



**Convention on the
Rights of the Child**

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Committee on the Rights of the Child

**Consideration of reports submitted by States
parties under article 12, paragraph 1, of the
Optional Protocol to the Convention on the Rights
of the Child on the sale of children, child
prostitution and child pornography**

Initial reports of States parties due in 2009

Republic of Moldova**

[4 November 2010]

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Abbreviations

CC	Criminal Code
CPC	Criminal Procedure Code
FC	Family Code
ACC	Administrative Contraventions
CC	Contraventions Code
CFD	Centre of Family Doctors
CFHT	Centre for the fight of human trafficking
NCPCA	National Centre for the Prevention of the Child Abuse
MIA	Ministry of Interior Affairs
ME	Ministry of Education
MC	Ministry of Culture
MF	Ministry Finance
MJ	Ministry of Justice
MLSPF	Ministry of Labour, Social Protection and Family
MH	Ministry of Health
MYS	Ministry of Youth and Sports
GPP	General Public Prosecutor
NIJ	National Institute of Justice
IOM	International Organisation for Migration
UNO	United Nations Organisation
USAID	United States Agency for International Development
NGO	Non-government organisation
MDPCR	Municipal directorate for the protection of the child's rights
UTA	Territorial-administrative unit
RM	Republic of Moldova
NSR	National System of Reference
OM	Official Monitor

I. General considerations on the sphere of regulations of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

1. The Republic of Moldova ratified by Law No. 29-XVI of 22 February 2007 the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the UN General Assembly on 25 May 2000 (signed by Moldova on 8 February 2002).

Official name:	Republic of Moldova
Geographic position:	Republic of Moldova is a country in the South-Eastern Europe, located between Romania and Ukraine, in the basins of Prut and Nistru Rivers
Area:	33.3 thousand km ²
Population:	3,563,700 (as of 1 January 2010, without the population on the left side of Nistru River and the city of Bender) inhabitants; urban – 1,476,700, rural – 2,087,000
Children aged between 0 and 18:	852,676 (as of 1 January 2010)
Density of the population:	106 people per 1 km ²
Capital:	Chişinău (circa 786,300 inhabitants, as of 1 Jan 2010)
National Day:	Independence Day (27 August)
State flag:	Three equal-size vertical strips in red, yellow and blue, with the state coat of arms of the Republic of Moldova in the center
Form of the state:	Parliamentary republic
National legislative branch:	Unicameral parliament, composed of 101 deputies, directly elected through proportional representation
Head of the state:	President
Administrative divisions:	35 districts (raions), one administrative-territorial unit, 3 municipalities, 43 towns, 659 localities of commune type, 16781 localities
Date of admission to the UN:	2 March 1992

II. Introduction

2. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified by Moldova by Law No. 29-XVI of 22 February 2007.

3. According to Art. 2 of the Law No. 29-XVI of 22 February 2007, the Government, in cooperation with the General Prosecutor's Office, shall undertake the necessary measures in view of implementing the provisions of the said Protocol and shall submit to the

Committee on the Rights of the Child reports and other additional information on its enforcement.

4. In view of implementing the commitments undertaken through the ratification by Moldova of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and namely of Article 12 of the treaty mentioned supra, an inter-institutional working group has been created that is composed of representatives of the central public authorities (Ministry of Justice, Ministry of Education, Ministry of Information Technologies and Communication, Ministry of Interior, Center for Combating Economic Crime and Corruption, General Prosecutor's Office), which have been entrusted to prepare and finalize the Initial Report of Moldova.

5. The United Nations Children's Fund (UNICEF) provided considerable support in preparing, analyzing and finalizing the Report, for which the Moldovan Government brings its high appreciations.

6. An important role and significant contribution to the report was made by the specialized national and international nongovernmental organizations such as National Center for Preventing Child Abuse (Amicul Center), International Center for Women's Rights Protection and Promotion "La Strada", and the International Organization for Migration.

7. The 2009 political crisis as well as the in-depth institutional reforms of the new democratic government "Alliance for European Integration", through the creation of new structures and transfers of competence, dictated the revision and updating of the initially prepared Country Report. Also, the National Report was based on the new guidelines for the content of initial reports, approved at the 777th session of the UN Committee on the Rights of the Child of 1 February 2002.

8. The secessionist regime that was unconstitutionally established at the beginning of 1990s in the eastern part of Moldova — the region left of the Nistru River with an area of 4163 km² and a population of 555 thousand people — generated serious difficulties with regard to the enforcement on the entire country's territory of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as of other international treaties to which Moldova is party, and therefore, the Optional Protocol was ratified with a reserve regarding its application on the uncontrolled territory left of Nistru River. In this connection, the Moldovan authorities rely on the understanding of the Committee on the Rights of the Child with regard to Moldova's incapacity of effectively monitoring the region on the left side of Nistru River due to the obstacles set by the separatist structures that has usurped the local power in that region. At present, only fragmentary data about the work of some NGOs on the protection of children in need in that region are available.

9. One of the most important and priority issues that must be observed by any state governed by the rule of law is to ensure protection of human rights and fundamental freedoms. In this regard, the Convention on the Rights of the Child and its protocols, especially the one referring to the sale of children, child prostitution and child pornography, is the main international tool for the protection of the most vulnerable social layer — the children.

10. The national law observes the universal principles on the protection of the rights of the child and includes all the provisions in this regard.

11. Thus, according to Art. 4 of the Moldovan Constitution, the constitutional provisions on human rights and freedoms are interpreted and enforced in accordance with the Universal Declaration of Human Rights, with the pacts and other treaties to which Moldova is party. Moreover, if there are inconsistencies between the pacts and treaties on

fundamental human rights to which Moldova is party and its internal laws, the international regulations shall have priority. Therefore, the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography has priority in relation to the national regulations in this area.

12. We would like to note that upon the ratification by Moldova of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the national legislation on the rights of the child was subject to thorough examination by international experts in terms of its compliance with the Protocol requirements and has been adjusted exclusively by being amended as necessary.

13. We note UNICEF role in assisting with hiring the foreign expert who ensured the adjustment of the national legislation to line international standards.

III. Definition of the child and guaranteeing observance of certain rights stipulated by the Convention on the Rights of the Child within implementation of this Protocol

A. Definition of the Child (article 1 of the Convention)

14. In accordance with the Law of the Republic of Moldova No. 338-XIII of 15 December 1994 on the Rights of the Child, a person is considered child from birth until attaining the age of 18.¹

15. According to Art. 20 of the Civil Code, an individual acquires full legal capacity when he/she reaches majority, i.e. upon attaining the age 18. There are two exceptions to this rule: assigning full capacity to a child (emancipation) and marriage.

16. The Family Code² provides for the minimum marriage age, which is 18.

17. For grounded reasons, a marriage can be agreed to by reducing the marriage age but by no more than two years. A reduction in the marriage age shall be consented to by the local government in the jurisdiction of which the individuals who wish to get married are domiciled, based on their request and with the agreement of the parents of the minor individual.

18. A minor acquires full legal capacity through marriage. The dissolution of the marriage does not affect the minor's full legal capacity. If the marriage is declared void, the court may deprive the minor spouse of the full legal capacity from the moment established thereby.

19. A minor who has attained 16 years of age can be acknowledged as having full legal capacity if he/she works based on a work contract or practices entrepreneurial activities with the agreement of his/her parents, adopters or guardians. A minor is assigned full legal capacity (emancipation) by decision of the tutorship authority with the agreement of both parents, adopters or guardians, or in the absence of such agreement, by court decision.

20. An emancipated minor acquires and independently exercises in full all the rights held by an individual with full legal capacity and personally undertakes and executes civil obligations, as well as he/she is independently responsible for the obligations arisen as a

¹ Law of the Republic of Moldova No. 338-XIII of 15 December 1994 (Art.1 para. (2)).

² Family Code (Art. 14, amended by Law 120-XVI of 29 May 2008, *Official Gazette* 25-126/15 July 2008, Art.489).

result of damages caused by him/her. However, an emancipated minor does not have the rights and obligations for which the law establishes an age limit.

21. The second exception refers to the individuals who get married before attaining the minimum age. According to Art. 14 (minimum age) of the Family Code, the minimum age is 18 for males and 16 for females.

