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2023 Trafficking in Persons Report: Moldova

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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The Government of the Republic of Moldova does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Moldova remained on Tier 2. These efforts included investigating more trafficking cases, prosecuting significantly more suspected traffickers, adopting and implementing a new NRM, and approving a two-year NAP with dedicated funds for implementation. The General Police Inspectorate developed sexual assault response teams (SARTs) to respond to reported trafficking cases in rural regions. Furthermore, Parliament passed and entered into force amended legislation empowering the State Labor Inspectorate (SLI) to conduct unannounced labor inspections, which were the country's main mechanism to identify child labor, including forced child labor, at worksites known or suspected of human trafficking or unreported employment. However, the government did not meet the minimum standards in some key areas. Authorities convicted significantly fewer suspected traffickers and identified significantly fewer victims. Persistent gaps in victim protection remained including a limited number of identified victims receiving state-funded assistance. In addition, corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including those against complicit officials.

PRIORITIZED RECOMMENDATIONS:

- Proactively identify victims, particularly among vulnerable groups, such as children in state institutions.
- Increase efforts to convict traffickers, including complicit officials.
- Eliminate selective prosecution and hold complicit officials accountable by seeking adequate penalties, which should involve significant prison terms.
- Implement measures to address corruption in the judicial sector and law enforcement community.
- Ensure all identified victims receive state-funded assistance, including long-term assistance, regardless of their participation in court proceedings, particularly long-term reintegration support, such as education, counseling, and job-placement.
- Ensure consistent use of laws and regulations designed to protect victims during trial and prosecute perpetrators of witness tampering and intimidation to the full extent of the law.
- Expand training of police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions.
- Expand training for relevant authorities, particularly social workers in regions outside of the capital, on understanding trafficking and assisting victims.

PROSECUTION

The government increased law enforcement efforts. Articles 165 and 206 of the criminal code criminalized sex trafficking and labor trafficking. The law prescribed penalties of six to 12 years' imprisonment for trafficking crimes involving an adult victim and 10 to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code also criminalized forced labor and imposed penalties of up to three years' imprisonment. In 2022, the Prosecutor General's Office (PGO) held public consultations on new legislation to extensively amend the criminal code, including prescriptive sentences for trafficking related crimes and reviewing appropriate penalties, including new provisions for aggravating circumstances; the legislation was being finalized at the end of the reporting period. Law enforcement's and the judicial sector's capacity was significantly strained by Russia's full-scale invasion of Ukraine and its effects on Moldova, including a refugee crisis. Due to the overwhelming number of refugee arrivals during the initial crisis, police were unable to fully investigate some

cases, and courts delayed some proceedings, including trafficking trials. Shortly after the beginning of the reporting period, full investigations and court proceedings resumed. In 2022, authorities investigated 73 trafficking cases (33 sex trafficking, 39 labor trafficking, one unspecified form of trafficking), an increase from 57 in 2021; notably 20 of the cases involved 33 potential child sex trafficking victims. The government prosecuted 109 suspected traffickers (53 sex trafficking, 54 labor trafficking, two unspecified forms of trafficking), a significant increase from 37 in 2021. Courts convicted six traffickers (five sex trafficking, one labor trafficking), a significant decrease from 44 in 2021 and 32 in 2020. Sentences for convicted traffickers ranged from seven to 20 years' imprisonment. Moldovan authorities cooperated with their European counterparts on several trafficking-related investigations, judicial assistance requests, and extraditions. In one investigation, authorities from Moldova and Greece cooperated on a sex trafficking case resulting in the identification of two victims and arrest of nine suspects. In 2022, Moldova participated in an EUROPOL project analyzing the rising number of trafficking cases, and focused on forced criminality and begging, forced marriages, child trafficking, and other forms of exploitation in Europe.

