



# Global Monitoring

*Report on the*

**status of action against commercial  
sexual exploitation of children**



## MOLDOVA

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# Glossary of terms and acronyms

**CCTIP:** Centre to Combat Trafficking in Persons

**CEOP:** Child Exploitation and Online Protection Centre

**CIS:** Commonwealth of Independent States

**CPTW:** Centre for the Prevention of Trafficking in Women

**CRC:** Convention on the Rights of the Child

**CSE:** Commercial sexual exploitation

**CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

**CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

**ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

**EI:** ECPAT International

**EU:** European Union

**ILO:** International Labour Organization

**IOM:** International Organization for Migration

**MIA:** Ministry of Internal Affairs

**NGO:** Non-governmental organisation

**NPA:** National Plan of Action

**OSCE:** Organisation on Security and Cooperation in Europe

**SECI:** Southern European Cooperative Initiative

**SPTTF:** Stability Pact Trafficking Task Force

**UN:** United Nations

**UNDP:** United Nations Development Programme

**UNICEF:** United Nations Children's Fund

# Foreword

Over ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

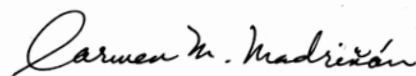
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last several years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project. This work would not have been realised without their support and solidarity.



Carmen Madriñán  
Executive Director, ECPAT International

## Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children (CSEC) provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration, as well as Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that, as

this information was not consistently available, the reports would focus only on those areas of the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection. Where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including the *Convention on the Rights of the Child (CRC)* country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the

reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information in each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); and (vi) priority actions required.



# MOLDOVA

Access to information on the commercial sexual exploitation of children in the Republic of Moldova is very limited and few studies have been conducted.

The ‘entertainment’ sector is often a cover for prostitution activities, and girls exploited in commercial sex can be found in bars, saunas and brothels alongside adult prostitutes.<sup>1</sup> According to International Organization for Migration (IOM), child prostitution is also widespread in hotels and near train and bus stations, and there is indication that some students engage in prostitution on weekends to generate extra income.<sup>2</sup>

Moldova remains one of the main countries of origin for trafficking in women and children in Europe, because of its geographical location, frail economic situation and problems of corruption among law enforcers.<sup>3</sup> Women and children are trafficked for sexual exploitation to eastern, southern and southeastern Europe and the Middle East, according to the Ministry of Internal Affairs of Moldova.<sup>4</sup> The Russian Federation is a key destination,<sup>5</sup> and data from the Temporary Centre for Minors in Moscow indicates that at least 50 per cent of the children begging in the streets of Moscow come from Moldova;<sup>6</sup> these children are at an extremely high risk of also being recruited by the local sex industry. As the western border of Moldova is better controlled, there is more evidence of trafficking through Ukraine, Russia<sup>7</sup> and Romania.<sup>8</sup> Due to lax visa regimes for citizens from certain southeastern Europe countries,<sup>9</sup> girls can travel with false passports that display an age older than their true age and thus enter in most European Union (EU) countries without restrictions.

## *Corruption playing a key role in child trafficking*

Although it has become a common procedure for immigration officers to interview minors leaving the country regarding the purpose of their travel, even when their documents are in order,<sup>10</sup> the effectiveness of such a procedure is often hampered by corruption at border crossings, as acknowledged by the Ministry of Internal Affairs.<sup>11</sup> In August 2006, for instance, several investigators, prosecutors and senior officials, including the deputy director of the now dismantled Centre to Combat Trafficking in Persons (CCTIP), were dismissed from their jobs for assisting a prominent trafficker and his syndicate. The case is still under investigation

and none of the accused have been prosecuted yet.<sup>12</sup> Throughout 2007, reports on the complicity of senior government officials and law enforcers in trafficking offences continued to surface, but no significant efforts were made to investigate them,<sup>13</sup> despite many ongoing initiatives from both the State and the civil society to combat corruption.