22. Unlike the old legislation, Moldova has made a step forward to making males and females equal with regard to the minimum marriage age. Thus, the marriage age can be reduced by two years for males provided there are grounded reasons for that. The reduction is approved by the local government based on the request of the minor who wishes to get married and his/her parents' agreement.

23. Upon dissolution of the marriage and until attainment by the minor of the age of 18, his/her full legal capacity shall be maintained.

24. The national legal framework regulates the term "child" in the spirit approached by the Convention in a number of legislative acts.³

25. The Law No. 338-XIII of 15 December 1994 on the Rights of the Child reflects the fundamental rights of a child, such as:

- (a) Right to life;
- (b) Child's right to a name and a citizenship;
- (c) Right to the inviolability of the person, to protection against physical and mental violence;
- (d) Right to protection of dignity and honor;
- (e) Right to freedom of thought and conscience;
- (f) Right to develop intellectual abilities;
- (g) Right to learn;
- (h) Right to work;
- (i) Right to rest;
- (j) Right to associate in public organizations.

The said law also expressly stipulates the child's obligations.⁴

26. The Family Code includes a separate chapter (Chapter 10 "Rights of Minor Children") which stipulates the following rights for children:

- (a) Child's right to live and be brought up in a family;
- (b) Child's right to communicate with its parents and relatives;
- (c) Child's right to be protected;
- (d) Child's right to express its opinion;
- (e) Child's right to a surname and given name;
- (f) Child's right to change its surname and given name;
- (g) Child's property rights.

³ Family Code (Art. 51), Criminal Procedure Code (Art. 6 para. 47), Contraventions Code.

⁴ Law of the Republic of Moldova No. 338-XIII of 15 December 1994 (Art. 14).

27. The national legislation also regulates the legal responsibility of children and the Code of Administrative Offences established its minimum limit depending on the gravity of the act either from 16 or from 18 years of age. The new Code for Contraventions⁵ has evolved in the same sense and establishes in Art. 16 para. (1)–(2) that an individual with legal capacity who is 18 years old upon the commission of a contravention can be subject to liability for it. An individual aged between 16 and 18 years old can be subject to liability for committing the acts stipulated in Arts. 228–245 and in Arts. 263–311. Also, Art. 37 of the Code for Contraventions stipulates that unpaid community work cannot be imposed on pregnant women and individuals who are the only provider for a child under 8 years of age. Article 38 para. (6) provides that arrest cannot be imposed on pregnant women and on individuals who is the only provider for a child under 16 years of age. According to Art. 42 para. (1) letter d), commission of a contravention by a juvenile, a pregnant woman or another person who provides for a child under 8 years of age shall be considered mitigating circumstance. In addition, according to Art. 32 para. (4) of the Code, the only sanction for juveniles is the complementary sanction of deprivation of the right to carry out certain activities.

28. If a minor has committed an act that fits in the provisions of the special section of Book One of the Code for Contraventions, the official examiner (specialized bodies), prosecutor or the court submits the contraventions case file to the local public administration authority responsible for minors issues. At the official examiner's request, the court may impose coercive educational measures on the minor according to Art. 104 of the Criminal Code.

29. Under Article 104 of the Criminal Code, the minors exempted from criminal liability according to Art. 54 of the same Code, the court may order the following coercive educational measures:

- (a) Warnings;
- (b) Placing juveniles under the strict supervision of parents or persons replacing parents or specialized state bodies;
- (c) Requiring juveniles to repair the damage caused taking into consideration their financial conditions;
- (d) Restricting leisure time and establishing special requirements for the minor's conduct;
- (e) Requiring juveniles to follow a course of psychological rehabilitation treatments;
- (f) Placing juveniles in a special education/re-education institution or a medical re-education institution.

30. Such a medical re-education institution is located in the village of Soloneț district of Soroca and is subordinated to the Ministry of Education. The institution has a capacity of 45 seats where minors under 14 are placed.

31. In imposing a contraventional sanction on a person whose guilt has been proved as mitigating circumstances serves the fact if the illegal act was committed by a minor.

32. Commission of a contravention in relation to a minor shall be considered an aggravating circumstance and shall be taken in consideration when imposing a contraventional sanction on the person whose guilt has been proved.

⁵ Approved by Law No. 218-XVI of 24 October 2008.

33. The Moldovan Criminal Code offers a broader regulation to a minor as active subject of an offence, thus establishing the age for criminal liability. In this connection, Art. 21 of the Criminal Code provides that subject to criminal liability shall be responsible individuals who, at the moment of the commission of the crime, have reached the age of 16 and individuals aged 14 to 16 shall be criminally liable only for the commission of crimes set forth in Arts. 145, 147, 151, 152 par. (2), Arts. 164, 166 par. (2) and (3), Arts. 171, 172, 175, 186–188, 189 par. (2), (3) and (4), Arts. 190 par. (2) and (3), Art. 192 par. (2), Art. 195s, 196 par. (4), Art. 197 par. (2), Art. 212 par. (3), Art. 217 par.(4) letter b), Art. 2171 par. (3) and par. (4) letter b) and d), Art. 2173 par. (3) letter a) and b), Art. 2174, Art. 2176 par. (2), Art. 260, 268, 270, 271, 273 par. (2) and (3), Arts. 275 280, 281, 283–286, 287 par. (2) and (3), Art. 288 par. (2), Art. 290 par. (2), Art. 292 par. (2), Arts. 305, 317 par. (2), Arts. 342, 350.⁶

34. At the same time, the state, in an attempt to protect the children, has established in the Family Code the rights and obligations of parents to their children. Thus, the legislation provides that the parents have equal rights and obligations to their children regardless of whether their children are born inside or outside the marriage, if they live together or separately from their parents.⁷

35. Also, parents are entitled and obliged to educate their children in accordance with their convictions, regardless of whether they live together or separately.

36. Parents are responsible for their children's physical, intellectual and spiritual development and have priority in their education over any other individuals.

37. Parents are obliged to ensure that their child attends school throughout the school year when he/she attains the age of 16. Parents select the education institution and form of education for their child by taking into consideration the child's opinion.

38. Parents protect their child's legitimate rights and interests.

39. If a conflict of interests arises between parents and their children, the tutorship authority is obliged to appoint a representative to protect the child's legitimate rights and interests.

40. Parental rights cannot be exercised contrary to the interests of the child, nor can parents damage the child's physical or mental health.

41. The child upbringing methods selected by parents shall exclude an abusive conduct, insults and maltreatments of any kind, discrimination, physical and psychological violence, child's involvement in criminal actions, consumption of alcohol, use of narcotic and psychotropic substances, gambling, begging, and other illegal acts.

42. All issues related to child's upbringing and education shall be solved by parents in joint agreement, taking into account the child's interests and opinion.⁸

43. With regard to non-discrimination of children, a draft law on preventing and combating discrimination has been developed and submitted to the Government for consideration on 30 September 2008. Art. 11 of the draft law provides to forbiddance of discrimination through the implementation of educational programs for children and parents jointly with other empowered authorities and in cooperation of nongovernmental organizations, in view of preventing and combating this phenomenon.

⁶ Criminal Code of the Republic of Moldova, approved by Law No. 985-XV of 18 April 2002.

⁷ Family Code (Art. 58).

⁸ Family Code (Arts. 60–62).

B. Best interests of the child (article 3 of the Convention)

44. The Moldovan legislation, through various legal provisions, stresses the need to take into account the best interests of the child when various decisions are made in his/her regard. The Family Code stipulates that any decision concerning children must be made based on their interests. A number of other laws provide procedures or contain regulations aimed to implement this principle. For instance, the Criminal Procedure Code provides for the possibility to hear a child in special procedural conditions in order to reduce the risk to hear him/her repeatedly and so, to reduce his/her victimization; in the adoption procedure, the decision shall take into account the continuity in the child's growth and education, with account for the child's ethnical, cultural and language origin and observance of the child's fundamental rights and freedoms.

45. State institutions are obliged to take into account children's interests in all decisions made concerning children. In various cases, issues concerning children are considered together with the representatives of organizations whose activities are related to promotion of children's rights.

