



EXECUTIVE SUMMARY

Moldova*



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Introduction

The Republic of Moldova, with a population of 3.6 million, is the second-smallest republic of the former Soviet Union and the most densely populated.¹ Since the break-up of the Soviet Union, Moldova has faced major economic difficulties leaving most of the population below the poverty line.² Despite recent progress from its small economic base, Moldova remains one of the poorest countries in Europe³ with more than 26% of the population living below the poverty line (below \$1.25 per day as measured in 2009), 30 % of whom are children.

Poverty has driven Moldovan youth to irregular migration, causing many to fall victim to criminal networks such as trafficking rings. Moreover, Moldova has one of the highest proportions of abandoned children in the Commonwealth of Independent States (CIS) region.⁴ These abandoned children, lacking parental care, are often undernourished and uneducated, making them particularly vulnerable to sexual exploitation and trafficking.⁵

Many Moldovan children drop out of school early to start work,⁶ and some may become victims of commercial sexual exploitation and trafficking.⁷ Despite the Moldovan legislature having passed legislation to prohibit child labour, a new study revealed that 17% of Moldovan children aged 5-17 are believed to work for remuneration,⁸ while an unknown number are forced into the worst forms of labour, including trafficking and sexual exploitation.⁹ Children from ethnic minorities are often discriminated against, especially those belonging to the Roma community.

Unfortunately, Moldova did not participate in any of the three World Congresses dedicated

to combat the commercial sexual exploitation of children (CSEC), and therefore has not adopted the *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*.

There are no official statistics nor estimates of the number of **children exploited through prostitution** in Moldova. Despite the lack of quantitative information, there is enough evidence to prove that this form of sexual exploitation affects a consistent number of Moldovan children and is very often linked to child trafficking. A total of 178 cases of minors (16-17 years old) engaging in prostitution were registered between 2005 and 2007.¹⁰ Many of the children exploited in commercial sex are also victims of domestic trafficking.

Although most prostituted children are girls, prostitution of boys is also a problem in Moldova. Children are generally recruited from the countryside and transported to the capital, Chisinau, for sexual exploitation in different locations.

Trafficking in children for sexual exploitation is the main manifestation of commercial sexual exploitation in Moldova. The U.S. Department of State has categorised Moldova as a Tier 2 country in combating human trafficking.¹¹ According to the International Organization for Migration, Moldova is the primary country of origin of children trafficked to the Middle East, the Balkans, and Europe.¹² Due to the phenomenon's latency, data on the number of children affected by domestic and international sexual trafficking is sparse. It has however been determined that the percentage of child victims of human trafficking is continuously growing, from 15% in 2004 to 20% in 2009.

In the period 2005–2009, child victims of trafficking were mainly trafficked to countries that do not have a visa regime for the citizens of Moldova (such as Russia and the Ukraine), as well as to countries with a facilitated visa regime, including Turkey. Children are often trafficked to the Ukraine and then onto other countries through the Transnistria region which, after the armed conflict in the '90s, has remained almost uncontrolled by Moldovan authorities.¹³

Although knowledge on **child pornography** in Moldova has improved in recent years, the issue remains largely uncovered and only a few cases have been identified.¹⁴ The increasing use of the Internet and mobile phones has provided avenues for easy production and distribution of child abuse material. Fraudulent modelling

agencies have been found to play a significant role in the production of child abuse images in Moldova. Moldovan children and adolescents are not adequately informed on the potential dangers connected with the use of the ICTs and are thus ill-equipped to navigate the Internet safely.

Recent research suggests that Moldova is becoming a popular destination for the **sexual exploitation of children in travel and tourism**. Facilitated by the cheap price of tourism services and the lack of counteraction by law enforcers, the sexual exploitation of children in tourism fuels the criminal business of domestic child sex trafficking and production of child abuse images. The problem of child sex-tourism, in contrast to child trafficking, is not yet an issue of concern for the authorities in Moldova.¹⁵

National Plan of Action (NPA)

Moldova has not adopted a comprehensive national plan of action (NPA) to address CSEC. Some aspects of CSEC are addressed in NPAs such as the National Plan for Combating Trafficking in Human Beings 2005 and the newly approved *National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labour* for 2011–2015. It is, however, concerning that despite an increase in CSEC in Moldova, multi-faceted strategies to tackle these serious violations are still lacking. Whilst a number of international and national agencies are formal partners in implementing the NPA on Trafficking, in practice, this collaboration remains limited due to the lack of structured funding provided by the government for the realisation of the NPA.¹⁶

