



Report of the Payoke-ISEC Project visit to Moldova

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wish hereby to express their profound gratitude to all interlocutors and partners of the PAYOKE/EC/ISEC anti- trafficking project in Moldova who took part in bilateral and joint meetings focusing on international and European policies and practices protecting the victims of trafficking in human beings.

In particular, the discussions with the following interlocutors have proven to be fruitful and useful for the future work in Europe:

H.E. Ms Valentina Buliga

*Minister of Labour, Social Protection and Family
Republic of Moldova*

H.E. Mr Octavian Grama

*Deputy Minister of Health
Ministry of Health*

H.E. Ambassador Dirk Schübel

*Head of Delegation
EU Delegation to Moldova*

Ms Lilia Pascal

*Director of Migration and Victim Reintegration Department **and her colleagues** in the
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THB Focal Point

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The contextual situation in Moldova

The discussions with the Moldovan authorities during the visit of the PAYOKE/CEIPA delegation were indicative of considerable interest paid to international and European cooperation as a mean of boosting the national capacities in prevention and combating THB as well as protecting the victims of THB in particular children and women.

The majority of interlocutors have broached the issue of emigration and stated that during the past years between three hundred thousand and one million of Moldavians, mainly young people have left the country irregularly in order to find gainful employment elsewhere. A significant, although not specified number of them were young woman and minors trafficked for sexual exploitation. Though none of the interlocutors could give a more precise total figure (apart of the number of cases being handled operatively) during the discussions held with national authorities and international agencies, it is assumed that number of trafficked persons from Moldova reaches several thousand a year. Reliable statistics are difficult to construct, we were told, as different departments are working with different approaches having different routines and limited financial and material resources available to develop a coherent methodology for data collection in this field.

Prevention of THB and current developments in Moldova

Prevention of THB in Moldova is a high priority issue for domestic and European policy makers. Moldova is a renowned source country of illegal migration and recruitment of potential victims of THB. Lately Moldova is being mention amongst source countries for child sex tourism. It was stressed during the exchanges on prevention aspects of THB that Moldova has attained an advance stage in developing preventive measures of effective and coherent nature.

Policy makers in Moldova are evidently keen on strongly linking the issues of trafficking with those triggering irregular or illegal emigration; i.e. it is believed that the root causes of both phenomena are low income, slowly growing economy, limited job opportunities, domestic violence, alcoholism, gender imbalance, insecurity in widest sense, etc.

The following elements appear constituting the pillars of prevention policy of Moldova against THB:

- awareness raising and information campaigns on root causes of THB;
- building a steady framework for cooperation amongst all stakeholders on the national and European levels respectively;
- developing coherent policy and undertaking legislative reforms manifestly curtailing THB and undercutting favourable conditions for organised crime;
- promoting bilateral cooperation and specific ties with institutions and agencies in countries in which victims are abused and exploited;
- strengthening the functioning rayon's and local multidisciplinary networks by involving sometimes involving NGOs.

- Adapting to international standards and implementing policies and strategies developed by the EU, US, UN and international community towards preventing THB and related forms of organised crime as much as these activities are required and funded by international donors.

It has been noted with much satisfaction that there is an increasing interest on the side of the authorities to create and encourage the development of a strong civil society and NGO community in Moldova. This would postulate, however a wide and open public discussion with the help of the media action tackling the root causes of THB in Moldova and the need for long term changes in the society. It has been recognised that future action in prevention of THB requires the continual involvement of the press and media as well as judicial, educational and public health sectors (journalists, judges, prosecutors, legal councillors, teachers, schools, academia, adult education, hospitals, medical personnel, doctors, etc). These sectors may considerably add to institutional and citizen's awareness towards prevention of and combating against marginalisation of victims, unjust treatment and discrimination of victims, gender imbalance, non or low-compensation of victims, growing psycho-social disorders, irreparable health conditions, on one hand and creation of serious conditions jeopardising the functioning of democratic structures and the security of state by increasing corruption, dilapidation of the family and societal structures, growing international crime and spread of contagious diseases, etc.