Trafficked children are usually aged between 12 and 18 years old. Those aged between 15 and 18 pose fewer risks for traffickers, as their papers can be easily falsified by changing the stated age; they also generate the highest incomes for their exploiters.<sup>14</sup> There is indication that many internationally trafficked girls were initially trafficked internally for sexual exploitation,<sup>15</sup> although hardly any information is available about the functioning of the internal prostitution scene in Moldova.<sup>16</sup> There have also been reports of boys being trafficked for sexual exploitation.<sup>17</sup> Trafficking victims come from both urban and rural areas of Moldova. However, most victims are from rural communities, due to the vulnerable economic situation of village families, lack of access to information and increasing migration to cities.<sup>18</sup> Recruiting networks are well-organised and victims are lured by false promises of well-paid jobs abroad. Recruitment takes place through women traffickers from the victims' village, press advertisements or unregistered tourism agencies and employment agencies; also through marriage agencies or Internet services, in a few cases.<sup>19</sup> Pimps also show up at bars and clubs and 'groom' girls, getting to know them, gaining their trust and then offering to 'help them go abroad'.<sup>20</sup>

### *Some sparse cases of child pornography*

Between 2000 and 2006, 2012 trafficking victims, of whom 446 were children, were returned to Moldova through IOM offices in other countries.<sup>21</sup> Reintegration of victims into Moldovan society is very difficult due to prejudices and intolerance towards girls trafficked for prostitution.<sup>22</sup>

Children without proper parental care are particularly at risk. Indeed, a large number of trafficked children were actually raised by their extended families or previously lived in childcare institutions, as their mothers had either been trafficked to foreign countries or had migrated.<sup>23</sup> According to United Nations Children's Fund (UNICEF), children growing up in childcare institutions are 10 times more vulnerable to trafficking,<sup>24</sup> partly because they seldom acquire adequate life skills or vocational training and therefore are at high risk of exploitation,<sup>25</sup> including commercial sexual exploitation. Children from ethnic minorities also constitute a key target group for traffickers, especially Roma children.<sup>26</sup> Reportedly, adult members of such communities have been responsible for trafficking children.<sup>27</sup>

Child abuse images have been found to be produced and distributed from Moldova, and a number of organised child pornography rings have been uncovered, with some perpetrators based outside the country.<sup>28</sup> Nonetheless, action against such crimes, which could easily grow to higher proportions, is taken only sporadically.

### *Lack of action against child pornography*

In early 2006, a group of Dutch citizens and a Moldovan citizen were identified as part of a network organising the production and distribution of child abuse images on the Internet. Having set up a “photo agency specialised in children”, they were shooting child abuse images in a studio located in the capital city of Chisinau, and distributing them through websites featuring adult pornography. The images could also be found by navigating websites that did not contain pornographic materials, belonging to the same fraudulent company. All such websites appeared to target “western” clients as they were in English. Even though 150 personal computer files were seized, many containing images of child sexual abuse, the foreign offenders simply left the country and no prosecutions took place, as Moldova lacked appropriate legislation on child pornography at the time.

In 2001, the Moldovan Border Police from Bender intercepted, in the train from Chisinau to Odessa, a group of minors aged between 13 and 16 (boys and girls) who were accompanied by two Moldovan women. The group claimed to be traveling to the seaside for holidays and to improve their English. In fact, it was found that they were heading to studios based in Odessa to produce child pornography. The children were travelling with their parents’ permission, who did not know the real reason for the trip, although some parents acknowledged suspecting something. Most of the children came from vulnerable families in rural areas. Some of them confirmed that they had been trafficked previously, and agreed to repeat the trip in return for small sums of money, usually around 100 lei (about USD 10). The criminals who were to photograph or abuse the children in the studios were never identified.<sup>29</sup>

Little information is available about child sex tourism in Moldova, but a number of recent cases indicate that children are being sexually exploited by tourists. In December 2007, UK citizen David Brian was arrested for contacting boys aged between 12 and 15 years in Internet cafés, inviting them to his rented apartment to ‘use the Internet for free’ and then sexually exploiting them in return for candies, money, gifts, mobile phone cards and subscriptions to swimming pools. Two computers containing child pornography images were seized from his apartment. Also in 2007, Svetlana Iascenco was sentenced to 20 years and six months’ imprisonment for recruiting minor girls from Transnistria for sexual exploitation by foreigners.<sup>30</sup>

Moldova did not participate in either the First or the Second World Congresses against Commercial Sexual Exploitation of Children, nor has it adopted the *Stockholm Declaration and Agenda for Action*.

