moldova. The established progress indicator presupposed the availability of chambers, able to meet the special operational requirements, and the endowment of three courts of appeal and three prosecution offices with audio-

video equipment for hearing the victims/witnesses during the criminal proceedings. This indicator was ultimately achieved, but this is an indicator representing the purely technical aspect. In a situation when the set objective was the capacity building of the law enforcement bodies to carry out protection of victims/witnesses, then, to measure the impact of this activity, would have been necessary to report the number of conducted interviews in these institutions, the duration of hearings and the profiles of victims subjected to hearings (victim/witness, victim injured party, etc.).

Regarding **Objective 4** *Strengthening cooperation between police, prosecutors, border guards, other relevant institutions and NGOs*, the following could be mentioned: In 2012-2013 four cooperation agreements were signed, which were mentioned above. Thus, item 4.1.10 was fulfilled. The same can be said with respect to item 4.1.11, since in 2013 two meetings of the Coordination Council under the Prosecutor General were held, during which issues were discussed regarding the reorganization of the Coordination Council in the context of reforms carried out within the institutions members of the Council. The new Regulation of the Coordination Council and its activity program were approved.

Pursuing the aim the achievement of **Objective 5** *Capacity building for prevention and investigation of cases of child pornography via the Internet*, on 14 August 2012, by order no. 276 of the MIA, the unit to combat trafficking through the Internet was created within the CCTP. This meant also the accomplishment of the commitment undertaken by the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), signed on 25 October 2007, Law no. 263 of 19.12.2011. Later, following the MIA reform, the specialised unit within CCPT was reorganized into the Centre to Combat Information Crimes (CCCI) within the National Inspectorate of Investigation. During 2013, premises were allocated to the Centre to Combat Information



Crimes and a series of trainings and study tours were organized with the support of the UNODC development partner. Also, the equipment and the software (including the specialized software) necessary for the CCCI operation were procured. Thus, through the contribution of IOM and with the financial support of the US State Department, the CCCI was equipped with equipment worth US \$ 63,000.

The following can be stated based on the analysis of the set objectives in terms of *Progress indicators* of the 2012-2013 NAP, under the **Investigation** sub-chapter:

**Objective 1.** *Identification of gaps in the investigation of human trafficking cases and their causes. Development of the necessary measures to streamline the investigation, application of modern investigation techniques and amendment of legislation.*

With respect to *Progress indicators*, we should mention that the survey results are not found on the official website of the GPO and the Guideline, envisaged to be developed in order to accomplish this objective, hasn't been approved yet by the General Prosecution Office. Implementation of Action 6.3. of the Justice Sector Reform Strategy has resulted in the creation of a working group within the Ministry of Justice, which developed a draft law on amendments to art. 110<sup>1</sup> *Special measures for hearing of child victims witnesses of CPP*. However, this draft law was not approved by the Government and was not submitted to the Parliament by the end of 2013.

**Objective 2.** *Improvement of the hearing process of children victims of trafficking in human beings.*

Although the quantitative indicators proposed as progress indicators have been achieved, additional qualitative indicators are needed to

indicate the progress of the child's hearing quality. In the current NAP only the number of hearings is indicated along with the number of specialists and the number of children assisted by a psychologist or a psycho-pedagogue. In the context of new amendments to art. 110<sup>1</sup> - special measures for hearing the vulnerable children witnesses, it is appropriate to introduce qualitative indicators in the next NAP such as the number of children subjected to hearing, the number of hearings per child in the criminal case, the number of specially trained professionals for such a hearing (including the number of hours of training) and the number of hearings carried out after attending the special training and the chamber where the hearing was held. Only having this kind of qualitative indicators one can assess the improvement of hearing of children victims from the perspective of the needs of vulnerable witnesses.

**Objective 3.** *Capacity building provided to competent bodies responsible for the protection of victims/witnesses of human trafficking through technical support provided to the Directorate for witness protection of the Ministry of Internal Affairs and to courts.*

The following conclusion can be made from the perspective of set progress indicators: the first two activities envisaged provision of premises that meet the specific operational requirements and the procurement of automobiles, the special means, computers, videoconference equipment. The report indicates only the information stating that premises have been assigned. Information on the procurement of movable assets is also missing in the report for 2012-2013. Neither are the costs or resources invested into these two activities indicated. Another activity not mentioned in the report is the allocation of funds to cover the costs for providing security to participants in criminal proceedings and to organize the ongoing training of staff. Accordingly, although there are quantitative indicators, in terms of costs, they have not been achieved or reported.

However, it is recommended to introduce qualitative indicators able to confirm the capacity building for the bodies empowered to carry out protection of victims/witnesses of human trafficking. One cannot measure the professional capacity only with equipment and financial resources, which, of course, are equally important. It is recommended to establish the following qualitative progress indicators under this objective: the number of victims/witnesses included into the protection program and the duration of the program. Other indicators could be the costs for witness protection (individual per each witness and the total costs for the annual protection program), the content of the protection program (used methods) and the number of trained professionals engaged in the provision of protection of witnesses.

**Objective 4.** *Strengthening cooperation between police, prosecutors, border guards, other relevant institutions and NGOs*

This objective has been achieved from the point of view of set quantitative indicators. However one cannot assess the impact of cooperation agreements only in terms of their existence. It is recommended to introduce qualitative indicators facilitating the assessment of the cooperation effectiveness, i.e. the number of performed joint activities, the number of assisted beneficiaries, the number of joint interventions, or the number of referred cases to or from NGOs. In a similar way, in terms of indicators for the meetings of the Coordination council (in this case the Coordination Council of the law enforcement bodies) it is appropriate to have such qualitative indicators as the number of approved decisions at meetings and the content of those decisions.

**Objective 5.** *Capacity building to do prevention and investigation of child pornography of cases via the Internet*

Based on the analysis of progress indicators established for this objective in the 2012-2013 NAP (creation of the specialized department for combating child pornography, the number of conducted trainings, the level of endowment with equipment) one can conclude that this objective has been achieved. However, based on the analysis of these indicators, one cannot assess the degree of this objective accomplishment, because all indicators are quantitative in nature. It is recommended to introduce qualitative progress indicators, such as the number and duration of training and the training content, the number of identified child pornography cases and sent to court, the number/quantity of identified and destroyed information, the number of received notifications on child pornography, the type and number of participants in organized activities on prevention, etc.