Perennial problems, including staff shortages within the police and prosecutor's office, corruption in law enforcement and the judiciary, lack of adequate sentences for complicit officials, and lengthy trials, undermined government efforts. To address staffing needs, in 2022, the General Police Inspectorate developed SARTs to serve rural regions of Moldova where police typically did not have proper resources to respond to reported trafficking cases. The Center for Combating Trafficking in Persons (CCTIP), the lead anti-trafficking investigative and police agency, and the Organized Crime Prosecution Office (PCCOCS) continued to suffer from staff shortages, limiting the agencies' ability to investigate complex cases, including transnational criminal organizations or complicit government employees. Despite improvements, such as removing legislative obstacles to confiscate unjustified assets acquired through illicit means, increasing transparency, and pre-vetting candidates for judicial and prosecutorial bodies, corruption remained a serious problem. The judicial system remained an impediment to bringing traffickers to justice with law enforcement prosecutors, and members of the judiciary implicated in corrupt practices. While authorities investigated reports of corruption committed by officials, they did not always prosecute and punish them. In 2022, authorities investigated an employee of a district police inspectorate for labor trafficking involving two children. Authorities also investigated a member of CCTIP for "suspicion of influence peddling" concerning a trafficking case under CCTIP's management; both the alleged "influence peddling" and the trafficking case remained ongoing. The government reported the prosecution of complicit officials in six cases of official facilitation or obstruction of justice from previous years remained ongoing. Judges sometimes re-qualified cases from trafficking crimes to crimes with lesser penalties, such as "pimping," or postponed hearings – a practice common among judges suspected of corruption. In an attempt to increase transparency and efficiency in the

assignment of judges to cases, all courts in the country utilized an electronic case management system. Nonetheless, selective justice swayed by corruption continued to be a problem, and lawyers complained of violations of defendants' rights to a fair trial. Moreover, lengthy trials impeded justice and often led to the acquittal of traffickers.

Prosecutors at every level, from the PGO to regional territorial prosecution offices, were responsible for prosecuting trafficking crimes. The PGO maintained a unit with specialized prosecutors, who coordinated anti-trafficking prosecution policies and supervised the work of regional territorial prosecutors when working on trafficking cases. The PGO also investigated child sex trafficking and online sexual exploitation cases, involving information and communication technologies and provided guidelines for identifying, investigating, and prosecuting such cases. PCCOCS had a specialized unit for prosecuting trafficking cases initiated by CCTIP as well as cases involving criminal organizations. The coordinating council within the PGO consolidated the efforts of law enforcement agencies and set coordinated objectives and measures to prevent and combat trafficking. The Chisinau Prosecutor's Office maintained an Anti-Trafficking Bureau and conducted the prosecution of trafficking cases from Chisinau municipality; at the district level, specialized prosecutors conducted the prosecution of trafficking cases. Within the judiciary, there were specialized judges trained specifically to handle trafficking cases. These judges maintained five-year mandates, which increased their experience and understanding of trafficking and created a judicial environment more sensitive to victims' needs. In 2022, the government provided a range of trafficking-related training for judges, prosecutors, and investigators, including managing trafficking cases and focusing the criminal process on the victim. Overall, the government's ability to fund key law enforcement and social protection institutes remained limited. As a result, the government relied on donor funding and international organizations to train police, border guards, labor inspectors, prosecutors, and judges.

PROTECTION

The government maintained victim protection efforts. In 2022, the government identified 150 trafficking victims (53 sex trafficking, 97 labor trafficking), less than half the number of identified victims (312) in 2021. The government attributed the discrepancy to large-scale international investigations in 2021 that involved most identified victims. Of the 150 identified in 2022, the vast majority were Moldovan citizens. Forty-four were children (42 sex trafficking, two labor trafficking) compared with 32 in 2021, and all but one of these were girls. Observers reported police typically referred to services the most vulnerable victims, including children, individuals experiencing homelessness, and victims who needed protection to participate in criminal proceedings. According to an NGO, individuals previously arrested for commercial sex, previously incarcerated, or those

with drug addiction were less likely to be identified as victims. To help address gaps and streamline the identification and referral process, the government adopted and implemented a new four-year NRM in 2022. The NRM enabled officials to increase cooperation at the local and national levels, screen all crime victims for trafficking indicators, and provide specialized services to trafficking victims.