## NATIONAL PLAN OF ACTION (NPA)

Moldova has no national plan of action to address the commercial sexual exploitation of children.

Following the recommendations of the Stability Pact for *South East Europe Anti-Trafficking Task Force*, in 2001 the Government of Moldova appointed a high-ranking governmental coordinator for all actions against human trafficking, formed the National Committee to Combat Trafficking in Human Beings and adopted a *National Plan to Combat and Prevent Trafficking in Human Beings*. Four sub-working groups were established - on prevention, protection, prosecution and child trafficking.<sup>31</sup> The national plan's envisaged measures pay significant attention to children and include the following: improving coordination and legislation; capacity building of state and non-governmental actors; improving the management, accessibility and exchange of relevant data; raising public awareness about the realities of migration and trafficking risks; reducing vulnerability to trafficking and re-trafficking; ensuring early identification of victims; ensuring legal residence, food, safe asylum, social assistance, protection and compensation to victims; ensuring special protection of victims who want to testify in trials; facilitating the reintegration of victims; increasing the prevention and intervention capacity of law enforcers; increasing cooperation with other states' law enforcement; and increasing the number of prosecutions and convictions of traffickers. The national plan identifies activities for each specific goal and objective, assigns precise responsibilities for their implementation, and is regularly updated.<sup>32</sup> The National Committee for Combating Trafficking in Persons monitors its implementation. Nevertheless, a 2007 report from OSCE pointed out that the coordination of anti-trafficking actions was far from satisfactory. An *Additional Action Plan to Prevent and Combat Trafficking in Human Beings* was approved in 2008.

Moreover, in 2003 a *National Strategy on Family and Child Protection* was adopted, and a steering group was established under the National Council for the Protection of Child Rights to coordinate the elaboration of the *National Plan of Action for Family and Child Protection*.<sup>33</sup> However this plan has no specific measures targeting CSEC.

# COORDINATION AND COOPERATION

## Local and National Level

Moldova has no focal point on CSEC and most child protection efforts focus on trafficking, with other manifestations of CSEC being neglected.

The National Committee to Combat Trafficking in Human Beings seeks to ensure that all Moldovan departments engaged in anti-trafficking activities collaborate as a task force. Led by the Deputy Prime Minister, the Committee is composed of representatives of ministries and other authorities of the central public administration. Representatives of NGOs and international organisations working on trafficking issues can participate at the Committee meetings, with consultative vote.<sup>34</sup> The Committee's activities are guided by the most recent version of the *National Plan to Prevent and Combat Trafficking in Human Beings* (2008-2009).<sup>35</sup>

Territorial Commissions to Combat Trafficking in Human Beings have also been established.<sup>36</sup> These are consultative and coordinating bodies set up in the second-level territorial units (rayons), composed of representatives of Ministries, public authorities and NGOs working on trafficking issues. They coordinate all activities related to the *National Plan to Combat and Prevent Trafficking in Human Beings*, implement several of them, and are also involved in monitoring its implementation. The territorial commissions are chaired by the vice-president of the respective local public authority on social problems, and are subordinate to the National Committee.<sup>37</sup>

### ***Coalition against CSEC is created***

The Moldovan Network of National Organisations Fighting against Child Prostitution and Trafficking was established in 2006 and affiliated to the ECPAT network in 2007. It comprises seven child protection organisations<sup>38</sup> (both governmental and non-governmental) and aims to protect children from sexual exploitation through holistic interventions. This is the first initiative in the country that brings together a variety of partners to work on various aspects of combating CSEC.

In addition, since 2001 the Association of Women in Legal Careers has been running the project Centre for the Prevention of Trafficking in Women (CPTW) aimed at preventing trafficking in women and children.<sup>39</sup> In an effort to improve coordination of anti-trafficking efforts in Moldova, CPTW signed a Memorandum of Understanding with the most relevant and active state agencies: the State Service for Migration; the Department of Social Assistance of the Ministry of Labour and Social Protection; the Division for Combating Organised Crime of the Ministry of Internal Affairs; the Department of Youth and Sport of the Ministry of Education; the Department of Information Technologies; and the Border Police.<sup>40</sup> CPTW also signed an agreement with IOM to enhance processing of identity papers and other lost documents of trafficked victims repatriated through IOM.<sup>41</sup>

Starting in 2002, an informal working group on child trafficking was coordinated by UNICEF. Although it came to an end in 2005, this group played an important role in terms of promoting actions against trafficking in children specifically, and raising awareness that child trafficking is a significant problem affecting the country.