## V. 2. Criminal proceedings and conviction of offenders

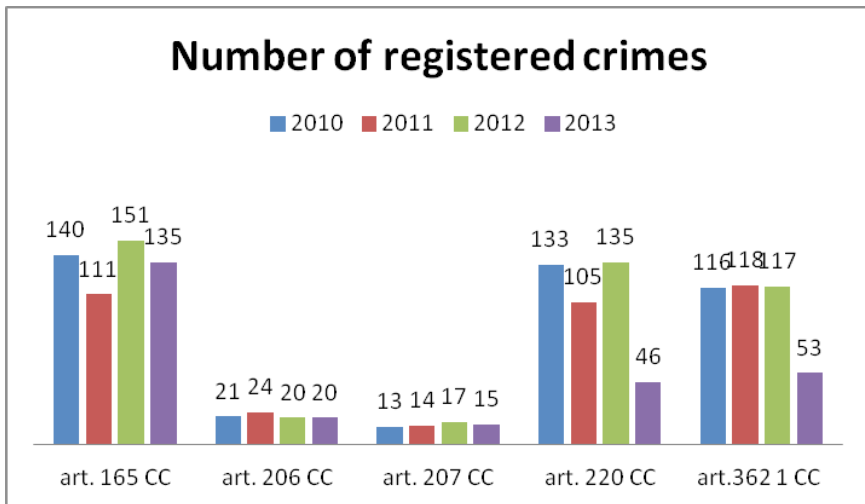
In the 2010-2011 NAP, *the increase of the number of initiated criminal cases and sent to court and the number of convictions of persons involved in THB* constituted the policy goal aimed at *Prosecution and conviction of offenders* (compartment 4.2.). To achieve this goal, a number of activities were planned among them the *Development of training Guidelines and conductance of training courses for the law enforcement bodies*, which was institutionalized in the NIJ Another activity was the analysis of causes and penalties applied in case of the human trafficking crimes, which was supposed to be carried out by the Ministry of Justice with the support of the IOM and the Supreme Court of Justice. These activities have been fully achieved, and the report “*Analytical survey on the investigation and prosecution of human trafficking cases and related crimes*”, developed based on the analysis of 380 cases of THB and related crimes, was published by IOM in 2013.

One single activity was planned in the 2012-2013 NAP under this compartment (4.2.), which was supposed to be performed by GPO, namely – *Development of a survey aimed to identify the deficiencies of the investigation and of the judicial examination of cases of trafficking in human beings for forced labour exploitation*. This activity was not achieved for the reason that a draft Law on amending and supplementing certain acts, including amendments to the criminal provision criminalizing the forced labour has been developed (art.168 of the Criminal Code). Thus, there was no need to develop guidelines on the application of a provision which had been essentially modified by Law no. 270 of 11.07.2013.

In 2010 the analysis of the criminal prosecution activity in combating human trafficking and related crimes indicated that a number of 423 crimes were registered, in 2011 - 372 crimes were registered, in 2012 - a total of 440 crimes were registered and in 2013 - 269 crimes were registered, out of which:

Type of the crime	2010	2011	2012	2013
<i>art.165 CC Trafficking in human beings</i>	140	111	151	135
<i>art.206 CC Trafficking in children</i>	21	24	20	20
<i>art.207 CC Illegal withdrawal of children out of the country</i>	13	14	17	15
<i>art. 220 CC Pimping</i>	133	105	135	46
<i>art.362<sup>1</sup> CC Organisation of illegal migration</i>	116	118	117	53

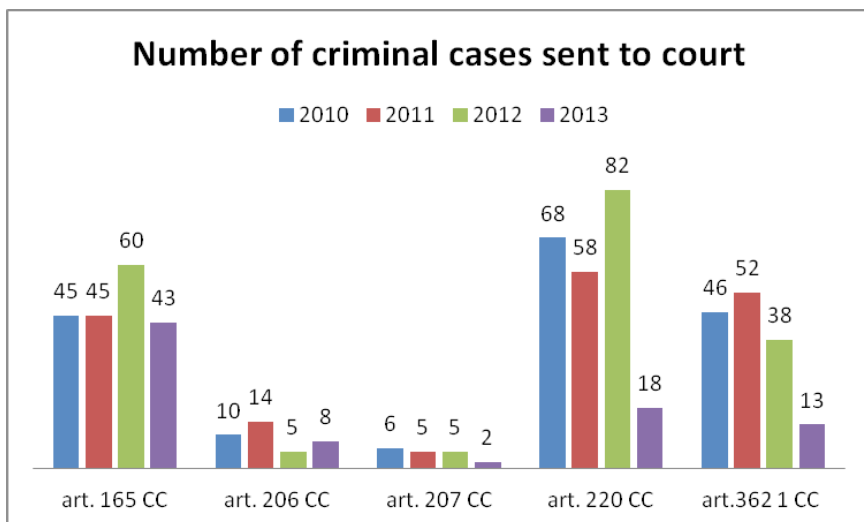
*Flow Chart 1. Number of registered crimes (2010-2013)*



During the 2012 prosecution was completed in 223 of criminal cases, out of which 190 criminal cases were finalised with the development of the indictment and sent to court for examination and in 33 cases prosecution was suspended or closed. In 2013 the prosecution was

finalised in 97 criminal cases, out of which 88 finalised with the development of the indictment and sent to court for examination; in 11 cases prosecution was closed and 83 cases were suspended under Art. 287<sup>1</sup> CCP.

*Flowchart 2. Number of criminal cases sent to court*



The comparison of activity indices of the law enforcement bodies for the 2010-2013 period indicates a relatively constant dynamics of registered cases of human trafficking and child trafficking. However, a decrease of the number of cases of human trafficking (art. 165 CC) sent to court is seen, especially in 2013. The same trend is observed with respect to cases of trafficking in children (art. 206 CC) although there was a slight increase in 2013 compared to 2012. The law enforcement officials explain this trend by the fact that many people suspected of committing crimes are either not identified or are under search and some of the victims are abroad, facts that make the prosecution difficult.