The government's NPA concluded in 2011, but the National Committee for Combating

Trafficking in Persons is currently analyzing its results and developing a new plan to be launched in 2012.¹⁷ The *National Programme on Ensuring Gender Equality 2010–2015* contains a chapter with specific objectives on ending violence and human trafficking, giving particular attention children. To operationalise the programme, an action plan valid for 2010–2012 has been developed while another one will be drafted to cover the period 2013–2015. In 2011, the Moldovan government adopted the *National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor* for the period 2011–2015. The NPA merely envisages general measures against the worst forms of child labour, and whilst it does not specify indicators nor funding sources, it is the only policy document that specifically mentions the manifestations of CSEC and can therefore be used as an important advocacy tool.¹⁸

Coordination and Cooperation

Most child protection coordination efforts in Moldova have revolved around human and child trafficking, leaving other manifestations of CSEC unaddressed. Whilst a number of joint

and coordinated anti-trafficking responses are laudable, a number of gaps and shortcomings persist in this area. These include the limited participation of NGOs in the National

Committee for Combating Trafficking in Human Beings, insufficient involvement of some public bodies (particularly the Ministry of Health and the Ministry of Education) and minimal cooperation and communication between the police and NGOs at the local level, especially with regards to identification of victims of trafficking.¹⁹

In accordance with Moldovan anti-trafficking legislation, a Coordinating Council of Law Enforcement Bodies was established in June 2007 to supervise the implementation of legislation against human trafficking and submit annual reports to the Prosecutor General and the National Committee.²⁰ Coordination against human trafficking also takes place at local level through ad hoc territorial commissions which have been set up in each region and all administrative districts of Chisinau.

Although Moldova has been praised for creating the National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking, launched in 2006, various coordinating bodies do not appear to effectively address cases of child trafficking for sexual exploitation, especially as a result of limited specialised capacity building of relevant professionals on CSEC.²¹

With support from UN agencies and regional institutions such as the European Union and the Council of Europe, Moldova has actively participated in regional and international

forums to address child trafficking. The government has also undertaken to enhance cooperation with other countries to detect, investigate and prosecute these crimes while also paying attention to child victims' assistance and safe repatriation. Despite this progress, cooperation in identifying trafficking victims and facilitating their repatriation to Moldova remains problematic in the case of the United Arab Emirates, Cyprus and the Russian Federation, the main destination countries for trafficked children.

In 2007, Moldova signed a strategic agreement with the European Police Office (Europol) to enhance collaboration on preventing, detecting, suppressing and investigating serious international crimes, including human trafficking and production, sale or distribution of child pornography material.²² The Ministry of the Interior undertakes joint investigations to identify and safely return victims of trafficking and prosecute traffickers.

Moldova has also signed bilateral cooperation agreements on combating human trafficking or legal assistance on civil and criminal matters with several countries, and has completed several Memorandums of Understanding with other States to enhance anti-trafficking work in South-Eastern Europe. Moreover, the government is currently negotiating an agreement with the Russian Federation regarding cooperation on repatriating trafficking victims, combating migrant smuggling and assisting unaccompanied children.²³

Prevention

Despite the fact that the knowledge base on the different manifestations of CSEC has significantly expanded in recent times, government efforts to reduce children's vulnerability remain ad hoc and insufficient. Most initiatives to tackle the causes of CSEC are conducted by UN agencies, civil society organisations and other actors, with limited financial support from state agencies. Issues and actions that should be prioritised as part of a comprehensive preventive strategy include online child safety, awareness raising on travelling sex offenders and local demand, private sector involvement and activities to reach out to vulnerable children, such as

children living in institutions. Moldova has yet to establish a specialised Internet reporting hotline on child abuse materials and online sexual exploitation of children, as well as codes of conduct for the ICT industry and systems to prohibit access/remove child abuse images.

