

Moldova



Population: 4,317,483 (July 2010 est.)
Population Growth Rate: -0.072% (2010 est.)
Birth Rate: 11.16 births/1,000 population (2010 est.)
Life Expectancy: *total population:* 71.09 years; *male:* 67.39 years; *female:* 75 years (2010 est.)
Literacy Rate: *total population:* 99.1%; *male:* 99.7%; *female:* 98.6% (2005 est.)
Net Migration Rate: -1.13 migrant(s)/1,000 population (2010 est.)
Unemployment Rate: 2.6% (2009 est.)
Gross Domestic Product per Capita: \$2,300 (2009 est.)
Religions: Eastern Orthodox 98%, Jewish 1.5%, Baptist and other 0.5%
Languages: Moldovan (official, virtually the same as the Romanian language), Russian, Gagauz (Turkish dialect)
Ethnic Groups: Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3%
Capital: Chisinau¹

Trafficking Routes

Moldova is primarily a country of origin, and to a lesser extent a country of transit, for trafficking in persons. Destination countries for trafficked women and children include Turkey, Israel, the United Arab Emirates, Ukraine, Russia, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Italy, France, Portugal, and Austria.² Criminal trafficking rings operate easily within Moldova in the disputed region of Trans-Dniester.³ As a result, the Trans-Dniester-Ukraine border is a key route used by traffickers.⁴

Factors That Contribute to the Trafficking Infrastructure

¹ CIA, THE WORLD FACTBOOK 2009, <https://www.cia.gov/library/publications/the-world-factbook/geos/md.html>.

² COUNCIL OF EUROPE, DIRECTORATE GENERAL OF HUMAN RIGHTS AND LEGAL AFFAIRS STRASBOURG, ACTION AGAINST TRAFFICKING IN HUMAN BEINGS: PREVENTION, PROTECTION AND PROSECUTION, (Feb. 16, 2007), http://www.coe.int/t/dg2/trafficking/campaign/Source/eg-thb-sem6-2007_Proceedings.pdf.

³ Radu Benea, *Weak Laws, Energy Wealth Fuel Rise In Sex Trade*, RADIO FREE EUROPE RADIO LIBERTY, July 7, 2008, http://www.rferl.org/content/Weak_Laws_Energy_Wealth_Contributing_Rise_Sex_Trade/1182172.html.

⁴ Global Security, *Transdniester*, <http://www.globalsecurity.org/military/world/war/transdniester.htm> (last visited Feb. 24, 2010).

There are several leading factors contributing to trafficking in Moldova. The continuous severe economic downturn is a key explanation of the extensive vulnerability of individuals to trafficking. Also, Moldova has a large emigrant population estimated at around 900,000 persons who have fled the country in recent years to work abroad.⁵ According to a UNICEF survey, with nearly total unemployment in Moldova, the registered daily income of 80 percent of the population is below a dollar per day.⁶ As a result, 70 percent of all migrant workers in Moldova are illegal.⁷ Parents are forced to abandon their children or leave them in uncertain conditions in order to search for work opportunities abroad. These children are then vulnerable prey for traffickers. According to the International Organization for Migration (IOM), “it is not the criminal networks, but the private despair and the abandonment [of the government] that ultimately pushed people over the edge” and to search for opportunities abroad.⁸

According to the 2005 Demographic and Health Survey in Moldova, 27 percent of women over 15 years of age have experienced violence in the home at least once. Out of 1,706 victims of trafficking identified and assisted in Moldova between 2000 and 2005, 10 percent were children and 70 percent had experienced family violence.⁹ Domestic conditions of this nature become push factors for young, unaware teenagers to accept ambiguous work opportunities abroad.