In view of the fact that under this compartment (4.2.) of the 2012-2013 NAP the set goal was - *Improvement of the prosecution process and conviction of persons involved in human trafficking for forced labour exploitation*, it is important to mention that in 2012 the number of cases of human trafficking for labour exploitation increased and in 2013 it remained at the same level. Thus, 47% of human trafficking victims identified by law enforcement bodies in 2012, and 42% identified in 2013, were victims of labour exploitation. Consequently, 29% of criminal cases initiated in 2013 by the CCTP fall under the category of causes of human trafficking for labour exploitation purposes.

The number of registered criminal cases of pimping shows a significant decrease, and the same refers to the number of cases sent to the court. In 2013, this decrease constitutes 65%, compared to the 2012. This is due to the fact that CCTP, in its capacity of the primary police entity empowered to combat human trafficking, reviewed its strategy. Resources earmarked to fighting pimping were diverted to combat trafficking in human beings. However, the effort to combat complex cross-border pimping cases was maintained, the indicators in this case being the same as for the sexual exploitation.

In 2013, for the first time, a significant 55% decrease of the number of criminal cases on organisation of illegal migration was registered compared to 2012 (art. 362/1 CC). The reduced registration of this type of crimes is explained by the fact that the CCTP was subjected to reorganisation and changed its strategy, reorienting its resources to combat human trafficking, in particular, the complex cases, related to illegal migration towards the EU<sup>42</sup>. Amendment of the CCTP strategy was also done as a result of the extension of the competences for this area of the Border Police Department. At the same time, it should be noted that according data cited in the international reports

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42 And inefficiency of the law envisaging the penalty for carrying out this kind of illegal activity



(Frontex<sup>43</sup>, Eurostat<sup>44</sup>), there is a continuous decrease of the number of illegal crossings of the EU border by Moldovans migrants. This is happening in a situation when as of 2009 a continuous increase of the number of legal border crossings by Moldovans takes place and an increase is seen of the number of those who legalize their stay within the Schengen area (thus providing legal opportunities for legal entry of other Moldovans, for family reunion purposes).

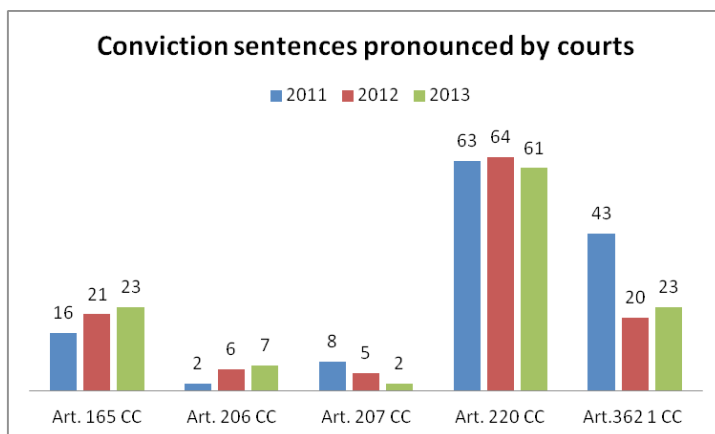
With respect to the judicial practice, reference is made here only to the reports of the 2011-2013 period of time. Thus, the following situation was noticed in 2012 regarding the trials of criminal cases on human trafficking offenses: 117 sentences were pronounced on criminal cases by the first level courts, in conformity to which *146 individuals and 3 legal entities were convicted* (in 2011 - 149 individuals and 6 companies). The figures for 2013 indicate: the courts have completed the examination of 116 criminal cases falling under the category of human trafficking, involving 151 defendants. Flowchart no 3 illustrates the comparative dynamics of the number of conviction judgments made by the courts in the 2011-2013 period of time on cases falling under the category of THB/TC and related crimes.

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43 Situational Overview on Trafficking in Human Beings, European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), Warsaw, 2011

44 Trafficking in Human Beings Report, Eurostat, European Commission, 2013

### *Flowchart 3. Conviction sentences pronounced by courts*



Analysis of this area indicators shows a slight increase of the number of convictions in human trafficking cases and in child trafficking during the 2011-2013 period of time. It is also important to note that the number of convictions made by courts in the 2011-2013, actually, reflect the criminal cases initiated earlier and one should not interpret data presented above through comparison, for the reason that trials of criminal cases can sometimes take 3 years.

Pursuing the aim to prevent and combat trafficking in human beings, in 2012, based on decisions taken by the Licensing Chamber, the courts issued **nine decisions** on withdrawal the operation license and **13 decisions** on suspension of the operation license regarding provision of employment for citizens abroad. The court rulings were made under art. 17 of Law no. 235 of 20.07.2006 on the basic principles of the entrepreneurial activity regulation.

In 2013, the Chamber of Licensing issued **eight decisions** on the withdrawal and **9 decision** on suspension of the operation license for regarding provision of employment for citizens abroad.

### V. 3. Legal rehabilitation and compensation of victims of trafficking in human beings

One single activity was planned under compartment 4.3. of the 2010-2011 NAP *Legal rehabilitation and compensation for victims* envisaging to *Provide legal aid to victims of human trafficking at all stages of criminal proceedings*. The purpose of this activity was *Provision of compensation to trafficked persons*. No progress was made in the achievement of this objective in the 2010-2011 period of time. The free of charge legal aid is provided to victims of human trafficking by NGOs with the financial support from external donors. Although according to art. 16 of the Law on prevention and combating human trafficking no 241-XVI of 20 October 2005 victims of human trafficking are entitled to free of charge legal aid, in reality, it is difficult to obtain this service. The discussions with professionals in the reference groups indicated that this aspect is considered a problem. To a big extent, the difficulties are generated by provisions of Law no. 241-XVI of 20 October 2005, which are contradictory to provisions of Law on Guaranteed State Legal Assistance no.198-XVI of 26 July 2007<sup>45</sup>. In 2014, the Ministry of Justice developed a draft law amending Law no. 198-XVI of 26 July 2007 to clearly define the categories of the population entitled to benefit of guaranteed free of charge legal aid. Victims of trafficking in human beings fall into these categories.