The government provided specialized services to trafficking victims mainly at the national level. In 2022, authorities referred 148 of 150 identified victims to services; however, similar to previous years, a limited number of victims received assistance – 24 percent (36 victims) in 2022, compared with 23 percent (70 victims) in 2021. While the law permitted identified victims access to services irrespective of their willingness to participate in criminal proceedings, according to civil society, in practice, victims received assistance only after law enforcement identification and if they participated in criminal proceedings. Victims received mainly short-term assistance (30 days) from two specialized shelters operated by the government in partnership with an international organization. In total, there were seven government-funded centers and shelters across the country, offering medical, legal, and psychological assistance to victims regardless of their cooperation with law enforcement. Male victims received specialized services, including social and rehabilitation services, and accommodation at a dedicated center. Observers reported long-term assistance for victims, particularly long-term reintegration support, such as education, counseling and job-placement, remained weak, leaving victims at risk of re-victimization. Civil society psychologists and attorneys remained the most qualified to assist victims, especially outside of the capital where government social workers frequently lacked trafficking-specific training. Foreign victims received the same access to care as Moldovan citizens; however, refugees and asylum-seekers received assistance in specialized centers under the Migration and Asylum Bureau. Observers noted a lack of adequate and immediate social support, including shelter, medical care and counseling, for foreign victims before determination of their legal status. Moldovan law permitted foreign victims a 30-day reflection period, during which they could receive assistance and protection while determining whether to cooperate with law enforcement. Foreign victims who chose to cooperate with law enforcement received temporary residency. Observers pointed out foreign victims did not have the right to social integration assistance and were expected to return to their country of origin at the conclusion of criminal proceedings. In 2022, the government reported spending 14.5 million Moldovan lei (MDL) (\$759,960) on victim protection (unreported in 2021). Observers noted overall inadequate resources, including insufficient funding, hampered government efforts. The government often relied on NGOs and international organizations to supplement government funding.

There were two referral mechanisms to support child victims: the NRM and the Intersectoral Cooperation Mechanism (ICM) for the protection of children. The NRM referred child victims to NGOs that provided psychological, social, and legal aid. The ICM enabled social services to refer cases to police when children were presumed to be at risk of violence, neglect, exploitation, or trafficking. The ICM centered on collaboration between authorities at the central or local level without civil society. Separately, the Ministry of Education and Research maintained a mechanism for identifying and reporting child abuse, including trafficking, in state institutions. Nonetheless, reports persisted of management in state institutions participating in the exploitation of children. The Center for Assistance and Protection of Victims of Human Trafficking (CAP) assisted child victims and offered legal, social, and psychological assistance, as well as accommodation to child victims. In 2022, CAP assisted 11 child victims in the shelter in Chisinau, compared with 19 in 2021. The CAP shelter in Chisinau remained the only facility for child victims and provided limited social services for 30 days followed by placement into permanent housing and continued counseling and assistance. Authorities also placed child victims in foster care, orphanages, state residential schools, group homes, or other types of temporary residential facilities due to the lack of dedicated facilities. The government maintained a regional center in Balti for integrated assistance for child victims of crime, including trafficking, designed to provide specialized medical, psychological, and social care and allow for forensic medical examinations and interviews with trained specialists in a safe environment. Civil society reported the lack of services for resocialization and reintegration for child victims of sexual exploitation put them at a higher risk for institutionalization and further trauma. Civil society also reported the need for increased cooperation among social protection services, healthcare providers, and law enforcement. The Ministry of Labor and Social Protection (MLSP) maintained a dedicated children's hotline, which, in 2022, received 353 calls, which led to referrals for suspected cases of abuse, neglect, exploitation, and trafficking. Additionally, the Ministry of the Interior and an NGO established a hotline to report online child sexual exploitation, including trafficking.

With the adoption and implementation of the new NRM, the government addressed previous years' inadequate protections for victims participating in investigations and prosecutions, such as seldom fully informing victims of their rights or about court proceedings and routinely not providing victims with status updates of their cases, including if their traffickers had been identified, arrested, or charged. According to the NRM, the PGO assumed responsibility for informing victims of their rights, assessing imminent risks and immediate needs of victims, advising on regional or central assistance centers, and ordering psychological evaluation and psychological or psychiatric care. Furthermore, the government amended the law exempting child victims and at-risk victims from required attendance in court proceedings and began implementing video recording of interviews to prevent re-traumatization. The government also amended the law to ensure child victims of sexu

abuse or exploitation, including trafficking, were interviewed in specially equipped rooms in accordance with international standards. The law allowed trafficking victims access to free legal assistance without providing proof of indigence; 29 victims benefited from public legal representation in 2022. However, the quality of legal assistance provided by public lawyers was not always sufficient. Not all public lawyers received special training to assist victims and did not always implement a victim-centered approach to criminal justice. Victims continued to rely mostly on NGOs for legal assistance, and NGOs relied on donors to fund such services. The State Guarantee Legal Aid Council, in partnership with an international organization, provided a trafficking guide with recommendations for legal aid lawyers on how to better assist victims. The law allowed victims to file for compensation for material damage, such as medical treatment costs or destruction of property, but only if prosecutors filed charges against traffickers or cases ended in convictions. In 2022, courts ordered restitution, totaling 210,000 MDL (\$11,010), to seven victims. The criminal code exempted trafficking victims from criminal liability for committing unlawful acts solely as a direct result of being trafficked. However, when authorities classified cases under related statutes such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. Similarly, if authorities reclassified sex trafficking cases to “pimping” cases, victims were no longer exempt from punishment and could be charged with commercial sex crimes. In 2022, the government began redacting the names of victims in public-facing records of court proceedings.