Forced marriage in Moldova is another cause and form of human trafficking. The Serbian nongovernmental organization Astra has reported cases of criminals manipulating women to marry them for the direct purpose of trafficking, with destinations primarily to Norway. The marriages have been conducted to “conceal a criminal offense, eliminate a potential witness, or misrepresent the situation of the woman.” Various NGOs are seeking legal means to annul these forced marriages.¹⁰

Forms of Trafficking

In Moldova, human trafficking is primarily associated with sexual slavery. Subsequently, other serious forms of trafficking are not identified and addressed appropriately. As a result, exploited migrant workers do not identify themselves as human trafficking victims and do not seek out assistance and protection.¹¹ Furthermore,

⁵ Igor Munteanu, *Moldova looks westward and wins?*, 11:3 SOUTH-EAST EUROPE REVIEW FOR LABOR AND SOCIAL AFFAIRS 371, 384 (2008), available at: http://www.boeckler.de/pdf/seer_2008_3.pdf.

⁶ Pridnestrovskaia Moldavskaia Respublica, *Moldova: Model to follow or human rights disaster?*, <http://pridnestrovie.net/moldovatoday.html> (last visited Feb. 25, 2010).

⁷ Julia Rooke, *Helping Moldova's deserted children*, BBC, Apr. 11, 2007, http://news.bbc.co.uk/2/hi/programmes/crossing_continents/6542385.stm.

⁸ *Id.*

⁹ Tatiana Tibuleac, *Young Moldovan mother who survived trafficking struggles to recover*, UNICEF Newline, 3/26/2007, http://www.unicef.org/infobycountry/moldova_39204.html.

¹⁰ U.N. Human Rights Council, *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children*, U.N. Doc. A/HRC/4/23 (Jan. 24, 2007), (prepared by Sigma Huda) available at:

<http://www.aretusa.net/02areadocumenti/newdoc/SRTraffickingReporttoUN2007-00011.doc>.

¹¹ *Migrant women vulnerability to exploitation and human trafficking*, La Strada Moldova, (June 15, 2009), http://www.lastrada.md/actiuni_curente/en.html#15062009.

research shows that women are the overwhelming majority of trafficking victims.¹² However, a growing percentage of trafficking in men for forced labor and withdrawal of organs has been reported.¹³

The child sex trade has seen great escalation, with prices as low as \$500–\$600 for a child prostitute. It is a \$42.5 billion illegal industry for traffickers, while the average salary is less than \$100 a month.¹⁴ Orphans are exceptionally vulnerable to traffickers, with 30 percent having become victims of trafficking.¹⁵ According to the Ministry of Interior, sexual slavery, followed by begging and labor exploitation, is the most frequent form of exploitation.¹⁶

Government Responses

In 2005, Moldova adopted the Law on Preventing and Combating Trafficking in Human Beings, which focuses on enhancing preventative measures and acknowledges that trafficking in human beings is a crime affecting the fundamental human rights, dignity, and freedoms of the victim.¹⁷ The government approved the National Plan to Combat Trafficking in Human Beings,¹⁸ which is to be approved every two years and has established authorities to implement it, such the National Committee¹⁹ and Territorial Commissions.²⁰ The law also provides for the full protection of children as victims of trafficking. They are entitled to assistance in accommodation, integration, and rehabilitation until their full recovery.²¹

Parallel to the anti-trafficking law, the criminal code imposes imprisonment for seven to 15 years on anyone who commits an offense of trafficking in people for purposes of commercial or noncommercial sexual exploitation, forced labor, armed conflicts or other criminal activities, or organ or tissue transplantation and/or by using or threatening to use violence, by fraud, or by abuse of power or of the victim's position of vulnerability.²² Punishment is increased to imprisonment for 10 to 20 years if the offense is committed repeatedly, against two or more people, against a pregnant woman, by two or more people, by endangering a victim's life or physical or psychological health, or by using torture or inhuman or degrading treatment.²³ Punishment is increased to imprisonment for 15 to 25 years or to life

¹² TATIANA FOMINA et al., INTERNATIONAL CENTER FOR WOMEN'S RIGHTS PROTECTION AND PROMOTION "LA STRADA," TRAFFICKING IN PERSONS IN MOLDOVA (2005), available at: http://www.lastrada.md/publicatii/ebook/Trafic_persoane_eng.pdf.

¹³ *Id.*

¹⁴ *Moldova: Lower Prices behind sex slavery boom and child prostitution*, Mar. 12, 2007, TIRASPOL TIMES, http://tdh-childprotection.org/index2.php?option=com_content&do_pdf=1&id=72.