With reference to compartment 4.3. of the **2012-2013 NAP** *Legal rehabilitation and compensation for victims of human trafficking* one should mention that in the 2012-2013 period of time only one, more or less relevant, activity was carried out under **Objective 1** *Establishment of a working scheme/mechanism, to provide access to trafficked persons to state facilitated compensation*. In 2012, the IOM, within the project “*Strengthening the Permanent Secretariat of the National Committee to*

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<sup>45</sup> Law on State Guaranteed Legal Aid no. 198-XVI of 26 July 2007 (Official Gazette of the Republic of Moldova, 2007, no. 157-160, art. 614)

*Combat Human Trafficking*,” funded by the US State Department, selected an international expert, who in 2013 visited the Republic of Moldova during a documentation visit. After a number of meetings with the key anti-trafficking actors, the expert developed a feasibility study for the implementation of a compensation mechanism for the human trafficking victims in the Republic of Moldova. The feasibility study with the title “*Rights, Restoration, Rehabilitation: Compensation of Human Trafficking Victims in the Republic of Moldova*” was presented and validated during a meeting of key anti-trafficking actors. The study contains a detailed analysis of the regulatory framework and policies of the Republic of Moldova in this field and of the international and regional best practices and proposes a number of recommendations, including some concrete models that could be used in the development of the concept of the compensation mechanism for human trafficking victims.

Although a concept on the compensation fund was envisaged to be developed by the end of 2013, however, this concept was not developed in the set terms, for the reasons that mechanisms for setting up such a fund were not identified. Neither was the procedure established for the allocation of financial resources for this purpose. Further efforts are needed to establish a legal mechanism for the formation of such a fund. One should mention that experts have different opinions with respect to this issue: some of them support the creation of this Program for human trafficking victims and the others supports the creation of such a Program for all victims of crime. This activity was introduced in the NAP for the next period.

With regard to **Objective 2** of the same compartment of the 2012-2013 NAP, namely *Prevention of re-victimization during the criminal proceedings* – the GPO developed the draft of an executive instruction on the hearing of victims avoiding their re-victimization. It also developed a draft instruction on waiving the liability of alleged victims, whenever reasons exist to suspect that false depositions were submitted

following the intervention/intimidation/determination from other people (including the trafficker). Both drafts are expected to be subjected to the internal approval procedure within the institution in the first quarter of 2014.

The research confirmed the fact that payment of compensations to victims of human trafficking remains a problem for the Republic of Moldova. The complexity of the problem is caused by the fact that it is traffickers from the countries of destination who get the profit from the exploitation of victims, while in Moldova only persons involved in the recruitment and/or transportation of victims are subjected to criminal liability, who in their turn, don't possess significant financial resources. Accordingly, payment of the compensation by the criminals does not seem real. The Government of the Republic of Moldova is not ready to assume such responsibility given its present economic situation.

#### V. 4. Anticorruption measures

The **2010-2011 NAP** contains no anti-corruption measures. This compartment (4.4.) was included only in the **2012-2013 NAP**. In 2012, the Moldovan law enforcement bodies conducted criminal investigation of **12 persons** from the category of public officials with responsible functions, who committed human trafficking crimes or related offenses. In case of **7 persons** of this category, their criminal files, with the indictment, were sent to court and in one case the prosecution was stopped due to lack of criminal elements. In 2013 the law enforcement conducted criminal investigation of the **8 people** from the same category of officials and in case of **6 people** - their criminal files, with the indictment, were sent to court. Prosecution continues in the other two cases. Annex 1 to the national reports on prevention and combating trafficking in human beings for 2012 and 2013, respectively, contains details referring to these files.

It is still difficult to make judgments in such cases. According to data submitted by the Penitentiary Department of the Ministry of Justice, none of the persons, who is serving his sentence for the THB offenses, belongs to the category of persons covered by the art. 123 CC<sup>46</sup> (officials). Such a situation should be further discouraged. That is why the recommendation, saying that independent experts should be involved in monitoring court hearings dedicated to cases of THB involving public officials<sup>47</sup>, remains current. Another necessity is the conductance of a rigorous monitoring of the implementation of the National Anticorruption Strategy<sup>48</sup>.

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46 Application 07/768 of 28.01.2013

47 <http://www.gov.md/libview.php?l=ro&idc=578&id=4919>

48 National anti-corruption Strategy for 2011-2015, approved by the Parliament decision no154 of 21 July 2011

## Conclusions

- The activities under this section - *Investigation and prosecution of cases of trafficking in human beings* – correspond, to a big extent, to the changes and new trends of human trafficking and to the needs of the law enforcement bodies. However, in the 2012-2013 NAP no analysis assessing the degree to which such activities meet the needs of trafficked persons was made, to say nothing of the 2010-2011 NAP. Most progress indicators are formulated in terms of the system requirements, but not in terms of the imperative to protect trafficked persons and to apply the modern techniques for investigation of causes. The same refers to Objective 2, under which the number of interviews held with the participation of psychologists and the number of children assisted is indicated.
- The proposed activities, particularly the ones in the 2012-2013 NAP, correspond to the recommendations of the external monitoring mechanisms.
- Although the goal of the subchapter *Prosecution and conviction of traffickers* in the 2012-2013 NAP was to *Improve the process of prosecution and conviction of persons involved in trafficking in human beings for forced labour purpose,*” the indicators established for the accomplishment of this goal were: development of a study for identification of deficiencies during the investigation and judicial examination of cases of trafficking in human beings for the purpose of forced labour. The study was not developed for reasons of operating of some legislative amendments.

- Although the sub-chapter V.2. is dedicated to legal rehabilitation and compensation for victims of human trafficking, the progress indicators are developed in terms of outputs or surveys meant to propose solutions for the creation of the legal compensation mechanisms.
- The Progress indicators for the *Anti-corruption measures* sub-chapter are exhaustive (the number of started criminal files, number of files sent to court, the number of convictions). The qualitative information on the number of pronounced sentences and the number of people serving their sentence is practically missing.
- The agreements signed between CCTP/GPI and the International Centre “La Strada”, and also with the State Labour Inspectorate constitute a response to the new trends of the trafficking in human beings phenomenon, namely to the increase of the number of cases of recruitment via Internet and via the socialization Networks. It is also a response to the increase, in the 2012-2013 period of time, of the number of cases of trafficking for labour exploitation purpose.
- As a result of the reform of MIA and the reorganization of CCTP, a considerable decrease of the number of illegal migration cases and of pimping cases is noticed. The fact is explained by the strategic reorganization of CCTP, designed to combat the human trafficking crimes, child trafficking and related crimes only when they fall in the cross-border category and are qualified as severe crimes.