Subsequently, it has been noted that well-conceived projects and initiatives promoted by the government of Moldova and the European Union through its various budget lines, focusing on curtailing illegal migration, furthering controlled migration (mobility partnership) and safe travel for citizens, regional cooperation, development of neighbourhood policy, stepping up combating organised crime, etc., implemented by international organisations such as IOM and ICMPD and NOGs such as Médecins du Monde, PAYOKE, CEIPA are being given priority. While underlining the need for effective measures in the field of prevention of THB, especially capacity building and training for professionals, the relevant state authorities and NGOs, identified the need for policies furthering more sustainability, continuity and national ownership as issues of priority to Moldova. It is essential that policy, know-how and expertise, decentralised structures, strong support for civil society and continual expert training stays in place once international funding and attention towards THB issues in Moldova declines. Especially in view of high spending in the public sector and modest performance in the field of economic development and foreign trade, it is important to develop long term prevention strategies by creating strong national and civil society structures. An important factor for prevention of THB, though not relating to it per se, appears to be the issue of regularised and managed migration linked to placement of remittance of migrants into favourable investment conditions in Moldova. As the issue of linking regularised emigration and remittances to preventive action towards THB has not yet been substantially explored, this issue has not been discussed any further with the interlocutors in Moldova.

The Victim Oriented and Human Rights Approach in Practise

Having thorough discussions with the leading experts in the Ministries of Labour and Social Affairs, Ministry of Health, Ministry of Interior, Ministry of Foreign Affairs, the Permanent Secretariat of the National Committee for Preventing and Combating THB, the EU Delegation to Moldova, IOM, Médecins du Monde and independent experts, is evident that Moldova is undertaking its very best efforts in complying with international and European standards,

setting in place new legislative and administrative norms and practises when dealing with the protection of THB victims in Moldova.

A number of important reforms have taken place during the past years and very recently on legislative and administrative levels respectively, giving a new impetus to the issue of protection of victims and in general to human rights. Through close cooperation with a number of normative bodies such as the EC and EU MS governments, the CoE, the US Government, the UN specialised organisations as well as NGOs, European and international operative organisations such as ICMPD and IOM, the government of Moldova has acquired new knowledge which has been well channelled through all relevant departments of the government. Moldova is a party to the most relevant international legislation regarding the fight against THB, including the 2001 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the 2010 Council of Europe Convention on Actions against THB and its GRETA monitoring mechanism. It is also complying with the EU *acquis communautaire* in the field of trafficking, namely the 2011 EU Directive on Preventing and Combating THB and protecting its victims as well as recommendations of the EU Stockholm Programme, and the related EU Action Oriented Paper on Strengthening the EU External Dimension against trafficking.

At the same time it appears that the government of Moldova undertakes good efforts in putting a coherent monitoring mechanisms in place. It focuses on the progress made in the implementation of the provisions of international and European standards stipulated by the 2001 UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Council of Europe's Convention on Actions against THB and its monitoring mechanism GRETA, the EU's Stockholm Programme (2009-2014) and the related Action Oriented Paper (AOP) on Strengthening the EU External Dimension against THB setting the framework for cooperation between the EU and external partners by way of concrete recommendations for action and strategies. This process could be seen as an evidence for Moldova's determination to associate closely to the EU standards and norms as well as continually building up relations with the US government.

It is of importance to note that the government of Moldova has established a new institutional framework based on its own national and European priorities in combating organised crime and protecting the victims of THB. Within this institutional framework a Permanent Secretariat for Preventing and Combating THB has been established in 2011. It functions as a catalyst between all relevant ministries, preparing and guiding regular meetings of the National Committee for Combating THB, presided by the Prime Minister/Deputy Prime Minister and assisted by a number of senior ministers. The National Committee on THB meets regularly with all the expert bodies representing key governmental and regional bodies as well as the representatives of the US Embassy in Moldova, OSCE, ILO, UNDP, IOM and a few selected NGOs. Although the representatives of the EC, the WB, UNODC, UNHCR, ICMPD, UNICRI, UNICEF, etc. and a number of NGOs are not part of this structured consultative process, the well organised Permanent Secretariat and its modest expert staff keep the information flows and the coordination process amongst all parties concerned well a life. Their good efforts towards cooperation with the specialised units of the ministry of labour and social affairs, of the ministry of interior, ministry of foreign affairs, ministry of health, etc. are bringing tangible results. It was the impression of the PAYOKE/CEIPA mission that the Permanent Secretariat would merit increasing attention and support of the European and International donors; it needs to be strengthened in terms of resources, mandate and sustainable coordinating function. The Director of the PS is the only appointed

administrator, while the two experts (legal and social issues) have a temporary consultant status and their contractual commitment is of short duration.