PREVENTION

The government increased prevention efforts. The government approved the 2022-2024 NAP, allocating 16.2 million MDL (\$849,060) toward implementation. While the government allocated financial and human resources to the NAP, in practice, it was dependent on assistance from international partners and civil society for many of its training and support activities. The Directorate for Coordination in the Field of Human Rights and Social Dialogue monitored implementation of the NAP and ensured the activity of the Permanent Secretariat of the National Committee for Combatting Trafficking in Persons, which oversaw the coordination, monitoring, and evaluation of all anti-trafficking policies. Each municipality and Gagauzia – a Turkic-speaking autonomous territorial unit – maintained a Territorial Commission for Combatting Trafficking to coordinate efforts at the local level. The commissions encompassed local elected officials, law enforcement, prosecutors, and social service providers. In 2022, the government conducted a national awareness campaign and information sessions on types of trafficking and assistance available for students and the general public. Several agencies and offices operated trafficking hotlines available in Romanian and Russian; 28 calls led to victim identification, referral to care, or criminal investigation. The government made efforts to reduce the demand for commercial sex a

by increasing the penalty for procuring commercial sex from between 20 to 40 hours of community service to between 40 to 60 hours of community service.

During the reporting period, Parliament passed and entered into force amended legislation authorizing SLI, which oversaw the occupational safety and health inspections, to conduct unannounced labor inspections – which were the country's main mechanism to identify child labor including forced child labor – at worksites known or suspected of human trafficking or unreported employment. Unlike previous legislation, the amendments permitted SLI to conduct unannounced inspections regardless of whether they received a written complaint or assessed an imminent threat. The amendments also permitted SLI to conduct unannounced inspections when they had suspicions or visual evidence of businesses' involvement in child labor. In addition, MLSP restructured SLI to increase efficiency; decrease corruption, specifically inspectors' opportunities to seek bribes; and boost SLI's powers to prevent and sanction illegal labor practices. Changes included firing inspectors who had a history of abusing their authority, raising salaries for inspectors who remained by 30 percent, and requiring inspectors to notify supervisors before conducting an unannounced inspection. Furthermore, SLI introduced a new internal audit section to monitor inspectors' activity and prevent and combat integrity risks. In cases of the worst forms of child labor, including trafficking, when inspectors identified a potential case, they immediately informed SLI. Case managers evaluated each case within 24 hours, and then, based on complexity, a multidisciplinary team, including CCTIP, assessed the case within 10 days. Case managers and the multidisciplinary team prepared a personalized assistance plan for victims. In 2022, authorities reported initiating 22 child labor investigations. In one case, CCTIP investigated suspected forced labor involving six boys; the investigation remained ongoing.

Under the law, SLI regulated employment agencies, recruiters, and unlicensed labor agents and required recruiters to provide transparent, legally binding contracts for prospective workers. Agencies in violation faced criminal charges for trafficking, among other penalties. However, SLI could only recommend penalties be assessed for labor law violations; the authority to impose and collect these penalties remained with the courts. Moldovan law prohibited agencies from charging prospective workers fees or taxes as part of the recruitment process. The law permitted collection of payment for additional services from Moldovan citizens seeking jobs abroad but forbade charges to job seekers for services performed by recruiters. Moldova's public procurement law banned government agencies from contracting with any person or company convicted of trafficking crime or child labor violations in the previous five years. The Ministry of Finance continued to provide guidance on public tenders that included a mechanism to exclude any economic agent involved in trafficking or child labor. The criminal laws against trafficking included penalties for individuals or companies profiting from trafficking. A report based on a national information campaign on labor

trafficking risks noted law enforcement was slow to investigate private employment agencies. Private employers could only be inspected upon referrals from law enforcement bodies or complaints received from private citizens.

