

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP(2012)6
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by the Republic of Moldova**

*adopted at the 8th meeting of the Committee of the Parties
on 11 June 2012*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by the Republic of Moldova on 19 May 2006;

Having examined the Report concerning the implementation of the Convention by the Republic of Moldova, adopted by GRETA at its 12th meeting (6-9 December 2011) in the framework of the first evaluation round;

Having examined the comments of the Moldovan Government on GRETA's report, submitted on 10 February 2012;

Welcoming the measures to combat trafficking in human beings taken by the Moldovan authorities, and in particular:

- the adoption of a specific law on preventing and combating trafficking in human beings and the introduction of a legal provision concerning the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so;
- the setting up of the National Committee for Combating Trafficking in Human Beings, which co-ordinates the efforts of all relevant actors, territorial commissions at the regional level and multidisciplinary teams in charge of the provision of assistance to victims and potential victims of trafficking;
- the setting up of a National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking;

- the establishment of the Centre for Combating Trafficking in Persons under the Ministry of the Interior, with a view to improving the investigation and prosecution of cases of human trafficking;
- the considerable efforts to raise general awareness about trafficking in human beings and to train relevant professionals;
- the steps taken to provide assistance to victims and potential victims of trafficking, through the setting up of centres and shelters funded to a large extent by the public authorities;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by the Republic of Moldova, in particular:

- strengthening the aspect of prevention through social and economic empowerment measures for groups vulnerable to trafficking in human beings;
- increasing efforts to identify victims of trafficking, including through outreach work and proactive investigations;
- taking further measures aimed at providing victims and potential victims of trafficking with adequate assistance, in particular by securing adequate human and financial resources for ensuring the effective functioning of the multidisciplinary teams and public bodies involved in the implementation of victim assistance;
- facilitating access to compensation for victims of trafficking, including by providing them with information on the right to compensation, ensuring that victims have effective access to legal aid, and setting up a State compensation scheme accessible to victims of trafficking;
- ensuring that human trafficking offenses are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions;
- taking additional measures to ensure that victims of trafficking are adequately informed, assisted and protected during pre-trial and court proceedings;
- ensuring that judges, prosecutors and other legal professionals are provided with regular training on trafficking in human beings and the situation of victims.

1. Recommends that the Government of the Republic of Moldova implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by the Republic of Moldova (see addendum);

2. Requests the Government of the Republic of Moldova to inform the Committee of the Parties of the measures taken to comply with this recommendation by 11 June 2014;

3. Invites the Government of the Republic of Moldova to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by the Republic of Moldova

Comprehensive approach and co-ordination

1. GRETA considers that the Moldovan authorities should:
 - continue strengthening the Secretariat and enhancing the budget of the National Committee for Combating Trafficking in Human Beings to ensure its effective functioning;
 - encourage a more effective participation of all public bodies involved in the implementation of anti-trafficking measures at the national and local levels, and increase the co-ordination of their activities;
 - further enhance the role of NGOs active in the field of combating THB in the Republic of Moldova, by providing them with the possibility to participate in the decision-making process, including through membership in the National Committee;
 - take practical measures to improve co-operation and communication between the police and NGOs at the local level, especially as regards identification of victims of trafficking.
2. Further, GRETA invites the Moldovan authorities to consider commissioning an independent evaluation of the implementation of the National Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.

Data collection and research

3. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Moldovan authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection. In this context, the Moldovan authorities should enhance information exchanges among the agencies responsible for the supervision of migration, employment and combating THB.
4. Further, GRETA considers that the Moldovan authorities should conduct and support research on THB, in particular for the purpose of labour exploitation, within the Republic of Moldova, child trafficking and trafficking for the removal of organs. The results of the research should be used as a source of information for future policy measures in the field of action against human trafficking.

International co-operation

5. GRETA considers that the Moldovan authorities should enhance international co-operation in the criminal and non-criminal fields by concluding agreements with countries where Moldovan nationals are trafficked to.

Awareness raising and education

6. GRETA considers that the Moldovan authorities should continue their efforts to raise the awareness of the general public concerning THB. In parallel to this, the authorities should take steps to design and implement tailor-made preventive measures for groups particularly vulnerable to THB with a view to informing them in a convincing manner about the dangers of trafficking. Awareness-raising campaigns, education in schools and training of relevant professionals should aim at promoting gender equality and eradicating gender-based violence and the stigmatisation of victims of trafficking.