## Regional and International Level

The Government has recently approved a Special Resolution on the repatriation procedures of trafficking victims and illegal migrants that meets international standards. It seeks to enhance cooperation between Moldovan authorities and the authorities of other states on identification and repatriation, and has special procedures for cases involving children. The Resolution also provides for protective measures in relation to the accommodation, rehabilitation and monitoring of victims.

Moldova is a member of the Stability Pact for South-Eastern Europe and participates in the programmes of the Stability Pact Trafficking Task Force (SPTTF), including the Southern European Cooperative Initiative (SECI) that links police forces of the region. In addition, bilateral agreements have been signed on labour migration and on cooperation to protect victims of trafficking,<sup>42</sup> for instance with Slovakia and Italy. Talks have been initiated for signing cooperation agreements on fighting trafficking with the United Arab Emirates and Israel. Recently, according to OSCE, 31 victims of trafficking were repatriated following collaborations with law enforcement in Kosovo, Russia and the United Arab Emirates.

### *More attention should be paid to the identification of trafficking victims*

Under the *Volgograd Agreement*, an administrative arrangement that exists between countries in the Commonwealth of Independent States (CIS), children found earning money in the streets of a country other than their own are held in transition and referral centers and transported back to their own countries. However, little attention is paid to finding out whether they have been trafficked and some cases of trafficking are therefore overlooked.<sup>43</sup>

Moldova also participated in the US/Balkan Forum on Missing and Sexually Exploited Children held in Greece in 2007. The forum was hosted by the US-based International Centre for Missing & Exploited Children, together with Greek NGO The Smile of the Child. Besides Moldova, the event was attended by representatives of governments and NGOs from nine Balkan countries.<sup>44</sup>

In 2002, Europol spearheaded a large-scale law enforcement operation against traffickers, code-named ‘Leda’, in which Moldova participated. It identified 110 suspected traffickers and led to 38 arrests.<sup>45</sup>

## PREVENTION

Efforts mostly concentrate on child trafficking while prevention of other forms of commercial sexual exploitation of children remains minimal, although some initiatives against other CSEC manifestations are emerging. Increased support is urgently required to large numbers of vulnerable children, especially children whose parents have migrated and institutionalised youth, who experience major difficulties in finding jobs and a place to live.

In recent years, there has been a great deal of awareness raising of child trafficking, as well as outreach to potential victims and education efforts in schools.<sup>46</sup> However, most such activities have been initiated by international organisations, subsidised by foreign institutions and implemented by NGOs, with little support from the Government itself. Indeed, local NGOs have become the main partners of international agencies, and play a significant role in combating child trafficking.<sup>47</sup> Prevention of child trafficking still requires strengthening though, as a large proportion of at-risk children remain poorly assisted and

highly vulnerable to exploitation<sup>48</sup> in particular children in residential care (around 12,000 children at present) and children whose parents have migrated to work abroad (currently around 69,136 children have one parent living abroad, while 30,411 children have both parents abroad).<sup>49</sup> The number of vulnerable minors has increased in recent years as a result of social poverty and mass migration, which has had a negative impact on the protection that families usually provide.<sup>50</sup>

IOM supports prevention programmes targeting these most at-risk groups when they become independent from their family and/or residential institution, ranging from awareness raising, economic empowerment through income-generation, life-skills development and vocational training.<sup>51</sup>

Many youngsters remain vulnerable to trafficking because they lack information on the risks associated with leaving the country, on methods of recruitment, and on ways of travelling abroad legally and safely.<sup>52</sup> The few sources of advice that adolescents can access were designed for young adults rather than adolescents, such as a telephone helpline operated by the NGO La Strada.<sup>53</sup> Still, some awareness raising campaigns have targeted children, such as those conducted by CCF Moldova and involving training of trainers, summer camps and the implementation of projects by children themselves in their communities.