46. The statistics submitted by the National Bureau of Statistics on the number of live newborns by the mother's age group and the newborns rank in 2008, shows that, in 2008, there were 39018 newborns, by 1045 (2.8%) more than in 2007, the birth rate constituting 10.9 newborns to 1000 population. The birth rate is higher in rural areas (11.8%) than in urban areas (9.7%).

47. More than half of the newborns (51.5%) were boys, having a ratio of 106 boys to 100 girls.

48. From a legal point of view, the share of children born outside marriage continues to decrease (from 23.3 in 2006 to 22.3 in 2008). At the same time, the rate of children born outside marriage remains high.

49. The number of newborns with mothers under 20 years old is still decreasing and in 2008 accounted for 10.5% of the total number of live newborns as compared to 11.3% in 2007 (13.0% in 2006).

50. In the reference year, there was registered a slight increase in the share of newborns of first rank, which constituted 53.7%, while the share of newborns of second and third ranks decreased. Most of the children born in numerous families were with mothers from the rural area – 84.4% of the total number of newborns of this category.

51. The average age of mothers for first time births was 23.1. Mothers from rural areas gave birth at a younger age (22.2) than mothers from urban area (24.4).

52. In 2008, the number of newborns by the mother's age group and rank of live newborns was as follows.

	<i>Total newborns</i>	<i>Mother's age group (years old)</i>	
		<i>16 years old</i>	<i>16–19 years old</i>
	39 018	64	4 017
First rank	20 958	64	3 690
Second rank	12 821	-	313
Third rank	3 636	-	14

Note: Rank of the newborn means their number of order showing which child he/she was born with a mother.

53. The number of newborns in 2008 was 39018, by 1045 (2.8%) higher than in 2007, the birthrate being 10.9 live newborns in 1000 population. The birthrate in rural areas (11.8%) is higher than in urban areas (9.7%). More than half (51.5%) of the live newborns were boys, having a male rate of 11.7%.

54. Most of the children (98.8%) were born in sanitary medical assistance units. Depending on their weight at birth, 94.7% of the newborns were over 2500 grams. Most of the children (96.9%) were born after 35 weeks of pregnancy.

55. The distribution of live newborns by the mother's age group shows that most of them were born with mothers of less than 30 years old. At the same time, in 2008, the share of births in women aged less than 20 continued to decrease and accounted for 10.5% of the total number of live newborns as compared to 11.3% in 2007 (13.0% in 2006). The average age of mothers giving birth was 23.1. Mothers from rural areas give birth at a younger age (22.2) than mothers from the urban areas (24.4).

56. In the reference year, the share of live newborns of first rank slightly increased (53.7%) whereas the share of live newborns of second, third and more ranks decreased. Most of the children born in numerous families were with mothers from the rural environment, having a share of 84.4% of the total number of newborns of this category.

57. During 2008, the incidence of sexually transmitted diseases, such as syphilis and anogenital infections through the herpetic virus, increased. The average ratios were 3.8 cases of syphilis and anogenital infections through the herpetic virus, 2.0 cases of gonorrhoea and 3.0 cases of trichomoniasis to 100 thousand children under 14 years of age.

58. The number of children aged 18 and less who were bearers of the Human Immunodeficiency Virus (HIV) was 14, or by 7 more than in 2007. At the same time, 5 cases of AIDS were registered.

59. The incidence of mental diseases in children aged 18 and less was characterized through a prevalence of mental disorders of non-psychopathic character (453 cases in 100 thousand children) and mental retard character (126 cases in 100 thousand children). In 2008, over 840 children requested consultative-curative assistance.

C. Illicit placement/transfer and non-return of children abroad (article 11 of the Convention)

60. In view of creating a legal mechanism for combating the illegal taking of children out of the country, the legislator has provided sanctions for such crime in the Criminal Code by including Article 207 "Illegally Taking Children Out of the Country".

61. This article refers to taking a child out of the country based on false documents or any other illegal means and his/her abandonment abroad for purposes other than those specified in Art. 206 (trafficking in children) of the Criminal Code.

62. To note that in 2009, the law-enforcement bodies started 21 criminal cases under Art. 207 of the Criminal Code, or by 16.7% more than in 2008 (18 cases), of which:

(a) Filed with the prosecutor – 18 cases, or 85.7%, which is by 46.8% more than in 2008;

(b) Completed – 14 cases, or 66.7%, which is by 38.9% more than in 2008.

63. The criminal law provides for the punishment of individuals for pimping, and namely, the Criminal Code stipulates in art. 220 "Encouraging or inducing a person to

practice prostitution or facilitating prostitution or gaining benefits from practicing prostitution by another person,⁹ and the same actions “committed with violence not dangerous to the life and health of the person or with the threat of such violence against the person practicing prostitution or his/her relatives or close persons”, shall be punishment by imprisonment for 4 to 7 years.

64. In 2009, the law-enforcement bodies started 152 criminal cases under Art. 220 of the Criminal Code (pimping) or by 5.6% less than in 2008 (161 cases), of them:

- (a) Filed with the prosecutor – 139 cases, or 91.4%, which is by 2.4% less than in 2008;
- (b) Completed – 128 cases, or 84.2%, which is by 0.3% more than in 2008.

65. In 2006, the Criminal Code was completed with a new article that provided for the punishment of individuals for “Organization of Illegal Migration”,¹⁰ and namely, “the organization in order to obtain directly or indirectly a financial or material gain from an illegal entry, stay, or transit on the state’s territory or from an exit from this territory of a person who is neither a citizen, nor a resident of this state” shall be punished by a fine of 300 to 500 conventional units or by imprisonment for 1 to 3 years with the deprivation of the right to hold certain positions or to practice certain activities for 1 to 3 years, whereas a legal entity shall be punished by a fine of 1000 to 2000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

66. The same actions committed against two or more persons; committed by an organized criminal group or a criminal organization, causing especially large damage to public interests or to the legally protected rights and interests of individuals and legal entities, shall be punished by a fine of 800 to 1000 conventional units or by imprisonment for 5 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years. For the same crimes, a legal entity shall be punished by a fine of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

67. During 2009, the criminal investigations bodies started 137 criminal cases or by 17.1% more than in 2008 (117 cases). Of the total number of criminal cases started under Art. 362/1 of the Criminal Code, 86 cases, or 62.8%, were filed with the prosecutor, which is by 0.4% less than in 2008. Seventy six cases, or 55.5%, were completed, which is by 1.7% more than in 2008.

68. The state has undertaken to repatriate the individuals-victims of human trafficking, illegal migrant trafficking and the unaccompanied children to their own countries.

69. In 2008, the Government approved Decision No. 948 of 7 Aug 2008 On Approving Regulations on the Procedure of Repatriation of Children and Adults-Victims of Human Trafficking, Illegal Migrant Trafficking, and Of Unaccompanied Children. Under the said Decision, the Ministry of Labor, Social Protection and Labor is responsible for undertaking all actions related to the preparation and beginning of repatriation of unaccompanied children, identified on the territory of other countries.

70. During 2009, 20 repatriations of 42 children took place under the said Decision, with the support of the Representative Office of the Swiss Foundation “Terre des Hommes” in Moldova and of the International Organization for Migration Mission in Moldova. Of those:

- (a) 25 children were identified in the Russian Federation;

⁹ Criminal Code of the Republic of Moldova (Art. 220).

¹⁰ Criminal Code of the Republic of Moldova (Art. 362¹).

- (b) 8 children were identified in Ukraine, 3 of whom natives of the Transnistrian region;
- (c) 8 children were identified in Romania;
- (d) 1 child was identified in Sweden; the repatriation was carried out by the competent Swedish authorities.

71. On 12 March 2009, the Government signed a Memorandum of Understanding on Repatriation with the Mission to Moldova of the International Organization for Migration and with the Swiss Foundation "Terre des Hommes" in Moldova, which establishes an efficient partnership to contribute to the development of the National Reference System (hereinafter NRS) for the protection and assistance of victims and potential victims of human trafficking; development of the transnational level of the NRS by developing mechanisms of interaction and cooperation with the protection services with similar competences from Russia, Ukraine, and other destination or transit countries to coordinate the process of identification, protection, assistance and repatriation of Moldovan beneficiaries; establishment of a reference mechanism to ensure the receipt, temporary protection and (re)integration of beneficiaries in their families (or another corresponding form of protection) and of their social inclusion; implementation, at national, district and community level (in the localities of origin of the repatriated and reintegrated beneficiaries), of prevention mechanisms to avoid trafficking, exploitation etc. recurrences.