¹⁵ Fomina *supra* note 12.

¹⁶ Council of Europe, *supra* note 2.

¹⁷ OSCE MOLDOVA & LA STRADA, TRAFFICKING IN HUMAN BEINGS IN MOLDOVA: NORMATIVE ACTS, (2006), available at: http://www.osce.org/documents/mm/2006/06/19678_en.pdf.

¹⁸ Law on Preventing and Combating Trafficking in Human Beings, Oct. 20, 2005, Article 7

¹⁹ *Id.* art. 8, "Their role is to conduct training programs, information campaigns, submit proposals, monitor and assess current developments, coordinate and organize on a local level, and collaborate with NGOs, authorities, and citizens"

²⁰ *Id.* art 9.

²¹ *Id.* art. 25-29.

²² Criminal Code of the Republic of Moldova. Adopted by Law no. 985-XV on 18 April 2002. Article 165(1).

²³ *Id.* art. 165(2).

imprisonment if the offense is committed by a criminal group or criminal organization and it leads to serious bodily injury, permanent psychological damage, or death of a person.²⁴

The criminal code specifically outlaws trafficking in children for the purposes of commercial or noncommercial sexual exploitation, prostitution, or use in pornography. Trafficking is outlawed if the child is forced into labor, if the child's services are exploited, or if he or she is kept in slavery or in a condition similar to slavery. Moreover, the provision covers illegal adoption, armed conflicts and other criminal actions, organ or tissue transplantation, and abandonment of a child outside the child's native country. Punishment is imprisonment for seven to 15 years.²⁵ Punishment is increased to imprisonment for 10 to 20 years under certain aggravated circumstances.²⁶ It is additionally increased to imprisonment for 15 to 25 years or to life imprisonment if the offense is committed by an organized criminal group; if it is committed repeatedly; if it is committed against two or more children; or if it leads to serious bodily injury, mental illness, or the death of the child.²⁷

The criminal code further outlaws pimping[term ok?],²⁸ illegal transportation of children abroad,²⁹ kidnapping,³⁰ slavery and conditions similar to slavery,³¹ and forced labor.³² The constitution also prohibits forced labor.³³

The Administrative Offenses Code imposes punishment of a fine or administrative arrest for up to 20 days for the practice of prostitution.³⁴ In addition, the code outlaws incitement to prostitution. Punishment is a fine and confiscation of the means that served for the incitement to prostitution.³⁵

Under the Law on State Protection of the Victim, of Witnesses, and of Other Parties in Criminal Proceedings, state protection is granted to the injured party, witnesses, and other persons that assist during the criminal proceedings.³⁶ In particular, the law provides for the protection of a person and the person's residence,³⁷ for temporary placement in safe locations,³⁸ for nondisclosure of data

²⁴ *Id.* art. 165(3)

²⁵ *Id.* art. 206(1)

²⁶ *Id.* art. 206(2). Aggravated circumstances are using physical or psychological violence against the child(article 206(2a)); subjecting the child to sexual abuse and commercial or noncommercial sexual exploitation (article 206(2b)); using torture or inhuman or degrading treatment to achieve the child's subjugation or using rape, physical dependence, or a weapon or threatening to divulge confidential information to the child's family or to other persons (article 206(2c)); subjecting the child to slavery or conditions similar to slavery (article 206(2d)); using the child in armed conflict (article 206(2e)); and drawing of organs or tissues for transplant (article 206(2f)).

²⁷ *Id.* art. 206(3).

²⁸ *Id.* art. 220. Punishment is imprisonment for 2 to 5 years and a fine

²⁹ *Id.* art. 207. Punishment is imprisonment for 7 to 12 years.

³⁰ *Id.* art. 164. Punishment is imprisonment for 5 to 10 years

³¹ *Id.* art. 167. Punishment is imprisonment for 3 to 10 years and a fine.

³² *Id.* art. 168. Punishment is imprisonment for up to 3 years and a fine.

³³ *Id.* art. 44(1).

³⁴ The Administrative Offenses Code (24 July 2008), Article 171(1).