One governmental initiative worth mentioning are the educational programmes and campaigns targeting teachers, parents, children and at-risk groups. These programmes and campaigns focus on the dangers and consequences of trafficking, how to address its causes, as well as the risks associated with using information and communications technologies. They have been jointly carried out by the Ministry of Youth and Education, the Ministry of Internal Affairs, local public administration authorities, IOM and local NGOs.

### ***A cinema chain shows a powerful awareness raising film for free***

During the winter holidays of 2003-2004, a cinema chain ran free showings of *Lilya-4-ever* - a poignant film about the real story of a neglected eastern European young girl deceived and trafficked to Sweden for prostitution. Between 30,000 and 50,000 Moldovans are estimated to have seen the film all around the country. A number of initiatives took place in parallel: NGOs handed out leaflets to young people in cinema lobbies, and cinema goers were asked about what they had learned from the film. Also, staff from the NGO La Strada talked with young people leaving the cinemas to make sure they did not think that only girls abandoned by their parents were in danger of being trafficked, or that Sweden was the only destination.<sup>54</sup>

In 2004 the NGO Cavis, in partnership with ECPAT International, conducted a situational analysis on the extent and forms of commercial sexual exploitation of children in Moldova. Subsequent meetings to disseminate the research findings and discuss follow-up action led to the establishment of the Moldovan Network, which is now the ECPAT affiliate in the country.

The Moldovan Network has since conducted a variety of activities to address all forms of CSEC in the country. In 2006, it organised a workshop on national and international legislation related to CSEC, attended by lawyers and a representative of the Penal Reform Institute. The workshop focused on identifying some of the main gaps in Moldovan legislation that hinder protection of children against sexual exploitation, such as the absence of adequate legislation to tackle child pornography (the law in this regard was amended in 2007). CCF, a network member, has also conducted research on child pornography in Moldova in 2008, as part of an ECPAT regional research project on the issue. The Moldovan Network participates in several ECPAT regional projects, such as the ECPAT Europe Law Enforcement Group Project on Implementing Multi-stakeholder Training on Combating Trafficking in Children for Sexual Purposes (see details in the Training Law Enforcement section).

### *Reform of the residential care system of Moldova*

In partnership with the Government, members of the Moldovan Network of National Organisations Fighting against Child Prostitution and Trafficking are presently involved in a project to reform the entire residential care system of Moldova. Approximately 12,000 children are currently under state care in Moldova, highly vulnerable to trafficking and other forms of exploitation. This project is planned for the period 2006-2012.

The Centre for Child's Rights, with financial assistance from the Children's Legal Centre and the British University of Essex, has launched a hotline (22 930 222) providing advice on the protection of children's rights and referring both children and parents to the competent bodies and authorities when violations are reported. Unfortunately this service is not yet widely known.

## PROTECTION

Moldova acceded to the *Convention on the Rights of the Child* in 1993 and ratified the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2007. ILO *Convention No. 182* was ratified in 2003 and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2005. At the European level, Moldova ratified the Council of Europe's *Convention on Action against Trafficking in Human Beings* in 2008 and also signed the Council of Europe's *Convention on Cybercrime*, but has not yet ratified it. Moldova also signed the Council of Europe's *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* in 2007, but has not yet ratified it.

### Legislation

The current version of Moldova's *Criminal Code* came into force in 2002. Although child trafficking became an offence in 2003, weak enforcement of the law is one of the reasons why Moldova remains a significant source country for trafficked children.<sup>55</sup> Of great concern is the fact that the *Criminal Code* makes no specific mention of child prostitution, which is punished only through general prostitution provisions.<sup>56</sup> Some sexual offences are considered aggravated when the victim is a minor, and thus subject to stiffer punishments. However, this usually only applies when the victim is under the age of 14, thus ignoring children aged between 14 and 18. This contradicts both Article 1 of the *Convention on the Rights of the Child*<sup>57</sup> and the *Law on the Rights of the Child No. 338*,<sup>58</sup> pursuant to which a person shall be considered a child from the moment of birth until the age of 18.