72. Also, the Government adopted Decision No. 926 of 31 December 2009 On Initiating Negotiations On Draft Agreement between Government of Moldova and Government of Russia on Cooperation in the Repatriation of Victims of Trafficking in Humans, Trafficking in Children, Illegal Trafficking in Migrants, Unaccompanied Children and Migrants in Need.

73. At the same time, there is finalized a draft government decision on initiating negotiations on the draft agreement between the Government of Moldova and Government of Italy on cooperation in the protection of Moldovan children unaccompanied or in need on the territory of Italy.

74. At present, under the Law of the Italian Republic No. 94 of 15 July 2009 Provisions on Public Security, unaccompanied foreign minors who have illicitly entered Italy will not have the possibility to obtain permits of stay on the territory of this country when they reach the age of majority. Therefore, minors and other individuals who are found in Italy must be repatriated to Moldova by the authorities of the state of the origin.

75. The Moldovan Government, through its structures, promotes observance of the rights of the child and ensurance of their social protection from the negative consequences of their parents' migration. A current concern consists in developing efficient mechanisms of monitoring and responsibility of migrant parents regarding their exercise of their parental obligations to the children left in the country.

76. An important first step in ensuring the protection of children left behind consists in implementing the provisions of the Government Decision No. 290 of 15 April 2009 On Approving the Rules For Issuing the Certificate for Tracking the Child Who Remains in the Country Whose Parent/Tutor (Guardian), Moldovan Citizen, Is Temporarily Employed Abroad.

77. According to Art. 22 para. (3) letter d) of Chapter 3 of Law No. 180-XVI of 10 July 2008 On Labor Migration, Moldovan citizens who are temporarily employed beyond the country's borders are obliged, upon registering their individual work agreement with the National Employment Agency, to present a copy of the document confirming tracking of their minor children who remain in the country, which is issued by the competent body for

child protection from the district/sector where the parent is domiciled. At present, the said Agency does not have any statistics in this regard.

78. Tutorship authorities from the local public administration units of second level were trained in May 2009 on issuing the said certificates.

79. In the context of the EU Moldova Mobility Partnership, the Moldovan Government made a proposal to develop cooperation with the EU with regard to facilitating and enhancing its monitoring and, as necessary, making the migrant parents responsible for exercising their parental obligations to their children left behind, as well as identifying mechanisms of protection and assistance of children whose parents are working abroad according to their real needs and difficulties they are facing.

80. To note that an Agreement of Cooperation of CIS Member States on Returning Children to their Countries of Origin was signed on 7 October 2002 in Chişinău.

81. According to the Agreement, the repatriations of children are organized by the staff of the Center for the Temporary Placement of Minors (CTPM) within the Chisinau General Police Station (CGPS). The financial support for conducting such missions is provided by the Mission to Moldova of the International Organization for Migration.

82. During 2007–2009, the police repatriated 105 children (27 girls and 78 boys) from the CIS countries and placed them with the CTPM of CGPS, as shown in the table below.

<i>Country</i>	<i>2007 number of children (girls/boys)</i>	<i>2008 number of children (girls/boys)</i>	<i>2009 number of children (girls/boys)</i>	<i>Total children (girls/boys)</i>
Russia	10 (5/5)	10 (5/5)	11 (4/7)	31 (14/17)
Ukraine	34 (7/27)	24 (5/19)	14 (1/13)	72 (13/59)
Belarus	2 (0/2)			2 (0/2)
Total children	46 (12/34)	34 (10/24)	25 (5/20)	105 (27/78)

83. If referring to the age of children repatriated and placed with the CPTM of CGPS, there were 19 such children aged 3 to 10; 29 children aged 11 to 14; and 57 children aged 15 to 18. Of the total number of children repatriated, 27 were girls and 78 were boys (see table below).

<i>Age of children</i>	<i>2007 (girls/boys)</i>	<i>2008 (girls/boys)</i>	<i>2009 (girls/boys)</i>	<i>Total children (girls/boys)</i>
3–10	8 (5/3)	7 (2/5)	4 (3/1)	19 (10/9)
11–14	15 (3/12)	7 (1/6)	7 (2/5)	29 (6/23)
15–18	23 (4/19)	20 (7/13)	14 (0/14)	57 (11/46)
Total children	46 (12/34)	34 (10/24)	25 (5/20)	105 (27/78)

D. Adoption (article 21 of the Convention)

84. Regarding art. 21 of the Convention on the Rights of the Child on their adoption, we note that the European Convention on the Adoption of Children, concluded in Strasbourg on 24 April 1967, UN Convention on the Rights of the Child of 20 November 1989, Convention on Children Protection and Cooperation in respect of Intercountry Adoption, concluded at The Hague on 29 May 1993 and ratified by Moldova on 26 February 1998, and the Family Code of Moldova use the term adoption in this sense.

85. Law No. 235-XVI of 8 November 2007 on Amending and Completing Some Legal Acts completed Art. 205 of the Criminal Code “Abuses by Parents and Other Persons

Adopting Children” with 3 paragraphs that incriminate the “intermediation, facilitation or encouragement of adoption of a child for profit, material or other interests, and the exertion of any form of compulsion on the parent or custodian (trustee) of the child in order to obtain a consent for adoption or submission of false data for permission for adoption, custody (trusteeship), or a child’s placement in a residential institution or a family or family-type orphanage.”

86. The Family Code is the one that regulates adoption and namely, Art. 116 stipulates that only minor children can be adopted, except for those who acquired full legal capacity before attaining 18 years of age. Adoption of brothers and sisters by different individuals is forbidden, except when this requirement contravenes the children’s interests or when one of the brothers (sisters) cannot be adopted for health reasons. The adoption of a child who is Moldovan citizen by foreign or stateless individuals is allowed only in exceptional cases when it is not possible to adopt him/her or provide a tutor (guardian) for him/her.

87. The adoption of a child must be permitted by the court at the request of the individuals seeking adoption. The request for permitting adoption is considered by the court in the mandatory presence of the tutorship authority.

88. The court can issue a decision on permitting adoption only when the child has been in the care of the future adopters for not less than six months.

89. The Family Code provides that adopters can be individuals of both sexes who have attained the age of 25, except for those who:

- (a) Have been deprived of parental rights;
- (b) Have been declared incapable or with limited legal capacity;
- (c) Adopted children before but the adoption was cancelled through their fault;
- (d) Have been released from their obligations of tutor (guardian) due to failure to fulfill their obligations;
- (e) Aim to acquire fictitious adoption;
- (f) Have submitted false documents;
- (g) Have attained the age of 50 (this rule does not apply when the adopters are married to each other and one of them has not attained the age of 50, as well as when the adoptive parent is the spouse of the adopted parent, or when the child lived in the family of the eventual adoptive parents before they attained the age of 50).

90. As to foreign citizens and stateless persons who are domiciled outside Moldova, the legislation provides that they can be adopters of children Moldovan citizens only if they meet the requirements of the country whose citizens they are or where they are domiciled, the requirements of the Moldovan legislation, as well as if their country is member of the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, or if there is a bilateral agreement signed between the countries in this area.

91. The adoption by an unmarried couple is not allowed.

92. For the adoption of a child who has attained the age of 10, it is necessary to have his/her agreement expressed in court. As an exception, a child can be adopted without his/her agreement if he/she lived in the adopters’ family until the adoption and does not know that they are not his/her natural parents.

93. The adoption can be canceled if this is in the best interests of the child, when:

- (a) The adopters do not fulfill or cannot fulfill their obligations regarding the maintenance and upbringing of the adopted child;

- (b) The adopters abuse of their parental rights or treat the child with cruelty;
- (c) The adopters suffer from chronic alcoholism or drug addiction;
- (d) The adoption took place without the agreement of the child's parents or the adopter's spouse if such agreement was required by the law.