In April 2009, the government enacted a new law simplifying birth registration procedures, enabling birth certificates to be issued before the mother and child are discharged from the hospital. This effort should make Moldovan children less vulnerable to trafficking and sexual exploitation, as they now have legitimate identification documents.²⁴

A number of initiatives have recently been implemented, particularly by NGOs, to tackle the various forms of CSEC in Moldova. In 2010, La Strada Moldova launched new activities with a specific focus on CSEC prevention. The organisation disseminated a publication entitled “What we know about the commercial sexual exploitation of children” for teachers and professionals providing services to children. In 2011, several training workshops on CSEC and sexual abuse, including abuse via information technologies, were held for teachers, policemen, prosecutors, social workers and other representatives of child protection services.²⁵

With regard to child pornography, The Network of National Organisations fighting against Child Prostitution and Trafficking (The Network) has been instrumental in raising awareness of the issue through ICTs and training seminars. Prevention activities against the sexual exploitation of children in tourism have only begun recently, on the initiative of The Network. A number of activities to prevent the trafficking of children for sexual purposes were conducted under the anti-trafficking NPA during 2010 and 2011. The Ministry of Education has been a key player in organizing anti-trafficking conferences, and since 2008 has included human trafficking in the curriculum of civic education courses, which are mandatory for students in grades 5 to 12.²⁶

Protection

Moldova is a party to the main international instruments protecting children from sexual exploitation. The country acceded to the *Convention on the Rights of the Child* (CRC) and ratified the accompanying Optional Protocol on the Sale of children, child prostitution and child pornography (OPSC); however, the OPSC is applicable only to “the territory controlled effectively by the authorities of the Republic of Moldova”;²⁷ this excludes Transnistria. Moldova has also been a party to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* since 2005. Additionally, Moldova has ratified all of the relevant Council of Europe conventions related to trafficking and CSEC, including the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* in 2012.

The main domestic legal instruments protecting children from CSEC are the 2002 *Criminal Code*, and the 1994 Constitution. Moldova also has a reasonably comprehensive *Law on the Rights of the Child*, 1999 placing special emphasis on children who lack a temporary or permanent family or live in difficult conditions – a group particularly vulnerable to CSEC.²⁸ The legislation establishes the legal status of children, provides for certain rights and protects minors from various forms of violence, including the practice of any illegal sexual activity.²⁹

The Committee on the Rights of the Child,

though acknowledging progress in Moldova, has criticised the government in a number of areas, including the harmonisation of legislation with the CRC, allocation of resources, data collection, administration of juvenile justice, street children and economic exploitation, and child labour. The Committee also expressed concern over child trafficking and recommended that Moldova “strengthen measures to protect children who are victims of sexual exploitation, including trafficking and prostitution, and bring perpetrators of sexual abuse and exploitation to justice”.³⁰ The main legal loopholes that require urgent attention include comprising specific provisions that criminalise acts related to child prostitution, adopting legal measures concerning “online grooming”, the knowing access of child pornography and the use of a child in pornographic performances. The age of consent for sexual activity is not explicitly specified in Moldovan legislation, but according to the *Criminal Code*, it varies between 14 and 16 years. Moldova should harmonise its laws to protect all children under the age of 18.

Although Moldovan criminal law clearly defines and prohibits trafficking **in children for sexual purposes**, enforcement of trafficking provisions remains very weak. In 2005, Moldova enacted the *Law to Prevent and Combat Trafficking in Human Beings*. Aligned with obligations under the Trafficking Protocol, it contains an entire chapter on trafficking in children. Furthermore,

child victims of trafficking are not liable for any related crimes in Moldova while they were being trafficked.³¹

With regards to the definition of **child pornography** and related offences, the *Criminal Code* complies with the OPSC standards but is not yet fully in line with the *CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Namely, the current legislation fails to punish the “grooming” of children as well as knowingly accessing child pornography through the use of ICTs. It must also be stressed that the punishment for child pornography-related offences is not commensurate with the gravity of the crime in question. Furthermore, Moldova has not yet introduced a legal obligation for IT providers to block or remove child pornography hosted on their own servers.

Prostitution of children is currently prosecuted under provisions of the Criminal Code addressing trafficking in children and the prohibition of immoral acts; therefore, the law does not specifically define child prostitution. The current legal framework should be reformed to include a specific provision defining child prostitution as the use of any child below the age of 18 for sexual activity in exchange for remuneration or in-kind compensation. Furthermore, the law should clearly prohibit all acts of obtaining, offering, procuring and providing a child for prostitution and criminalise the “clients” of child prostitution.

Extradition law

Moldova should review its legislation to make all acts of sexual exploitation of children and adolescents committed by Moldovan nationals abroad an extraditable offence. Article 11 of the Moldovan *Criminal Code* envisages territorial jurisdiction for crimes committed in the territory of Moldova. It also extends active nationality jurisdiction over Moldovan citizens and stateless persons with permanent domiciles in Moldova who may have committed offences

abroad.³² Regrettably, Article 13.1 prohibits extradition of Moldovan nationals to foreign states for offences committed abroad. Therefore, if Moldovan nationals commit CSEC crimes abroad, these offences may go unpunished unless the government takes steps to prosecute its own nationals.