### Prostitution of Children

The *Criminal Code* should be revised 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 prostituted children.

Moldovan law does not specifically define child prostitution, which is punished under the umbrella of more general provisions. The 'pimping' offence prohibits encouraging,

forcing or recruiting someone into prostitution, or making profits out of another person's prostitution; punishment may be a fine or two to five years' imprisonment. If these acts are committed towards a minor, punishment increases to four to seven years' imprisonment.<sup>59</sup> Luring minors to commit "immoral acts" is punished with up to five years' imprisonment (up to six years if the perpetrator is a parent, teacher or other legal protector; and between five and ten years if violence or the threat of violence is used).<sup>60</sup>

The age of consent for sexual activity is not directly stated by Moldovan legislation, but varies between 14 and 16, depending on the provision.<sup>61</sup> Sexual intercourse or other actions of a sexual nature with someone who is known to be under 14 years old is punished with up to five years' imprisonment, regardless of consent.<sup>62</sup> Furthermore, Article 6 of the *Law on the Rights of the Child* protects minors from various forms of violence, including compelling minors to practice any illegal sexual activity.<sup>63</sup>

### Trafficking in Children for Sexual Purposes

Although Moldovan criminal law clearly defines and prohibits the trafficking in children for sexual purposes, enforcement of trafficking provisions remains very weak. This is partly due to corruption among law enforcers, which needs to be sternly combated: it is not uncommon that criminals charged with trafficking offences are later charged with less severe sexual procurement charges only, or receive lenient penalties

In 2003, child trafficking became a specific offence in the *Criminal Code*. Article 207 punishes the recruitment, transportation, transfer, sheltering or reception of a child, or giving, receiving payments or benefits in order to obtain the consent of the person who is in control of the child for the purpose of commercial or non-commercial sexual exploitation, prostitution and use in the pornography industry. Punishment is 10 to 15 years' imprisonment, which increases to between 15 and 20 years if there is violence against the child or if the child is subject to sexual abuse or exploitation. If these actions are committed repeatedly, or committed against two or more children, or committed by a criminal group, or if they result in serious bodily injury, mental illness or death to the child, the penalty is 20 to 25 years' or life imprisonment.<sup>64</sup>

Despite the presence of this law, Moldova remains one of the main countries of origin for child trafficking.<sup>65</sup> Children are often taken out of the country via the Transnistrian border, where Moldovan legislation is ignored by the secessionist authorities, making the border

less secure than in other parts of the country.<sup>66</sup> Child victims of trafficking are not liable for any crimes committed while they were being trafficked, as long as they cooperate with the prosecution.<sup>67</sup>

## Child Pornography

With regards to the definition of child pornography and related offences, the *Criminal Code* of Moldova complies with the *Optional Protocol* standards

Moldovan law criminalises the “production, distribution, diffusion, importing, exporting, offering, selling, changing, using, or possessing of images or other representations of one or more children involved in explicit sexual activities, real or simulated, or images or other representations of a child’s sexual organs, represented in appealing and indecent manner, including in electronic form, is punished with one to three years’ imprisonment, with a fine, applied to a juridical person, from 2,000 to 4,000 conventional units, with withdrawal of the right to exercise a certain activity”.<sup>68</sup>

## Extraterritorial Legislation

According to Article 11 of the *Criminal Code*, Moldovan citizens who commit crimes abroad are still liable under Moldovan law.<sup>69</sup> These citizens will not however be extradited to the country where the offence occurred, but will only face punishment according to the *Criminal Code* of Moldova.<sup>70</sup>

## Child Protection Units

Moldova lacks a child protection unit with expertise on all CSEC crimes against children, and not only on trafficking. Moldova also lacks agencies or professionals that specialise in the identifying, investigating and resolving of cases of child abuse.<sup>71</sup>

An anti-trafficking police unit was established in 2002 by the Ministry of Internal Affairs and the General Inspectorate of the Police. Based in Chisinau and including 27 officers

(focal points) from all over Moldova, it has also established a number of local bodies throughout the country, and takes part in a joint programme with the border police to exchange information on cases of trafficking and deportations. However, reportedly such a programme is not being very effective in terms of fostering much needed law enforcement cooperation against child trafficking, partly due to alleged corruption within the border police<sup>72</sup> and to the lack of adequate equipment.