94. In 2009, the Supreme Security Council (SSC) approached in one of its meetings the situation of children adopted by adopters who are domiciled abroad. Based on the SSC decision, the representatives of Moldovan embassies and consulates abroad were entrusted to verify the living and upbringing conditions of the adopted children.

95. In 2007, there were adopted 95 children (53 girls and 41 boys), in 2008 – 67 children (28 girls and 39 boys), and in 2009 – 24 children, by adopters from the following countries.

	<i>Country</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>Total</i>
1.	USA	32	18	4	54
2.	Italy	44	38	14	96
3.	Israel	4	2	1	6
4.	Switzerland	3	5	2	10
5.	Spain	7	2	2	11
6.	Germany	1		1	2
7.	France	1	1		2
8.	Romania		1		1
9.	Austria	3			
Total		95	67	24	186

96. The tutorship authorities keep track of the Moldovan citizens who wish to adopt children, in accordance with the Code and legal acts issued by the Government.

97. On 25 December 2008, the Parliament adopted in the second reading the Law No. 295-XVI on the Legal Status of Adoption, which was not promulgated by the Moldovan President and returned to the Parliament on the grounds that it contained both conceptual and technical-legal gaps.

98. As a result, at the end of 2009, the Head of the Parliament Commission for Social Protection, Healthcare and Family requested creation of a working group from specialists of the empowered institutions (Ministry of Labor, Social Protection and Family, Ministry of Health, Ministry of Education, General Prosecutor's Office, Ministry of Justice, Ministry of Interior, UNICEF, NGOs) on child protection who reviewed the proposals for amending Law No. 295-XVI of 25 December 2008 on the Legal Status of Adoption, to submit it to the Parliament.

99. The Moldovan criminal law provides sanctions for "Abuses by Parents and Other Persons Adopting Children", Art. 205 of the Criminal Code, and for "Disclosure of Adoption", Art. 204 of the Criminal Code. In this regard, in February 2009, the Prosecutor's Office of Botanica sector of Chişinău started the criminal case 2009428013 based on the constitutive signs of the crimes provided for by para. (4) of Art. 205 of the Criminal Code (Abuses by Parents and Other Persons Adopting Children), which shows that the staff of the Institute for Scientific Researches in the area of Mother and Child Protection had repeatedly presented erroneous data about the placement of a number of children in a residential institution.

100. During 2007–2008, the law-enforcement bodies did not start criminal cases under Arts. 205 and 204 of the Criminal Code.

E. Health care and health-care services (article 24 of the Convention)

101. In accordance with Law No. 1585-XIII of 27 February 1998 on Mandatory Medical Assistance Insurance, the Government must provide medical insurance to the following categories of individuals: preschool children; pupils of primary, lyceum, gymnasium and secondary schools; vocational school students; full-time specialized secondary school (college) students; full-time higher education institution students; residents of mandatory graduate education; children non-enrolled in education until the age of 18; disabled individual; and other categories.

102. Since 2004, when the mandatory medical assistance insurance was implemented and the Unified Program was approved, child healthcare issues have been solved through primary medical assistance, hospitalized or ambulatory medical assistance, including costly medical investigations and emergency medical assistance.

103. At the same time, prevention measures are taken to maintain public health, to ensure children aged 0–5 with free medicine of 24 types for home-based treatment and provide the medicine Revit free of charge to all children under 18 for ambulatory treatment.

F. Economic exploitation (article 32 of the Convention)

104. In regard to Art. 32 of the Convention, we specify that Art. 46 of the Labor Code stipulates that an individual acquires work capacity upon attaining 16 years of age. An individual may conclude an individual work agreement also upon attaining the age of 15, with the written agreement of his/her parents or legal representatives provided that his/her health, development, education or professional training is not endangered. Employment of individual under 15 is forbidden.

105. Also, in accordance with Art. 67 para. (4) of the Criminal Code, unpaid community work may not be imposed on pregnant women, women with children aged less than 8, and persons aged less than 16. Law No. 193-XVI of 26 September 2008 on Amending and Completing Some Legal Acts incriminated in addition to the trafficking in children crime, provided for by Art. 206 of the Criminal Code, the circumstance “for the purpose of practicing begging or other base purposes”.

106. At the same time, the Code for Contraventions in Moldova that became effective on 31 May 2009 provides in Art. 55 para. 2) as contravention “violations of labor legislation, of legislation on job security and hygiene and of other provisions on labor protection with regard to a minor”.

107. Special attention is paid to monitoring the work of recreational centers especially of those with a non-stop working schedule in view of identifying cases of forbidden services being provided to minors, as well as of their employment contrary to the legal provisions in effect.

108. The most frequent violations related to the work provided by individuals aged less than 18, as pointed out and documented by law-enforcement bodies, are their employment in night time (as operators in Internet cafés), lack of training in labor protection, absence of work agreements signed with minors, and of work books.

109. In this connection, in 2009, the police identified four contraventional violations under Art. 58 of the Code for Contraventions (Involving minors in work that poses a danger to their health).

110. At the same time, the police documented two cases of involvement of children in forced labor. Based on the evidence collected, Sîngerei District Police Station started criminal investigations under Art. 168 (Forced Labor) of the Criminal Code. In this case, minors were involved in agricultural works. The criminal case was dismissed due to the reconciliation of the parties.

111. In August 2009, the Police Station of Centru sector of Chisinau started criminal investigations based on the constitutive signs of the violation stipulated in Art. 302 (Organizing Begging) of the Criminal Code, which involved minors. The case has been filed with the court for consideration.

G. Sexual exploitation and sexual abuse (article 34 of the Convention)

112. In view of implementing Art. 34 of the Convention on the Rights of the Child referring to the sale of children, child prostitution and child pornography, we note that the Law of the Republic of Moldova No. 235-XVI of 8 November 2007 for Amending and Completing Certain Legal Acts incriminated child pornography in Art. 208/1 of the Moldovan Criminal Code and the mitigating circumstance for trafficking in children, Art. 206 of the Criminal Code, accompanied by sexual abuse and violence.

113. The Moldovan Criminal Code¹¹ provides in a separate chapter “Crimes Related to Sexual Life” as follows: Art. 171 (Rape), Art. 172 (Violent Actions of a Sexual Character), Art. 173 (Coercion to Actions of a Sexual Character), Art. 174 (Sexual Intercourse with a Person under the Age of 16) and Art. 175 (Perverted Actions). The said articles provide for sanctions for crimes of sexual character against children.¹²

IV. Prohibition of the sale of children, child prostitution and child pornography

Articles 1 and 2 of the Protocol

114. Under the Moldovan criminal law, the sale of (trafficking in) children (Art. 206 of the Criminal Code) is qualified as a crime. Depending on the seriousness of the crime, the punishment applied to the individuals who committed them is between 8 and 20 years of imprisonment or life imprisonment with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas legal entities are punished by fines in the amount of 3000 to 5000 conventional units with the deprivation of the right to practiced certain activities or by the liquidation of the legal entity. (Note: a conventional unit is equivalent to 20 MDL.)

115. Chapter VII of the Moldovan Criminal Code provides for the crimes against families and juveniles, among which: trafficking in children – Art. 206, illegally taking children out of the country – Art. 207, and infantile pornography – Art. 208¹.

¹¹ New edition approved by Law No. 1160-XV of 21 June 2002 (published in the Official Gazette on 13 Sept 2002 and became effective on 12 June 2003).

¹² Chapter IX of the Criminal Code.

116. In 2009 the criminal law was completed with a new article – 164¹ “Kidnapping a Juvenile by Close Relatives”, etc.

117. Moldovan criminal law defines trafficking in children as “the recruitment, transportation, transfer, harboring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of: commercial or non-commercial sexual exploitation in prostitution or a pornographic industry; exploitation by forced labor or services; exploitation in slavery or in conditions similar to slavery including illegal adoption; participating in armed conflicts; participating in criminal activities; removing human organs or tissues for transplant purposes; abandonment abroad”.

118. Following the ratification of the protocol, a series of amendments were made to the Moldovan Criminal Code and Criminal Procedure Code, with a view to bringing the national criminal and procedural law in line with the Protocol standards.