## Recommendations

1. The qualitative indicators referring directly to the prosecution and conviction of traffickers are needed whenever the aim to assess the level of achievement of the goal, and of the set objective is pursued. It is recommended that in future this subchapter includes also such indicators as: *the number of criminal files on human trafficking crimes, child trafficking and related crimes specifying the purpose of exploitation, the number of criminal files sent to court, the number of dismantled criminal networks and the number of convicted persons also per type of conviction.*

2. In future, it is recommended that, along with the content indicators in terms of the regulatory and systemic aspect (such as the developed concept of the compensation program), also indicators from the victim's perspective are introduced (number of victims who have received compensation from the state and the amount of compensation, the total amount allocated to the compensation fund and the mechanism of creation of this fund, means use for its formation, the number of heard victims with the observance of the avoiding re-victimization principle and the number and profile of professionals involved in hearing of the victims witnesses).

3. Further efforts to fight THB crimes, committed with involvement of state officials, remain a current issue. Pronunciation of judgments on such cases is still characterised by deficiencies.

4. It is necessary to create, as soon as possible, the concept and the mechanisms, of the State Fund for compensation of human trafficking victims so that it does not turn into a chronic arrear of the anti-trafficking community in the Republic of Moldova. It is also necessary to develop and conduct financial investigations, allowing the identification of the profit of criminals, its confiscation, and, respectively, allocation of confiscated revenues to the state fund for the compensation of victims.

5. Given that the monitoring mechanism for the 2011-2015 national anti-corruption strategy regarding the corruption related to trafficking offenses is not clear, it is proposed that in addition to progress indicators, an economic indicator, such as value confiscation, is introduced. This kind of resources could significantly contribute to the creation of the compensation fund for human trafficking victims. This component of the 2012-2013 NAP being a limited one, the National anti-corruption Committee (CNA) in view of the national anti-corruption strategy, should submit to the Government and the National Committee to Combat Human Trafficking relevant information about the trafficking in human beings corruption activities involving officials. In this respect, it is recommended that CNA is included in the list of the National Committee members.

## **VI. INTERNATIONAL COOPERATION**

The structure of the International Cooperation chapter in the 2012-2013 NAP remained the same to the one in the 2010-2011 NAP. In both NAPs it is divided into two subsections *Enhancement of the international cooperation* and the *International police and judicial cooperation*.

### **VI. 1. Enhancement of international cooperation in 2010-2013**

During both NAPs or, respectively, during the 2010-2013 period of time several bilateral agreements were negotiated, but for the time being they all are in their draft version.

- The draft version of the Agreement between the Government of Republic of Moldova and the Government of the Russian Federation on cooperation in the area of repatriation of human trafficking victims, child trafficking, illegal trafficking of migrants, unaccompanied children and migrants in difficult situation.
- The draft version of the Agreement between the Republic of Moldova and the Government of Ukraine on cooperation in the repatriation of victims of THB, child trafficking, illegal trafficking of migrants, unaccompanied children and migrants in difficult situation.
- The draft version of the Agreement between the Republic of Moldova and the Government of the Italian Republic on cooperation in the area of protection of unaccompanied Moldovan children, or children in need within the territory of the Italian Republic.

The negotiation of these agreements started at the beginning of 2011. By the end of 2013, the completed draft of the agreement on cooperation in the area of repatriation of victims of THB, child trafficking, smuggling, unaccompanied children and migrants in difficult situation between the Republic of Moldova and Ukraine has gone through the endorsement procedure and was sent, through Ministries of Foreign Affairs of both countries, to partners in Ukraine. In the similar way, the draft agreement between the Government of the Republic of Moldova and the Government of Russia on cooperation in the area of repatriation of human trafficking victims, child trafficking, illegal trafficking of migrants, unaccompanied children and migrants in difficult situation was endorsed by national institutions and sent to the Russian side for response.

Regarding the draft agreement between the Government of the Republic of Moldova and the Government of the Italian Republic on cooperation in the area of protection of unaccompanied Moldovan children, or children in need within the territory of the Italian Republic, the Italian side considered inappropriate, at this time, the need to consider beginning discussions regarding a possible draft document in such a field.

It should be noted, **in conclusion**, that negotiations of the bilateral agreements took longer than originally planned in the NAPs and consequently, both the mechanism of cooperation with the Russian Federation and with Ukraine failed to be completed even in 2013. Accordingly the set indicators were not accomplished. At the same time their accomplishment depends on the external parts as well.

The suggestion with respect to the next NAP, would be to set indicators in terms of the trafficked persons, migrants in difficult situations, unaccompanied children assisted within bilateral cooperation relations between the state agencies and NGOs of the two countries or international organizations, additionally to the formal mechanisms of

collaboration. These indicators would allow the evaluation of fulfilment of the international cooperation objective in the area of identification, evaluation of repatriation and assistance to victims and potential victims and unaccompanied children.

Given that the government cooperation mechanisms presuppose also an implication of a number of political factors, beyond the control of the Moldovan authorities, this section in future should also include the element of foreseeable risks and their analysis hereby. In a similar way, the progress indicators should be formulated in such a way so as to be fulfilled through formal and informal mechanisms.

## **VI. 2 Police and judicial international cooperation**

The international police and judicial cooperation has got wider objectives in **the 2010-2011 NAP**: ensuring international legal assistance in criminal issues in human trafficking cases, cooperation with Europol, Interpol and SECI, capacity building for law enforcement bodies and the judiciary in issues of cooperation with respective authorities from other countries and in improvement of data exchange with other countries.

In the 2012-2013 NAP, the objectives of this chapter are formulated more precisely, being oriented towards the solution of identified problems during monitoring visits. The first objective was – Establishment of formal and informal contacts with the competent authorities of the countries from the Middle East and Asia, responsible for the human trafficking issue. Examination of the possibility of concluding Memorandum of Understanding or of other legal instruments with authorities from the Middle East and Asia responsible for the human trafficking issue. The second objective was: Improvement of data exchange between the prosecution bodies and the courts with the respective authorities from other countries.