In response to the influx of refugees fleeing Russia's full-scale invasion of Ukraine, the government partnered with an NGO to gather information and analysis on the following: identifying trafficking risks among refugees, assessing vulnerability to trafficking, existing services for refugees, and training on those services. The government also established an intersectoral mechanism to identify, assist, and monitor child refugees. In 2022, authorities did not identify any victims or potential victims among refugees from Ukraine. Experts agreed the lack of confirmed trafficking cases reflected authorities' failure to identify trafficking cases rather than the complete absence of trafficking among this population. The government and UNHCR led a task force on the protection of refugees from trafficking. The government also launched a guide on identifying victims in the context of mixed migration flows, particularly among foreigners and stateless persons, and granting them access to necessary assistance and protection. Authorities participated in an OSCE facilitated workshop focused on the importance of interagency coordination in combating trafficking during the refugee crisis.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Moldova, and traffickers exploit victims from Moldova abroad. Traffickers typically recruit victims through personal contacts but increasingly use the internet and social media. Most victims are unemployed, from rural areas, and have received little education. Traffickers exploit Moldovan citizens in sex trafficking and labor trafficking within Moldova and in other parts of Europe. Victims of sex trafficking are overwhelmingly women and girls. Traffickers operating in Romania and Moldova exploit Moldovan women and girls in Romania and with fraudulent passports in trafficking operations across Europe. In recent years, authorities report children exploited in online child pornography, which experts note is used as a grooming method for sex trafficking; in some cases parents exploited their children. Cases involving child victims were mostly sex trafficking cases occurring in Chisinau. Traffickers exploit children, some as young as five, in commercial sex and child labor, mostly in agriculture, particularly harvesting commercial crops, as well as construction, hospitality, and manufacturing. Many child laborers work in family businesses or on family farms. Children, living on the street, in state institutions, such as orphanages, aging out of such institutions, or abandoned by parents migrating abroad, remain vulnerable to trafficking. Observers express concern that corrupt management in state institutions exploit children in domestic service or on farms. The government continued its efforts to deinstitutionalize children and support fami

style living arrangements. Children from Romani communities are more vulnerable to child labor and trafficking. Labor trafficking remains the most prevalent form of exploitation among adult migrants and victims. Internal labor trafficking, particularly in the agriculture and construction sectors, and forced begging is steadily on the rise, including among labor migrants. The undocumented or stateless population within Moldova, including the Romani community, are at risk of exploitation, primarily in the agricultural sector. Traffickers disproportionately target people with mental disabilities for labor trafficking. Persons with disabilities living in residential institutions remained vulnerable to trafficking. Women from the Gagauzia Autonomous Territorial Unit are vulnerable to sex trafficking in Türkiye. More than 750,000 refugees, predominantly women and children, who have fled Ukraine and crossed the Moldova border seeking sanctuary, are highly vulnerable to trafficking. Reports indicate more than 100,000 refugees have stayed in Moldova as of the end of February 2023. Official complicity in trafficking crimes continues to be a problem.

THE BREAKAWAY REGION OF TRANSNISTRIA

The breakaway region of Transnistria remains outside the administrative control of the Government of the Republic of Moldova; therefore Moldovan authorities are unable to conduct trafficking investigations or labor inspections, including for child labor and forced child labor, in the region. Furthermore, Transnistria representatives do not communicate their law enforcement efforts to authorities in Chisinau. Consequently, there were no known trafficking investigations. Additionally, there were no known identified trafficking victims, compared with eight trafficking victims and 13 potential victims identified by an NGO in 2021. Furthermore, there were no statistical or qualitative analysis on child labor, including forced child labor, but civil society representatives note the situation in Transnistria does not differ significantly from the rest of Moldova. Victims in Transnistria do not have access to Moldovan legal protections or social services. Observers note insufficient victim assistance, including immediate and long-term reintegration, and protection leaves victims vulnerable to re-victimization. Presently, the toll-free, NGO-run hotline represents the main tool for addressing trafficking in the region and one of the few anti-trafficking initiatives supported by Transnistria representatives. The hotline provides access to information, identification, and referral to assistance for potential victims, including among refugees from Ukraine entering or transiting Moldova. Over the past decade, observers note a decline in Transnistria representatives' efforts to prevent and combat trafficking, and multiple reports express concern of systematic human rights abuses in the region. While in previous years Transnistria has been a predominate source for sex trafficking victims beyond Moldova, in countries such as Poland, Ukraine, and Russia, recently, reports indicate fewer victims from the region. Due in part to the presence of Russian peacekeepers in Transnistria, Ukraine closed the Transnistria segment of the Ukraine-Moldova border. As a result, Moldovan authorities and observers do not believe significant

volumes of traffic are flowing undetected between the Transnistria region and Ukraine. Since the start of the war, more than 40,000 refugees have entered the region with the majority transiting. The region hosts an unknown number of refugees; although, reports estimate up to 5,000 refugees are in Transnistria.

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