119. In 2007 the criminal law was completed with Art. 208¹ “Infantile Pornography”, which is defined as “the production, distribution, broadcasting, import, export, offering, sale, exchange, use, or holding of pictures or of other images of one or more children involved in explicit, real, or simulated sexual activities or pictures or other images of genital organs of a child represented in a lustful or indecent manner including in a soft version”.

120. As regards the serious crimes committed against the life and health of a person, the Criminal Code (the new edition) provides for the deliberate murder – Art. 145, specifying in para. (2), letter e): “of a person known to be a juvenile or a pregnant woman or committed by taking advantage of the victim’s known or obvious helpless condition caused by advanced age, disease, physical, or mental handicap or another factor”. The commission of such crimes is punished by imprisonment for 12 to 20 years or by life imprisonment.

121. Another crime is considered to be the infanticide, that is “the murder of a newborn committed during childbirth or immediately thereafter by the mother in a state of physical or mental disorder with a disturbed consciousness caused by delivery” (Art. 147). People found guilty of having committed such crimes are punished by imprisonment for up to 5 years.

122. According to the World Health Organization’s International Classification of Diseases (the Xth revision) a “newborn” is considered to be a live infant in the first 28 complete days of life.

123. Moldova has conformed to the requirements of WHO. Therefore, the Ministry of Health issued the Order no. 381 of August 24, 1995 “On introducing and using in Moldova the Xth revision of the WHO’s International Classification of Diseases.”

124. In 2009 the criminal investigation bodies initiated 4 criminal cases on grounds of Art. 147 of the Criminal Code (Infanticide) (1 case was sent to court), in 2008 – 1 case (which was sent to court), and in 2007 – 2 cases (one of which was sent to court for review).

125. The criminal law also provides for the punishment of individuals for intentional severe bodily injury or damage to health (Art. 151 of the Criminal Code) and for intentional less severe bodily injury or damage to health.¹³ Criminal sanctions are applied for the intentional severe (less severe) bodily injury or life-threatening damage to health or that caused the loss of sight, hearing, speech or another organ, or the cessation of its functioning, mental disease or some other form of health damage accompanied by the permanent loss of at least one-third of the capacity to work or resulting in a miscarriage or an incurable

¹³ Criminal Code, Art. 152.

disfiguration of the face and/or adjacent areas. The same actions committed knowingly “against a juvenile or a pregnant woman or by taking advantage of the victim’s known or obvious helpless condition caused by advanced age, disease, physical, or mental handicap or another factor”, is punished by imprisonment for 8 to 15 years, while for intentional less severe bodily injury or damage to health the individuals found guilty are punished by imprisonment for 3 to 6 years.

126. Thus, in 2007–2009, 21 criminal cases in which the victims were juveniles were initiated on grounds of Art. 151 and 49 criminal cases – on grounds of Art. 152 of the Criminal Code (see the table below).

<i>Article of the Criminal Code</i>	<i>Year 2007</i>	<i>Year 2008</i>	<i>Year 2009</i>	<i>Total</i>
Art. 151 CC	8	6	7	21
Art. 152 CC	18	16	15	49

127. For protecting children’s rights, the Government undertook a series of measures to prevent and fight violence and sexual abuse against children, trafficking in humans and trafficking in children, illegally taking children out of the country, infantile pornography and kidnapping of juveniles by close relatives.

128. A separate chapter of the Moldovan Criminal Code¹⁴ provides for the crimes related to sexual life, as follows.

129. According to Art. 171 (Rape) of the Criminal Code, “rape” is defined as the sexual intercourse committed by the physical or mental coercion of the person, or by taking advantage of the victim’s incapacity to defend himself/herself or to express his/her will.

130. Para. (2), Art. 171 of the Criminal Code provides for the rape “committed knowingly against a juvenile” and sets a punishment by imprisonment for 5 to 15 years for the guilty person. Para. (3) letter c) of the same article refers to the rape “of a juvenile under the age of 14”, in which case the guilty person is punished by a imprisonment for 10 to 20 years or by life imprisonment.

131. Article 172 of the Criminal Code (Violent Actions of a Sexual Character) provides that “Homosexuality or satisfying sexual needs in perverted forms committed through the physical or mental coercion of the person or by taking advantage of the person’s incapacity to defend himself/herself or to express his/her will” while committed knowingly against a juvenile is punished by imprisonment for 5 to 12 years.

132. The same article stipulates that the abovementioned acts are punished by imprisonment for 10 to 20 years or by life imprisonment if they are “committed against a person certainly known to be under the age of 14”.

133. The criminal law of Moldova also provides for the punishment of the coercion to actions of a sexual character (Art. 173 of the CC), that is “Coercing a person to sexual intercourse, homosexuality, or to the commission of other actions of a sexual character by blackmail or by taking advantage of financial, work-related or any other form of dependence of the victim”.

134. For such crimes the individual is punished by a fine in the amount of 300 to 500 conventional units, by community service for 140 to 240 hours or by imprisonment for up to 3 years.

¹⁴ ² New edition approved by Law No. 1160-XV of June 21, 2002, published in Monitorul Oficial on September 13, 2002 and into force since June 12, 2003.

135. The Criminal Code of Moldova provides for the punishment for “sexual intercourse with a person under the age of 16” (Art. 174).

136. Thus, Art. 174 of the CC qualifies “the sexual intercourse, homosexuality, lesbianism, and other acts of a sexual character with a person certainly known to be under the age of 16” as crimes. The guilty person risks to be sanctioned to deprivation of freedom for up to 5 years.

137. At the same time, the criminal law provides for a punishment by imprisonment for 3 to 7 years for individuals for “the commission of perverted actions against a person certainly known to be under the age of 16” (Art. 175, CC – Perverted Actions).

138. During 2007–2009, a series of crimes of a sexual nature committed against juveniles were registered, as shown in the table below.

	<i>Art. 171 (Rape)</i>	<i>Art. 172 (Violent actions of a sexual character)</i>	<i>Art. 173 (Coercion to actions of a sexual character)</i>	<i>Art. 174 (Sexual intercourse with a person under the age of 16)</i>	<i>Art. 175 (Perverted actions)</i>
Year 2009	53	25	0	22	9
Year 1 2008	57	33	0	18	18
Year 2007	43	18	1	21	22
Total	153	76	1	61	49

139. In 2008 a workgroup for the promotion of juvenile justice reforms was established by Decision of the National Council on Child’s Rights Protection and with the support of UNICEF representative office in Moldova. The workgroup developed a draft law on the amendment and completion of some legal acts.

140. The document was developed within joint initiatives of the Moldovan Government and UNICEF Moldova on child protection against abuses and violence. The initiatives are part of the Government of Moldovan – UNICEF Cooperation Program for 2007–2011.

141. The draft law aims at expressly forbidding by legal acts all forms of abuse and violence to which children might be subjected (physical abuse, including bodily punishments, sexual abuse and sexual exploitation, child neglect and child abandonment) in various environments – family, school, residential institution, and community. As a preventive measure, it also seeks to oblige professionals identify such cases, report them and refer them to the competent institutions.

142. Therefore, the draft law proposed to extend criminal liability of persons such as the parents, tutors or custodians, family doctors, school and kindergarten teachers, people having labor relationships with the child care institutions, or any other persons to whom the child was entrusted, by including the aggravating qualification signs to a number of articles in the criminal law.

143. The draft law on the amendment of the General part of the Criminal Code proposes to extend the liability of legal entities including by holding them criminally liable for child trafficking, prostitution and infantile pornography.

144. 129. Given the fact that Moldova has adhered to most of the international and European instruments on preventing and fighting violence against children, it is crucial that the national legal framework is amended in order to ensure the actual protection of children against all forms of abuse and violence. A particular emphasis is laid on the provisions of the Criminal Code that expressly forbid the ill-treatments applied to children, the acts of physical violence with serious consequences on the physical and psychical development of the child, the abuse and sexual exploitation of any kind.

145. The draft law on the amendment and completion of some legal acts suggests amendments to articles 172–175 of the Criminal Code, which provide for criminal liability for crimes related to sexual life. It was also proposed to introduce, after Art. 175 (Perverted Actions), art. 175¹ (Sexual Molestation of a Child) and Art. 175² (Soliciting Children for Sexual Purposes).