In addition, the General Prosecutor's Office, within the Ministry of Justice, established a unit for minors and anti-trafficking issues.<sup>73</sup>

### **NGO provides safe space for children to testify**

The Amicul Centre for the Prevention of Child Abuse has an interview room where children are able to testify safely in criminal cases.<sup>74</sup> This is a good example of partnership between the legal system and NGOs to ensure that children do not suffer further traumas during legal proceedings and are able to provide more solid evidence against criminals.

Under the *Law on State Protection of the Victim, of Witnesses, and of Other Persons Who Provide Assistance in the Criminal Proceedings*, state protection is granted to witnesses, victims and their legal representatives in criminal proceedings.<sup>75</sup> If a child victim testifies in court, a teacher and psychologist must be invited to support the child (according to the *Criminal Procedure Code*).<sup>76</sup> A child of any age may testify, as long as they have the capacity to understand and appreciate the circumstances.<sup>77</sup>

## Support Services for Children

Moldova has no specialised services to assist children exploited in prostitution or trafficked for sexual purposes. Indeed, Moldova's deficient social assistance system leaves a large number of abused and neglected children with no access to support and treatment.<sup>78</sup> Trafficking victims, upon their consent, are placed in a shelter and involved in social inclusion programmes. Those who need special protection are placed in an apartment under surveillance 24 hours until the case is concluded. Underage trafficked girls are usually treated in the same way as adults by the authorities due to lack of special procedures and limited specialised services.<sup>79</sup> In addition, repatriation and reintegration services, which are essential to avoid re-victimisation, are currently provided by only a few organisations.<sup>80</sup> A National Referral Mechanism, applied in all cases involving children, is hardly efficient due to limited financial resources and technical expertise, as well as weak cooperation between state and civil society stakeholders.

No specialised services for child victims of trafficking existed until July 2003, when UNICEF supported a Child-Friendly Wing in the Rehabilitation Centre for Victims of Trafficking. Long-term referral services providing psychosocial, medical and legal support to children are gradually being established,<sup>81</sup> but they rarely consider the specific needs of children who have been exploited in the sex trade. The system of return and reintegration of trafficked victims has improved but is not yet working well as it requires a comprehensive provision of support services and security to ensure that girls are not caught up in a circle of repeated trafficking. The capacity of psychologists or social workers has also improved, but additional training is needed.<sup>82</sup> Only a few organisations deal with repatriation and reintegration of trafficked children, such as IOM, La Strada, Terre des hommes, Save the Children Moldova and CPTW.<sup>83</sup>

The Amicul Centre - run by the NGO National Child Abuse Prevention Centre together with the Municipal Child Protection Department of Chisinau, and supported by UNICEF - provides free long-term services for child victims of abuse and sexual exploitation through a multi-disciplinary team of experts that includes doctors, pedagogues, psychologists, psychiatrists and social workers. The centre

also acts as a referral service for children victims of trafficking from the Child-Friendly Wing mentioned above.<sup>84</sup>

In Chisinau, the Island of Hope training centre has provided training for girls who have been trafficked. While living in residential accommodation, they acquire vocational skills varying from hair styling to construction work. Students are reported to have found satisfactory jobs upon graduating.<sup>85</sup>

Terre des hommes runs the project 'FACT', working with children forced into prostitution. The project seeks to establish multi-disciplinary collaboration on a permanent basis between Moldova and the Russian Federation, for enhanced protection, repatriation, rehabilitation and reintegration of Moldovan children victims of abuse, exploitation and trafficking.

In March 2006, ECPAT International organised a three-day training for caregivers on 'Psychological Rehabilitation of Children who have been Commercially Sexually Exploited', attended by representatives from 12 NGOs working directly with child victims of sexual exploitation. Capacity building in this regard is urgently needed to ensure appropriate support to sexually exploited children.