Thus, in 2010-2011 negotiations were held regarding the draft Treaty between the Republic of Moldova and Bosnia and Herzegovina, on the mutual legal assistance in civil and criminal issues (the President Decree on the initiation of negotiations no. 105-V of 15.12.2009)<sup>49</sup> and the draft agreement, developed based on exchange of notes on the confirmation of application via succession by the Republic of Moldova and Republic of Slovenia of the Treaty between the Union of Soviet Socialist Republics and the Federal People's Republic of Yugoslavia on Legal Assistance in civil, family and criminal issues, signed in Moscow on 24 February 1962 (Decree of the President to start negotiations no. 369-VI of 15.11.2011)<sup>50</sup>.

In the **2012-2013** period, pursuing the aim the achievement of **Objective 1** – Establishment of formal and informal contacts with the competent authorities, responsible for trafficking issue, of the countries from the Middle East and Asia - (section 5.2. of the 2012-2013 NAP), the MFAEI sent to the Ministry of Foreign Affairs of the United Arab Emirates the Verbal note no. DC 05/404/12503 proposing the organisation of bilateral consular consultations. Later, in 2013 the MFAEI reiterated the proposal to organise bilateral consular consultations with the United Arab Emirates Consular and received written acceptance in this regard. Accordingly, the event was planned for March 2014. Meanwhile, the Moldovan Embassy in Doha, Qatar, was opened, thus, facilitating the process of consultation and intervention with the authorities in the region. The embassy maintains permanent contact with the Qatar authorities, including the issue on prevention and combating trafficking.

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49 Presidential Decree no. 105 of 15.12.2009 for initiating negotiations on the draft Treaty between the Republic of Moldova and Bosnia and Herzegovina on Mutual Legal Assistance in Civil and Criminal Matters (Official Gazette of the Republic of Moldova, 2009, no. 189-190, art. 604)

50 Presidential Decree no. 369 of 15.11.2011 to initiate negotiations on the Agreement, drawn up by exchange of notes on the confirmation of application via succession by the Republic of Moldova and Republic of Slovenia of the Treaty between the Union of Soviet Socialist Republics and the Federal People's Republic of Yugoslavia on Legal Assistance in Civil, Family and criminal (Official Gazette of the Republic of Moldova, 2011, no. 203-205, art. 588)

A number of activities were carried out for the accomplishment of **Objective 2** such as – *Improvement of data exchange between the prosecution offices and the courts with the counterpart authorities of other countries* (compartment 5.2. of the 2012-2013 NAP) - a workshop for law enforcement bodies from the Republic of Moldova and Cyprus, study tours for representatives of the law enforcement bodies and for prosecution office from Greece, Great Britain and the Netherlands, organized with the support of development partners - the US Embassy, IOM and UNODC.

Within envisaged activity *Transmission of requests for legal assistance in criminal matters to the competent authorities of the countries of destination or transit of human trafficking*, in 2011 the CCTP sent to the Russian Federation, Greece, Italy, Ukraine, Turkey, Spain and Romania 14 requests for international rogatory commissions in the investigation of criminal offenses under the art. 165, 206, 220 and 362/1 of the Criminal Code of the Republic of Moldova. In 2011, only 3 rogatory commissions were executed by the foreign states (authorities Hellenic Republic (Greece), Spanish and the Russian Federation).

In 2012, 24 rogatory commissions were created in connection with criminal cases investigating offenses under art. 165, 206, 220 and 362/1 of the Criminal Code of the Republic of Moldova. Most of these commissions, 11 in number, were initiated in connection with human trafficking offenses, and 10 in connection with the organization of illegal migration. Other 2 rogatory commissions were created in connection with pimping offenses and one in connection with child trafficking. Fifteen out of the total number of created rogatory commissions were executed by foreign states, namely 5 by the Russian Federation, 4 by Romania and one by Austria, Norway, USA, Poland, Ukraine, Slovakia each. At the same time, in 2012, other states have requested eight rogatory commissions in connection with human trafficking offenses and smuggling and pimping, which

were executed by the CCPT and prosecution offices from the Briceni, Ialoveni and Buiucani settlements.

According to data of the Ministry of Justice, in 2012, the Ministry of Justice received 31 rogatory letters, out of them 21 rogatory letters were sent by the Turkish authorities and 10 rogatory letters were sent by the Romanian authorities (all have been fully executed).

In 2013, the GPO sent **13** applications for the creation of rogatory commissions in connection with the THB offenses which were addressed to the competent authorities of Russia - 6; Ukraine -3; Italy - 2; Portugal-1; Slovenia -1. Nine rogatory letters submitted by Moldovan authorities were executed and 4 are under progress. In their turn, the CCTP employees conducted cooperation investigations with partners from the USA (1 case), Russian Federation (2 cases), Germany (1 case), Romania (1 case), Ukraine (1 case), Greece and Turkey. Through the Police Cooperation Centre of the PGI about 150 requests were sent to INTERPOL, SELEC, EUROPOL. In 2013, MoJ executed 60 rogatory commissions in criminal cases of human trafficking, out of which a request for international legal assistance was received from Poland, one from Portugal, 23 from Romania and 35 from Turkey.

Thus, we conclude that, over the last three years, there was an increase of the number of rogatory letters sent by the authorities of the Republic of Moldova, but also of the ones executed by the authorities of the Republic of Moldova. At the same time, the rogatory commissions requested by the law enforcement bodies of the Republic of Moldova are being executed with difficulties, that is why in 2013 the concept of alternative possibilities was developed, such as joint investigation teams. There are a number of other problems, among them the lack of financial resources for certified translation of applications and of collected materials following the sent applications for rogatory commissions. In recent years, materials for rogatory commissions were translated with the support of development partners, IOM, the US Embassy.



## Conclusions

- The international judicial cooperation activities proposed within the NAP correspond to the trends of the human trafficking phenomenon and respond to the imperative of improvement of the cooperation relations with countries of destination; certain victims of human trafficking are double stigmatised and recovery mechanisms are missing in places where exploitation of human trafficking victims takes place, or situations exist when authorities are not responding to this phenomenon. These actions are also recommended by the external evaluation mechanisms.
- Additional indicators are required for the objective *Improvement of data exchange between the prosecution offices and the courts with the counterpart authorities of other countries*, in addition to the number of submitted/executed requests for legal assistance and the qualitative description of applications (the country of origin of the request, subject of the application and implementation phase).
- Lack of financial resources being one of the impediments in sending letters rogatory requests in useful terms, allocation of financial resources for authorized translation could be an additional indicator (indication of the amount allocated from the state budget).