³⁵ *Id.* art. 171(2).

³⁶ Law No. 1458-XIII (1998), article 1(s)

³⁷ *Id.* art. 9.

³⁸ *Id.* art. 11.

about the protected person,³⁹ for a change of identification documents,⁴⁰ and for the person's social protection.⁴¹

Nongovernmental and International Organizations Responses

In 2006, the Organization for Security and Co-operation in Europe (OSCE) Mission to Moldova launched the OSCE Trial Monitoring Program, which utilizes a human rights-based approach to analyze and evaluate the compliance of the judicial system with national and international legal standards. Many inadequacies and inefficiencies were found in the court system, such as delays, restricted public access, and disrespectful judges. Some cases involving female victims of human trafficking serve as examples of basic violations of the Criminal Procedures Code.⁴²

In 2009, the OSCE Mission to Moldova and the OSCE Secretariat's Strategic Police Matters Unit held a seminar to discuss the National Referral System (NRS), which was adopted in December 2008. The seminar focused on ensuring that judges, prosecutors, and investigators were familiarized with the guidelines of the NRS in properly identifying, assisting, and protecting victims of trafficking.⁴³

Numerous women's campaigns have been established in Moldova. The Association for Women in Contemporary Society began a successful information campaign, distributing leaflets, organizing 32 seminars, launching four radio programs in several cities, and translating trafficking-related documents. They educated 490 people.⁴⁴

The IOM has established a rehabilitation center to train mothers and children in life skills and prevent children's abandonment.⁴⁵

Materna Centre is a UNICEF-supported facility, helping trafficked women with children to rebuild their lives.⁴⁶

Multilateral Initiatives

Moldova has ratified the Criminal Convention on Corruption and the U.N. Convention Against Trans-border Crime and Additional Protocols, which makes it possible to hold criminally liable all persons implied in committing crimes related to trafficking and illegal immigration. Moldova effectively cooperates with Austria, Hungary, and Romania in the international documentation of criminal networks.

³⁹ *Id.* art. 12.

⁴⁰ *Id.* art. 13.

⁴¹ *Id.* art. 16.

⁴² OSCE MISSION TO MOLDOVA, 6-MONTH ANALYTIC REPORT: PRELIMINARY FINDINGS ON THE EXPERIENCE OF GOING TO COURT IN MOLDOVA 24-27, 49-50 (2006), http://www.atnet.md/public/114/en/6%20Month%20TMP%20Report%20_FINAL%20Mar%2007_eng.pdf.

⁴³ Press Release, The Organization for Security and Cooperation in Europe (OSCE), OSCE Mission to Moldova holds seminar to foster partnership and co-operation in fight against human trafficking, (May 29, 2009) available at: http://www.osce.org/spmu/item_1_37911.html.

⁴⁴ THE COALITION AGAINST TRAFFICKING IN WOMEN (CATW), CATW IN ACTION POLICY AND PRACTICE-CAMPAIGNS 6 (2006), available at: <http://action.web.ca/home/catw/attach/CATW%2006%20Newsletter.pdf>.

⁴⁵ Helping Moldova's Deserted Children *supra* note 7.

⁴⁶ Tatiana Tibuleac *supra* note 9.

The creation of the Centre for Combating Trafficking in Human Beings was an important step in enabling investigators and prosecutors to successfully prosecute persons involved in trafficking.⁴⁷

In 2007, the International Women's Rights Protection, and Promotion Center, La Strada, launched a general awareness campaign in response to the vulnerability of migrant workers to exploitation and human trafficking.⁴⁸ The campaign is a multilateral project with the government of the Republic of Moldova and several international bodies such as the ICCO (interchurch organization for development cooperation)[E: not sure if this is a proper name?], the Ministry of Foreign Affairs of Denmark, the Ministry of Foreign Affairs of Greece, the German Embassy in Chisinau, IOM Mission Moldova, and numerous media partners.⁴⁹

⁴⁷ OSCE Moldova & La Strada *supra* note 42.

⁴⁸ Migrant women vulnerability *supra* note 11.

⁴⁹ *Id.*