Moreover the government of Moldova has reinforced the recently established Centre for Combating THB within the Ministry of Interior focusing on investigations, data collection, identification of perpetrators of crime and protection of victims. The newly appointed director of the centre as well as the minister of interior are internationally renowned and valued personalities.

The practical and proactive implementation of measures for protection of victims of THB are set within the framework of the so called National Referral System for Assistance and Protection of Victims and Potential Victims of THB (NRS). The model of the referral system in place is based on the ancient US much appreciated and effective cooperative system established through the resettlement of refugees after the 2 World War from Europe to US, Canada, Australia, etc. This model proved to be effective in bringing all active stakeholders in refugee resettlement since the 50ies into a functional cooperative hub focusing on practical operative assistance (by NGOs), logistics (travel arrangements provided by IOM) and information exchange (by government and international partners). The predecessor of the International Organisation for Migration has been created in 1951 in Brussels upon the initiative of the US State Department in order to facilitate the resettlement of refugees within the framework of a referral system consisting of NGOs and volunteers in the US helping the cultural and linguistic integration of mainly Eastern European in USA. This well tested referral and integration model for refugees during the past decades is now, being successfully adapted and applied by the ministry of labour and social affairs, NGOs and IOM in Moldova for the return and re-integration of victims of THB.

As regards the multi-dimensional approach to protection of victims the ministry of labour, social affairs and family merits special recognition and attention. The specialised department of this ministry dealing with THB and migration is in command of high quality experts and managers dealing with all complex and challenging legal, security, administrative, operative and practical issues linked to the protection and re-integration of victims of THB. It should be noted that the good efforts of Moldavia's Minister for Labour, Social, Family and Gender Affairs as well as her specialised department have made possible the establishment of a functioning and sound national and international protection system for THB victims in Moldova. Much of the merit goes to the former Director of IOM in Moldova who with his engagement and close cooperation with the EC and US government give a substantial boost for these activities. The ministry of labour, social affairs and family is also a focal point and promoter in building strong links with the civil society and NGO community in Moldova and in Europe. This orientation merits stronger support by the donor community in the future. According to relevant interlocutors in Moldova additional and specific financial and material support given to further develop these activities in Moldova would lead to stronger civil society structures in this country and improved professional action in re-integration of THB victims by way of helping the multidisciplinary work such as identification of victims, data collection and statistics, intelligence gathering and information transfer, compensation of the victims, establishing the legal status of victims linked to granting temporary or permanent resident permit, protection in terms of judicial, health and psychosocial assistance, economic re-establishment, judicial and law enforcement protection and support in identifying the perpetrators, etc. It is of substantial importance that the specialised department of this ministry and its NGOs network receive continual and increasing opportunities to link up and cooperate with well-developed and independent networks protection of victims in countries such as Belgium, The Netherlands, Germany, Estonia, Italy, Sweden, Denmark, Portugal, etc.

The overall impression from the various discussions focusing on services and assistance given to potential and de facto/de jure victims of THB, the PAYOKE/CEIPA mission has gained, is that the authorities in Moldova undertake serious and relentless efforts to create and develop a high standard approach towards protection of Moldovan victims of THB. This is especially visible when looking at the cases assisted by the victim reintegration programme of the ministry of labour, social affairs, family. This programme shall be of interest to international donors especially when forging direct bi-lateral links with NGOs active in the EU MS, thus making the return and re-integration more cost-effective, monitored and accepted by all sides of the process.