## **Recommendations**

1. Establishment of partnerships with the UAE has been a priority since 2010, but the consultation process with this country started only in 2013 and, in the best case, will be completed in 2014. It is imperative to intensify efforts at the international level to establish operational and sustainable partnerships with certain countries of destination such as countries of the Middle East and Asia.

2. Indicators established with respect to this sub-chapter are quantitative and allow assessment of the progress only from the system perspective, and not also from the perspective of victims of human trafficking. In view of establishing formal and informal partnerships it is recommended that in the following NAP, in addition to such indicators as the number of visits and established contacts, also some qualitative indicators are established: results of the study tours, the number of established and utilised contacts, the number of signed operational agreements, the number of people assisted through signed agreements/identified liaison persons and the number of dismantled criminal networks.

## GENERAL CONCLUSIONS AND RECOMMENDATIONS

The **General** conclusions and recommendations of this report constitute a summary of all specific conclusions and recommendations contained at the end of each thematic chapter of the Report<sup>51</sup> and are meant to respond to the five policy evaluation criteria at the basis of the research methodology: relevance, effectiveness, effectiveness, impact and sustainability of the prevention and combating THB policy.

The conclusions and recommendations were developed based on the results of the discussions held within 2 reference groups, organized in this study, with professionals in the area who participated in the development, financing and implementation of the 2010-2011 NAP and 2012-2013 NAP.

### Conclusions

1. Based on the analysis of national reports, and also based on the discussions held within the reference groups, we conclude that, in general, the policy on prevention and combating trafficking in human beings is quite relevant – the 2010-2011 NAP and especially the 2012-2013 NAP, were developed in view of solving the problems existent at the moment of documents drafting. The development of plans, especially of the 2012-2013 NAP, was a participatory process, involving the state structures, civil society and international organizations and donors. There were no limitations connected with the access of certain institutions/ organizations to this process, or the free expression of opinion regarding the existent problems. In general, the problems

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51 The specific conclusions and recommendations developed following a review of each compartment of the national plans to prevent and combat trafficking in human beings for 2010-2011 and 2012-2013 are incorporated at the end of each chapter

identified in the 2012-2013 NAP are, to a great extent, taken from the external and internal monitoring reports of the state policy of the Republic of Moldova. At the same time, these major issues were discussed with the central public authorities bearing main responsibility for the accomplishment of NAP and with the NAP implementing partners of the civil society and intergovernmental organizations active in this field. Thus, the 2012-2013 NAP includes a number of objectives and activities aimed at solution of identified problems.

2. At the same time, during the survey period, numerous proposals and initiatives came from NGOs and international organizations, and less from the public institutions. This is explained by the fact that the civil society and the international organizations implemented projects and provided direct services to victims, fact allowing them to propose activities focused on the needs of the beneficiaries of these policies, while the state institutions, in the absence of internal analysis reports and feasibility reports, have put forward proposals that could be later used for their reporting.
3. Information on the situation analysis/initial assessment/baseline, highlighting the needs of beneficiaries of policies, and also of the system, as well as the information on the degree of solution of these problems, was missing in case of both the 2010-2011 and the 2012-2013 NAPs. For this reason, it is difficult to assess the impact of policy and the degree of accomplishment of the strategic outcomes. It was difficult to make a distinction between the progress achieved in the period under consideration and the progress achieved in previous periods of time.
4. Although NAP contains objectives aimed at ensuring the identification of trafficking victims, provision of assistance and necessary protection, rehabilitation and reintegration of

victims, nevertheless the NAP, in its biggest part, does not allow the assessment of the extent to which the needs of this policy beneficiaries are covered. The progress indicators are formulated in their majority in terms of the system response and removal of the system weaknesses.

5. During the period subject to this study, two policy documents referring to the anti-trafficking were in force: the NPA covering the entire anti-trafficking area and the Strategy of the national referral System for the protection and assistance of victims and potential victims of human trafficking (2009- 2016). The latter is referring exclusively to the assistance and protection of victims. The National Plan would be a much smaller and concise document should there be a national strategy, covering the entire field of prevention and combating trafficking in human beings.
6. The NAP includes also measures to combat trafficking-related phenomena, which makes it difficult to assess the impact of the plan. One can see the need to develop policy documents for the related areas (prevention and combating domestic violence, economic empowerment of young people, etc.) able to establish the development directions and the organizational mechanism for the achievement of strategic objectives in these areas. The anti-trafficking policies should be more specific, targeted directly on prevention and combating THB. At the same time, the victims of human trafficking can be beneficiaries of policies developed under the documents for related fields.
7. With respect to the NAP effectiveness, the experts of the reference groups considered that the goals and objectives were, to a great extent, achieved. At the same time, there is a need to develop skills of professionals involved in the development of the NAP to set SMART objectives, establish qualitative progress indicators and strategic results.

8. In view of the fact that efficiency is an economic indicator, it was difficult to analyse the accomplishment of the *cost - efficiency* objectives, for the reason that there was no enough information on costs in the NAP. Information on costs was available only in 30% of the activities carried out during the period subject of investigation. During the discussions within the group of experts the need for training of professionals on budgeting specific to anti-trafficking activity was highlighted.

The analysis of the overall impact of actions undertaken by the State within the period under consideration indicates that most actions have a positive impact. Following the institutionalization of the Permanent Secretariat the coordination of activities in the area has greatly improved, especially at the central level. A number of actions were undertaken to improve and coordinate efforts at the local level as well. The website [www.antitrafic.gov.md](http://www.antitrafic.gov.md) shows the obtained results, the available methodological, legal and institutional resources. The level of public awareness on trafficking in human beings has increased. Some of the services offered to victims of human trafficking by the public institutions are funded from the state budget, and activity to combat human trafficking is carried out in a more professional format. However, it is much too complicated to assess the impact of each NAP since no analytical reports on the situation at national level were available during its planning (see item 3).