Child Protection Units

Criminal investigations and prosecution of human trafficking cases, including child trafficking, are the responsibility of the Centre for Combating Trafficking in Persons which was established in 2006 under the Ministry of the Interior. The Ministry of Interior recently created a special division to prevent and counteract transnational and cyber crimes. Starting August 2012, the department will deal only with Internet-related offences and will increase its staff to include 40 specialised police officers.³³

Support services for children

Moldova lacks state-funded and administered recovery programmes that specifically target child victims of commercial sexual exploitation. General provisions exist to support children who have suffered from trafficking, but the special needs of children who have been involved in child prostitution and child pornography are not taken into specific consideration.

Moldova has been praised for its National Referral System (NRS) for victims of trafficking;³⁴ however, besides lacking specialisation on CSEC, this mechanism appears to be affected by a number of significant shortcomings. Current gaps include the difficulty of identifying child victims hindering access to assistance, high turnover rates of staff due to low salaries (creating the need to train new staff), limited involvement of local authorities in a number of districts, and inadequate quality of the services provided.

Child and Youth Participation

The meaningful involvement of children and youth in all issues and matters affecting them, including CSEC, has not been sufficiently encouraged by the Moldovan government. The Committee on the Rights of the Child has expressed its concern about the limited consideration given to children's views in the decision-making process on laws, policies and programmes that are relevant to them.³⁵ Nevertheless, NGOs have provided good examples of successful child and youth participation, as exemplified by the work of The Network of National Organisations fighting against Child Prostitution and Trafficking. The Network considers child and youth participation a key component of its preventive work against

the different forms of CSEC. The Network has a Youth Section composed of young volunteers who engage in several activities, including awareness raising, training, advocacy, lobbying and work with the media.

In 2009, Moldova joined ECPAT International's three-year Global Youth Partnership Project against CSEC. The YPP is an innovative initiative to empower children and youth and provide them with the opportunity to raise their voices against CSEC in safe platforms. YPP members lead projects of advocacy, peer to-peer counselling, awareness raising and victims' support.

Priority Actions Required

National plan for action

Moldova should urgently develop a comprehensive NPA or multi-faceted strategy to address emerging forms of commercial sexual exploitation of children, particularly the production and dissemination of child abusive materials and child sex tourism. The government should further prioritise the fight against child trafficking by allocating the necessary resources for the implementation of its anti-trafficking NPA. Participation of all key stakeholders in this process, including children and young people, should also be promoted.

Coordination and Cooperation

Adequate financial resources must be allocated to the National Committee for Combating Trafficking in Human Beings. To further enhance its impact, civil society organisations should be involved as full members in the National Committee. The engagement of and coordination between public bodies preventing trafficking should be strengthened, particularly between the police and NGOs at the local level in identifying child victims. The Government of Moldova should urgently establish and enhance regional and international cooperation with

other states to better counteract emerging forms of CSEC, particularly in developing agreements for repatriation of child victims.

Prevention

Moldova's prevention efforts should take into account the rapidly developing nature of ICTs, by training and educating school teachers, parents and children on online safety, and the use of filters to block inappropriate material and harmful images of children. In collaboration with the IT industry, the government should also adopt the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, taking care to also engage actors involved in unregulated tourism, such as taxi drivers, tourist guides and websites selling travel products. Similarly, financial institutions should be encouraged to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.

Protection

While Moldova should undertake comprehensive legislative reforms in many

areas of CSEC, it is imperative that specific provisions are introduced to define and punish child prostitution-related offences as well as the online solicitation of children for sexual purposes (“grooming”). In light of Moldova’s grave problem of child sex tourism, the government should also consider criminalising the following offences: the advertising of child sex tours; the organisation of travel arrangements for a person for the purpose of engaging in sexual activity with a child at the destination; and, the transporting of a person for said purpose. Moreover, domestic legislation should be reviewed to make all acts of sexual exploitation of children and adolescents committed by Moldovan nationals abroad an extraditable offence. Finally, the necessary

legislative measures should be taken to require Internet service providers, mobile phone companies, search engines and other relevant ICT actors to report, block and remove child pornography websites and child sexual abuse images.

Child and Youth Participation

Measures should be taken to institutionalise the participation of children and young people in the development, implementation and evaluation of programmes and policies against CSEC. Furthermore, adequate funding of child and youth participation initiatives should be ensured.

Endnotes

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