## Training Law Enforcement Personnel

Under the auspices of the Stability Pact Task Force, in 2003 the signatory countries organised a three-pronged training programme to combat trafficking in persons, targeting the general police, special anti-trafficking investigators, prosecutors and judges. This comprehensive programme led to the adoption of a curriculum-based training programme for universal use in each of the countries' police academies, tailored to the laws, needs and experiences of each country.<sup>86</sup>

Another important outcome of this initiative is the ongoing creation of two databases on human trafficking, one of them containing criminal cases information (within the Ministry of Internal Affairs, at the Center for Combating Trafficking in Persons) and the other with information on victims (within the Ministry of Family and Child Social Protection). Currently the MIA does not collect information specifically on child victims of trafficking, which will be enabled through these new databases. It is also envisaged that a unique database will be set up for access by central and local authorities, to better prevent and combat human trafficking.<sup>87</sup>

The Moldovan Network of National Organisations Fighting against Child Prostitution and Trafficking participates in the ECPAT Europe Law Enforcement Group Project on Implementing Multi-stakeholder Training on Combating Trafficking in Children for Sexual Purposes. Within this framework, a small group of Moldovan law enforcers and social workers attended a training of trainers session held in Berlin in 2007 to enable them to deliver trainings for police officers and social workers in Moldova, with support from experts from western Europe. Subsequently, training was provided at Moldova's Police Academy to 25 law enforcers and 25 social assistants. A training manual was also produced for use in future trainings.

A series of seminars on 'Combating Sexual Exploitation' took place in early 2008 in Chisinau, attended by prosecutors, judges, police officers, forensic experts and NGOs, organised by the United Kingdom Embassy and the British Child Exploitation and Online Protection Centre – CEOP.

In April 2008, trainings on child interviewing mechanisms as well as on how to combat child sexual abuse were provided for police officers working with minors, by UNICEF. IOM also organised trainings for police officers dealing with minors, focused on migration issues.



- Moldova must adopt the *Stockholm Declaration and Agenda for Action* and develop a national plan of action to address all forms of commercial sexual exploitation of children taking place in the country.
- The creation of a national focal point on CSEC is a priority: this could be in the form of a working group within the Ministry of Internal Affairs, perhaps supported by international donors, to work exclusively on the issue and coordinate the efforts from other actors.
- A database containing information on the CSEC situation in the country, CSEC cases, the situation of child victims etc. should also be established.
- More CSEC awareness raising campaigns targeting youth are needed, as well as awareness trainings targeting key stakeholders (child protection officers, social workers, teachers, community members and parents) to enable them to play their part.
- To better protect institutionalised children and children without proper parental care, the residential care system must be reformed to ensure that every child lives within a family. Social assistance must be provided to those leaving institutions (help to find employment and accommodation, further education etc.). And, informative trainings should target both the staff and the children in institutions.
- To prevent trafficking of minority children, Roma children in particular, a specific strategy to integrate Roma families and children into the community must be elaborated, and the integration of Roma children should be monitored; also, Roma leaders should be trained to make awareness raising campaigns.

- Transition and referral centres must pay more attention to identifying which children are actually trafficking victims, with assistance from trained psychologists. Such psychologists could also participate in criminal investigations by helping to gather evidence and supporting the child, and testify in court as witnesses.
- Rehabilitation and reintegration programmes addressing the specific needs of CSEC victims are urgently required, providing short and long-term medical, psychosocial and legal support, as well as education, vocational training and micro-loans. These must be cooperatively provided by governmental institutions and NGOs, and involve the community.
- Moldova must ratify the Council of Europe's *Convention on Cybercrime* and the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.
- The *Criminal Code* should be revised to specifically define child prostitution as the use of any child below the age of 18 for sexual activity in exchange for remuneration or in kind compensation, according to the *Optional Protocol* standards. Furthermore the law should clearly prohibit all acts of obtaining, offering, procuring and providing a child for prostitution and criminalise the clients of prostituted children.
- To improve enforcement of trafficking laws, corruption must be sternly addressed.
- Training of law enforcers and awareness raising campaigns focusing on the Transnistrian border is required, as this is a region through which children are often trafficked and where legislation is usually ignored by the secessionist authorities.
- To tackle the production and distribution of child pornography in Moldova, specific trainings must be provided to law enforcement and to the National Agency for Morality Protection.
- A child protection unit with expertise on all CSEC crimes against children, and not only on trafficking, should be established.

# Endnotes

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## NOTES

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