146. At the same time, it was proposed to complete the Criminal Code with the following articles: Art. 203 (Ill-treatment of the Child); Art. 203¹ (Non-observance of Duties Related to Bringing Up and Taking Care of the Child).

147. The Ministry of Social Protection and Family has developed the draft Criteria for identification of violence cases against a child and the Standard action procedures for the professionals who identify such cases. After they are approved, these shall become the key instruments in the activity of identification and referral of the cases of violence against children at all levels of public administration.

148. Moldovan law provides for criminal liability for crimes such as the trafficking in children and infantile pornography. Thus, Art. 206 (Trafficking in Children) of the Criminal Code defines this crime as:

“The recruitment, transportation, transfer, harboring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of:

- (a) Commercial or non-commercial sexual exploitation in prostitution or a pornographic industry;
- (b) Exploitation by forced labor or services;
- (b¹) Practicing begging or other base purposes;
- (c) Exploitation in slavery or in conditions similar to slavery including illegal adoption;
- (d) Participating in armed conflicts;
- (e) Participating in criminal activities;
- (f) Removing human organs or tissues;
- (g) Abandonment abroad;
- (h) Sale or purchase”.

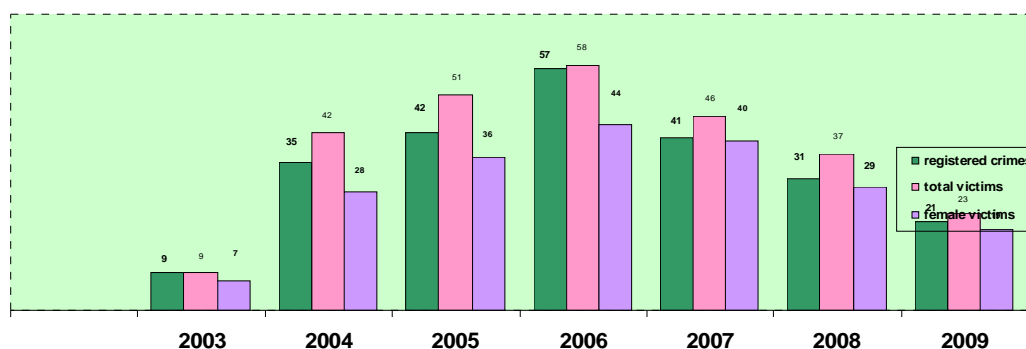
149. The same article provides expressly for the punishment of persons for having committed the abovementioned acts “against two or more children”, “causing severe bodily injury or mental disorder of the child or his/her death or suicide”, “against a child aged under 14”. For such acts, considered to be more serious, individuals are punished by imprisonment for 15 to 20 years or by life imprisonment, with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity is punished by a fine in the amount of 7000 to 9000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

150. A victim of trafficking in children shall be exempted from criminal liability for any crime committed by him/her in relation to this procedural status.

151. It should be noted that trafficking in (or sale of) children and child prostitution are mentioned in the above said article as an objective side of the crime.

152. In 2007 the law-enforcement bodies initiated 41 criminal cases of child trafficking, in 2008 – 31, and in 2009 – 21 (see the chart below).

Dynamics of registration of child trafficking cases (article 206, Criminal Code) in 2003–2009

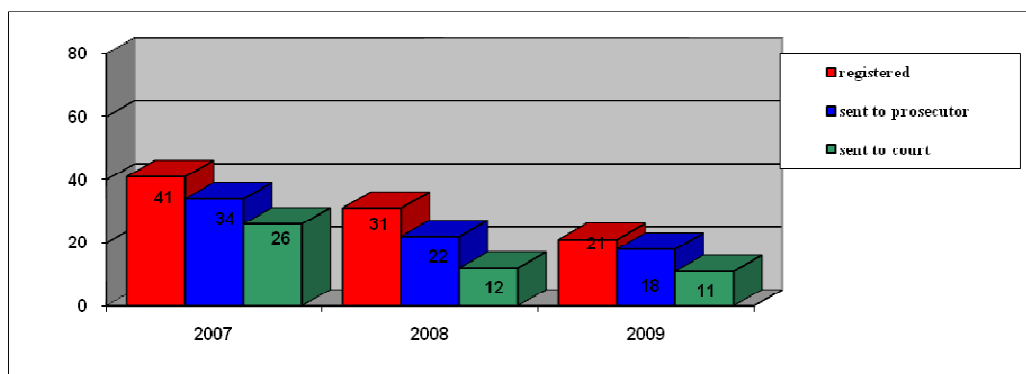


153. As a result of the actions undertaken by the divisions of the Ministry of Interior in 2008, 145 juvenile girls were prevented from being trafficked abroad, 12 children were prevented from being illegally taken out of the country and 5 children – from being trafficked.

154. Due to providing prompt information and to having a fruitful cooperation with similar bodies from other states, in 2008 it was possible to bring back to the country 20 juvenile girls and 3 boys and call the traffickers to criminal account.

155. With regard to the criminal investigation, in 2008, out of the 31 cases initiated on grounds of Art. 206 CC (Trafficking in Children), 22 were sent to the prosecutor and 12 – to the court. In 2009, 18 criminal cases out of 21 were sent to the prosecutor, out of which 11 were later sent to court for review (see table below).

Trafficking in children



156. The Parliament ratified the most important international conventions in this area and adopted the Law no. 241-XVI of October 20, 2005 On Preventing and Fighting human trafficking. To extend liability for crimes provided for by Art. 165 (Trafficking in Human Beings), and Art. 206 (Trafficking in Children) of the Criminal Code, as well as for other crimes related to trafficking, such as the organization of illegal migration, etc, amendments and additions were made to the Criminal Code. Thus, by Law no. 376-XVI of December 29, 2005, the Code was completed with a new article – 362/1 “Organization of Illegal Migration”.

157. The regulatory framework in this area was strengthened by approval of the National Action Plan for Combating Trafficking in Human Beings, the Regulation on the National Committee for Preventing and Combating Trafficking in Human Beings,¹⁵ the Regulation of the National Committee and the National Plan for Preventing and Combating Trafficking in Human Beings for 2008–2009, the Framework Regulation on the Organization and Functioning of the Centers for Assistance and Protection to Victims of Human Trafficking,¹⁶ the Regulation on the Procedure of Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Trafficking in Migrants and Unaccompanied Children.¹⁷ Bilateral agreements on organizing the fighting of human trafficking were concluded with a number of states (Turkey, Romania, Ukraine, etc).

158. The Government has established a National Committee for Combating Human Trafficking – an inter-department body that coordinates all activities in this area country-wide. The Deputy Prime-Minister, Minister of Foreign Affairs and European Integration of the Republic of Moldova was appointed as head of the Committee.

159. Commissions for preventing and combating human trafficking were created and carry out their activity within the local public administration of the 2nd level.

160. Since 1990, when the economic and social problems caused by the economic transition urged the population to seek work abroad, the issue of human trafficking called the attention of the law-enforcement bodies. In the 10 following years this phenomenon expanded in all ex-soviet countries, including Moldova.

161. Having analyzed the situation described above, and with a view to preventing and combating human trafficking and illegal migration, the government took the decision to establish a specialized Division for Combating Human Trafficking and Illegal Migration.

162. Thus, the Division was created on April 25, 2002 within the Ministry of Interior, with the status of operative criminal investigation body.

163. On September 6, 2005, the Government of Moldova and the US Government signed the 3rd Amendment to the Letter of Agreement on the Control over Drugs and Law Enforcement, of August 28, 2001. As a result of this, the Centre for Combating Human Trafficking was created as a subdivision of the Ministry of Interior.

164. The 3rd Amendment to the Letter of Agreement was signed for the period September 5, 2005 – September 30, 2010, with the provision of funding in the amount of USD 1,300,000. The financial resources were allotted for the following purposes: purchase of motor vehicles and IT equipment, reparation of building, training of staff, and organization and conduct of seminars.

165. The main objective of the Centre is to investigate, detain and perform criminal pursuit of the persons and organizations involved in human trafficking and illegal migration in Moldova and in the region.

166. The Centre carries out its activity based on principles of legality, observance of human rights and fundamental freedoms, by combining public and confidential methods and

¹⁵ Approved by Government Decision No. 472 of March 26, 2008 on Approval of Membership of the National Committee for Preventing and Combating Trafficking in Human Beings.