Social, economic and other initiatives for groups vulnerable to THB

7. GRETA urges the Moldovan authorities to strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the identified root causes of THB (economic and social conditions, poverty, inadequate education, absence of employment opportunities, etc.) and should aim to decrease and ultimately eliminate these causes.

8. GRETA also urges the Moldovan authorities to ensure the registration of all children at birth as a prevention measure against trafficking.

9. Further, GRETA urges the Moldovan authorities to take steps to secure the registration of all persons from vulnerable groups for social services, both as a prevention measure and in order to avoid re-trafficking.

Border measures to prevent trafficking in human beings

10. GRETA considers that the Moldovan authorities should make further efforts to:

- detect cases of THB in the context of border controls;
- introduce a checklist to identify potential trafficking-related risks during the visa application system;
- provide employees of the Border Guard Service with training in order to increase their capacity to proactively detect cases of human trafficking.

Identification of victims of trafficking in human beings

11. GRETA urges the Moldovan authorities to:

- develop and implement further measures to identify victims of trafficking among vulnerable groups, including women from socially disadvantaged families, women subjected to domestic violence, young people leaving residential care institutions, as well as men in economically disadvantaged situation;
- step up action to identify victims and potential victims of THB among children left without parental care, orphan children placed in institutions and any other categories of children susceptible to trafficking;
- enhance efforts to identify victims of THB subjected to exploitation within Moldova (both Moldovan and foreign nationals);

- provide regular training to members of the multidisciplinary teams, employees of the Border Guard Service, labour inspectors, social workers, staff of special institutions for children and other professions who may come into contact with victims of trafficking;
- ensure that the multidisciplinary teams, local police officers, social workers and other relevant actors adopt a more proactive approach and increase their outreach work to identify victims and potential victims of trafficking;
- encourage NGOs to enhance their proactive involvement in the identification of victims and potential victims of trafficking.

Assistance to victims

12. GRETA urges the Moldovan authorities to take further legislative and practical measures aimed at providing all victims and potential victims of THB with adequate assistance and protection, and in particular to:

- ensure that the multidisciplinary teams and public bodies involved in the implementation of victim assistance and protection measures have the necessary human and financial resources to ensure their unhindered and effective functioning;
- provide training to all persons responsible for the provision of assistance and protection measures to victims of trafficking;
- ensure that the local authorities in all districts effectively participate in the operation of the NRS, including in facilitating the provision of assistance to victims of trafficking;
- carry out an independent evaluation of the effectiveness of the operation of the NRS, in particular as regards assistance to victims of trafficking.

Compensation and legal redress

13. GRETA urges the Moldovan authorities to step up efforts to provide information to victims of THB about their right to compensation and ways to access it, and to ensure that victims have effective access to legal aid in this respect. Further, considering the low number of victims who have received compensation from perpetrators, GRETA urges the Moldovan authorities to set up a State compensation scheme (e.g. a compensation fund) accessible to victims of THB.

Repatriation and return of victims

14. GRETA considers that the Moldovan authorities should improve the practical application of the existing framework for the repatriation of victims of THB, with due regard to their safety, dignity and protection, paying special attention to the needs and best interest of child victims.

15. Further, GRETA considers that the Moldovan authorities should develop co-operation arrangements and establish working contacts with States from which Moldovan nationals are being repatriated with a view to facilitating the identification of potential victims of trafficking among illegal migrants and unaccompanied minors prior to their repatriation, to ensure an effective and comprehensive risk assessment and enable their safe return to Moldova.

Investigation, prosecution and procedural law

16. GRETA urges the Moldovan authorities to take measures to:

- step up proactive investigation of potential cases of THB;
- prioritise the identification of gaps in the investigation procedure and the presentation of cases in court with a view to ensuring that crimes related to THB are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions;
- investigate and prosecute with priority cases of THB with the alleged involvement of public officials;
- ensure that judges, prosecutors and other legal professionals have regular training on THB and the situation of victims, including issues of gender equality.

17. GRETA also considers that the Moldovan authorities should make full use of the available measures to protect victims and take additional measures to ensure that victims of THB are adequately informed and assisted during pre-trial and court proceedings.