With respect to the sustainability of the analysed policy documents one may say that both 2010-2011 and 2012-2013 NAPs (the latter to a lesser extent) have been implemented with the support of foreign donors. Although the state has taken over part of the cost (repatriation and assistance to victims and potential victims of human trafficking, certain activities referring to the economic empowerment and integration into the labour market, information management, etc.), a considerable number of activities are further supported by external donors. In spite of the fact that 7 Support Centres are budgeted by

the state and by local budgets, the resources allocated hereby do not cover the needs of victims and the free of charge legal aid to victims of human trafficking continues being paid by NGOs and international organizations. Creation of a state compensation fund for victims of human trafficking remains a challenge for the Government of the Republic of Moldova.

11. The comparative analysis of both NAPs indicated the beneficial role of establishment of the Permanent Secretariat of the National Committee to Combat Human Trafficking. It contributed to the improvement of the coordination, coverage and monitoring of anti-trafficking activities of the National Committee territorial structures. It seems that the PS has had a positive influence on the consolidation of development efforts of the national Plans to prevent and combat human trafficking and on their improved structuring, especially the 2012-2013 NAP and the 2014-2016 NAP. It also contributed to dissemination of knowledge of the anti-trafficking state policy. These relevant beginnings of the PS deserve further support through capacity building for the PS team and extension of its mandate, to cover new competencies. The latter might include planning, capacity building for anti-trafficking actors and monitoring and evaluation activity with respect to the National Committee subdivisions (territorial committees, multidisciplinary teams and other territorial anti-trafficking actors).

## Recommendations

The following recommendations have been developed as a result of the ex-post analysis and evaluation of the degree of implementation of the 2010-2011 NAP and 2012-2013 NAP:

1. The process of the NAP development, monitoring and evaluation should remain, in an objective way, participatory and flexible, this quality being strengthened on a permanent basis. At the same time, more initiatives should come from the state entities. These initiatives should be based on a series of internal analysis reports revealing the needs of the policy beneficiaries and the institutional needs to meet the new challenges. This would bring about the improvement of cooperation between civil society and the state entities, as well as to and the mutual enrichment and improvement of activities/services provided by all anti-trafficking actors (the state, NGOs, IOs). It is recommended to further strengthen the Permanent Secretariat of the National Committee to Combat Human Trafficking and to ensure that it continues having an active and important role in collecting these initiatives and in their coordination with the anti-trafficking community.
2. Any new policy document in the anti-trafficking area (NAP, national strategy, etc.) should be based on the situation analysis/status of the system to prevent and combat trafficking and include a baseline study - the level of solution of existing problems in the previous period. Particular attention should be paid to the needs of the policy beneficiaries – the victims and potential victims of trafficking. It is recommended to also develop feasibility studies, analysing the possible risks. These studies should be carried out in advance, before the development of the policy document/at the end of the previous policy document implementation, they being important for the quality of the developed policy document.



3. Given that in 2016 the validity deadline for the two policy documents in the field of anti-trafficking expires, namely of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of THB and of the 2014-2016 NAP, it is recommended to carry out an evaluation of the degree of implementation of these documents before the end of 2016. In such a case, the evaluation results can be used for the development of the policy document (or documents – the National Strategy and the NAP) for the next period.
4. It is recommended to clearly decide what type of policy document should be developed for the next period after 2016: a strategy, a national program or a plan. It is recommended that these documents are a national Strategy to prevent and combat human trafficking and an Action Plan to implement the Strategy with clearly stated objectives and well defined indicators.
5. In the context of new stages of the path of the Republic of Moldova towards the European integration it becomes increasingly urgent to develop separate policy documents (the Strategy, the Action Plan) for the related arrears to human trafficking (such as domestic violence, economic empowerment of youth). This, on the one hand, would give a new impetus to the mobilization of professional community in the systemic solution of problems and, on the other hand, would allow the National Action Plan on prevention and combating trafficking in human beings to focus on clearer and measurable objectives, which will improve the quality of the evaluation of the policy implementation exercise.
6. It is recommended that trainings in result-based management are organised for the anti-trafficking community (the professionals involved in the development, monitoring and evaluation of policy documents), with the purpose to ensure the development of policy documents with strategic objectives and qualitative,

not just quantitative, indicators. In particular, the results should reflect, additionally to the response of the system to overcome the systemic weaknesses, also the impact of these documents on quality of life of the beneficiaries of these policies.

7. The creation of platforms for cross sector training and capacity building of national trainers is recommended with members representing both the practitioners and the academia. This will contribute to the upgrade and development of specialized curricula per domains and to the development of qualitative progress indicators, and new strategic results.
8. It is also recommended to organize trainings in the strategic budget formulation issue. Such training would contribute to a real improvement of the experts' skills to estimate activities in terms of the real cost-efficiency, ensuring that this information is presented in satisfactory proportions in the appropriate sections of the documents.
9. The capacity building of a PS member in evaluation and strategic planning issue is very welcome. Availability of a trained professional in this area would contribute to a definite improvement of the quality of NAP and the policy documents developed for the next period. The need for training in evaluation of policy documents is a current imperative. A resource-person in this area would train the professionals from the local territorial commissions who, in their turn, would be able to develop their own local action plans. This would further contribute to raising the level of public awareness about the risks of the phenomenon and the need to promote participatory attitudes to social (re) integration of victims of trafficking in human beings.

- 10.** It is recommended that State increases the share of allocations of financial resources from the state budget and the local budgets based on justified needs of the policy beneficiaries. Taking into consideration the redefined directions and ways of NGOs funding by the international donor bodies through the government - civil society mechanism, the imperative to practically implement the accreditation mechanism of social service providers and to purchase services from NGOs has become extremely actual.
- 11.** It is advised to strengthen the role of PS in coordination of activities, and also in planning, monitoring and evaluation of policy documents referring to prevention and combating trafficking in human beings. Additionally to the involvement of anti-trafficking community into the development of the National Action Plan and in the preparation of policy documents for the next period within a reasonable time, this would raise the cooperation between anti-trafficking actors to a new level. It would ensure the coordination of their activities and would ensure their conformity with the objectives and tasks of policy documents. Finally, this would raise the activity to prevent and combat trafficking in human beings to a new level.