Moldova's Efforts towards European and International Cooperation

The key ministries and authorities of Moldova have developed over years a solid base for cooperation with the US, EU MS governments as well as with the EC, CoE, UN specialised agencies and other international and regional organisations such as the OSCE, ICMPD, IOM and NGOs. The EC and its representation plays an important role in mid -and long term shaping of institutions, safeguarding the rule of law, undertaking efforts to build an independent justice and civil society value system in Moldova. The EC representation in Chisinau is an important catalyst between policy makers, civil society and private sector. The financial contribution of the EC to the strengthening of the capacities of public and private sectors has considerably increased during the past years. The EC has placed a number of experts and advisers to the Moldovan ministries upon their request helping to carry forward the institutional and legislative reforms and solidify management capacities. Regarding, the issue of THB, in its nature a complex and multi-disciplinary field, fresh support and advice to the newly created bodies and to the civil society should be considered by the European and international community. Special attention deserves the EC funded project implemented by the Médecins du Monde (MDM) an international agency mainly working in crisis areas with great engagement and professional skills. This is the case of the multidisciplinary EC project implemented in its final stage, administered by Antonetta Popescu, the MDM coordinator in Moldova, involving, health, medical, social, psychological and legal protection mechanisms for victims of THB in various regions of Moldova as well as in Transnistria. The aggregated knowledge and results of this project will be integrated into the implementing architecture of the EC/PAYOKE/CEIPA project concentrating on security and public health issues in victim protection.

It is apparent that this field needs an increased attention for several reasons. The research and results of the interviews undertaken by PAYOKE in Europe, Asia, Africa and Latin America strongly corroborate the reports, that victims are frequently in a psychological, mental and health situation which does not allow them to be fully accountable when interrogated by the police, questioned by the judges in their capacity as witnesses or simply giving evidence on the crime and perpetrators. This situation, when not dealt with properly, undermines on long run not only the objectivity of the judicial and law enforcement proceedings, including the evidence gathering, identification and prosecution of perpetrators but aggravates irreparably the integration and/or re-integration of the victims into the society. Subsequently the EC/PAYOKE/CEIPA project focuses on standardised and well adapted capacity building measures and curricula for medical, health and law enforcement officials. In close cooperation with the governments and expert bodies in Albania, Austria, Belgium, Hungary, Luxembourg, Moldova, the Netherlands, Norway, Portugal, Romania, UK as well as FRONTEx, EUROJUST, a set of practitioners and academic curricula will be tested and formalised at the end of this project. The coordination with the authorities in Moldova is well on the way and a

precise plan of implementation is being now set between PAYOKE and the ministry of labour and social affairs in Moldova.

Nevertheless, the EU and US donors should consider further support given to Moldova in building a stronger civil society, allowing the creation of NGOs dealing with international crime, in particular with the multidisciplinary approach towards THB. This means of course a strengthened security network by the authorities in the field of pro-active investigations and sharing the results with NGOs.

The work on compensation of victims, confiscation of assets of the perpetrators, establishment of a sound and impartial judicial system with judges and in particular with specialised state prosecutors shall remain a priority. Effective protection of victims goes hand in hand with the punishment of the perpetrators of crime. Training and curricula with the full involvement of legal practitioners and national NGOs should stay high on the agenda when focusing on European and international cooperation. As THB remains an international crime, it is of key importance to further all the good efforts to bring the law enforcement, justice, public health, migration sectors and civil society into a constructive dialogue and cooperative system tackling the root causes as well as symptoms of THB at the same time. This would improve prevention, data collection, information exchange, prosecution of crime and socio-economic integration of the victims.

The status of THB victims in Moldova and its relation to the permission of temporary protection and residence as well as the implementation of the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, should be subject to fresh discussion between Moldova and EU experts and NGOs.

The EU and US donors should also consider to support the good efforts of Moldova to pay special attention to a number of especially vulnerable groups such as the minors without parental care (left behind by the parents migrating to foreign countries), minors and persons in vulnerable situation due to the tension between Moldova and its transnistrian region, Moldovan migrants and THB victims in the EU MS and elsewhere (Middle East, Russia, etc.).

The PAYOKE/CEIPA mission has concluded on the positive stance and perspective for future cooperation with Moldova, having in mind the positive developments and the will of the stakeholders in this field to undertake increasing efforts in prevention and combat of THB as well give priority to protection of victims and human rights.

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