¹⁶ Approved by Government Decision No. 1362 of November 29, 2006 on Approval of the Framework Regulation on the Organization and Functioning of the Centers for Assistance and Protection to Victims of Human Trafficking.

¹⁷ Approved by Government Decision No. 948 of August 7, 2008 on Approval of the Regulation on the Procedure of Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Trafficking in Migrants and Unaccompanied Children.

means of activity and by cooperating with other subdivisions of the Ministry of Interior, the central and local public authorities, international institutions and bodies, nongovernmental organizations, and the citizens.

167. The Centre is responsible for the implementation, enforcement and control of the legislation in the area of preventing and combating human trafficking, pimping, illegal taking of children out of the country, organization of illegal migration and for the conduct of operative criminal investigation in regard to persons and gangs who contributed to committing such crimes.

168. The Centre carries out its activity in accordance with the Constitution of the Republic of Moldova, Parliament laws and decision, President orders, Government decisions, orders and ordinances regulatory acts of the Ministry of Interior and its departments, and international treaties and conventions to which Moldova is a party.

169. The activity of the Centre is underlain by principles of lawfulness, observance of human rights and fundamental freedoms, true fellowship and mutual respect, sympathy and fairness, cooperation with the government bodies and foreign partners, nongovernment organizations and the civil society, transparency, observance of the state and professional secrets, working individually and as a team.

170. The Centre for Combating Human Trafficking has the following tasks: develop, promote and enforce the state policy in the area of preventing and combating human trafficking; set and develop the priority directions of the state policy in this area.

171. The Centre carries out the activity of preventing and combating crimes such as human trafficking, child trafficking, exploitation in slavery and conditions similar to slavery, forcing into labor, illegal taking of children out of the country, pimping and organization of illegal migration, as well as other related crimes.

172. To ensure the enforcement of para. (7), Art. 11 of the Law on Preventing and Combating Human Trafficking, the Coordinating Council of the Law-Enforcement Bodies Responsible for Combating Human Trafficking was established under the General Prosecutor's Office on June 22, 2007.

173. The Coordinating Council is an interdepartmental advisory body whose task is to consolidate efforts of the law-enforcement bodies responsible for combating human trafficking, to set coordinated objectives and measures with a view to preventing and combating human trafficking, and to assure that these bodies enforce the provisions of the legislation in this area in a consistent way, in the limits of their competences.

174. To enforce the provisions of the Law on Preventing and Combating Human Trafficking, the Section for Preventing and Combating Human Trafficking was established within the Prosecutor's Office. The Section exercises such attributions as preventing and combating human trafficking; coordinating and leading criminal investigation in trafficking-related cases in which criminal investigation is conducted by the Centre for Combating Human Trafficking under the Ministry of Interior.

175. The principles of interaction between the subdivisions of prosecution bodies in the area of preventing and combating human trafficking were set. Based on such principles, in each Prosecutor's Office prosecutors were appointed who are responsible for the enforcement and observance of the legislation in this field at a local level.

176. Given the responsibility of the public authorities, the civil society and the international community in terms of the issue of human trafficking and due to the need of establishing a permanent, fair and mutual cooperation between all these stakeholders, a Memorandum of Cooperation was concluded in May 2008. The Memorandum sets the principles of cooperation between the government bodies represented by the General

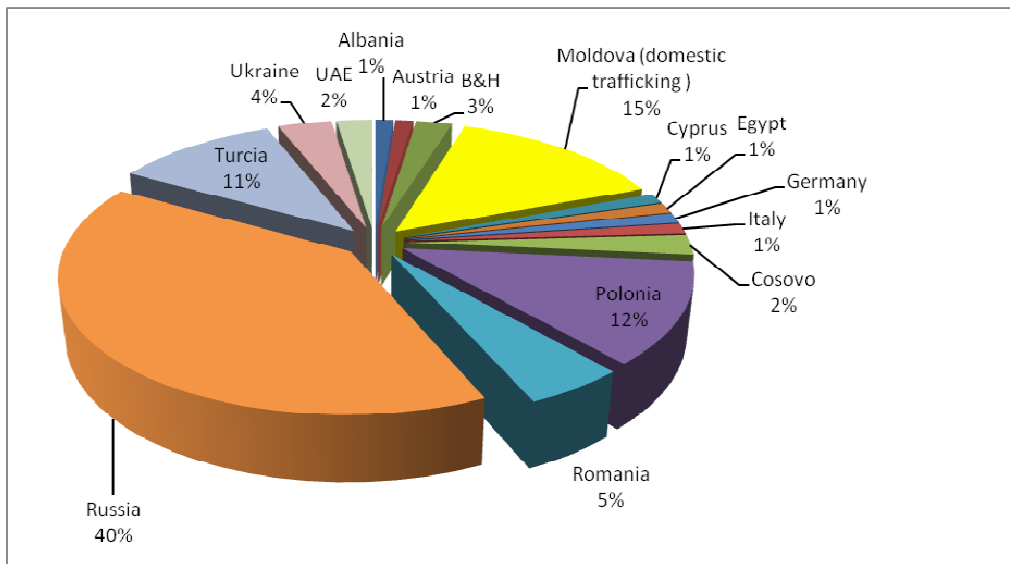
Prosecutor’s Office, the Ministry of Interior, Ministry of Labor, Social Protection and Family and the international and nongovernmental organizations with attributions in preventing and combating human trafficking, represented by the International Organization for Migration, the Centre for Prevention of Trafficking in Women, and the International Centre “La Strada”.

177. Thus, Moldova has made certain progress in terms of the criminal investigation of the committed crimes that fall under Art. 165 (Trafficking in Human Beings) and Art. 206 (Trafficking in Children) of the Criminal Code.

178. Most often, the destination-countries for people trafficked with the purpose of prostitution are the following: Turkey, Dubai (United Arab Emirates (UAE)), Cyprus, Italy, Yugoslavia, Croatia, Bosnia and Herzegovina (B&H), Kosovo, Austria, Albania, Israel, Greece, Russia and Ukraine.

179. Poland is a destination-country for persons with children (women or family members) who are trafficked and forced into begging.

180. According to statistical data¹⁸ of the International Center for Women Rights Protection and Promotion “La Strada”, the destination-countries for juveniles recruited from Moldova are as follows:



181. Following the ratification by Moldova of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Moldova Criminal Code was completed with a new article – 208¹ “Infantile Pornography”, which is defined as “the production, distribution, broadcasting, import, export, offering, sale, exchange, use, or holding of pictures or of other images of one or more children involved in explicit, real, or simulated sexual activities or pictures or other images of genital organs of a child represented in a lustful or indecent manner including in a soft version”.

182. Persons guilty of having committed such crimes are punished by imprisonment for 1 to 3 years, whereas legal entities – by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities.

183. We should note that infantile pornography does not refer only to minors; any person may be the passive subject of crime.

¹⁸ Statistical data on the persons identified and assisted during 2001–2009.

184. In 2008 the law-enforcement bodies started only one criminal case on grounds of Art. 208¹ of the Criminal Code. Thus, M, being at the residence of G.V, together with the juvenile L., had a sexual intercourse after having drunk alcohol beverages, which was filmed by G.V and disseminated to a number of people through the mobile phone.

185. In 2009, a criminal case was started by the Prosecutor's Office of Buiucani, Chisinau based on Art. 208¹ "Infantile Pornography" of the Criminal Code, on grounds that D.D and A.P, residing in Chisinau, held images with the juvenile I.S.

186. In 2006 the National Referral System (NRS) for the protection and assistance of victims and potential victims of human trafficking was launched in partnership with the Mission of the International Organization for Migration (IOM) to Moldova in the context of implementation of the national social policies for preventing and combating human trafficking, and is now expanded on the territory of Moldova. Currently the project is implemented in 26 raions: Calarasi, Cahul, Causeni, Edinet, Cimislia, Hincesti, Stefan-Voda, Soroca, Floresti, Telenesti, Leova, Ungheni, Nisporeni, Cantemir, Falesti, Comrat, municipalities of Chisinau and Balti, towns of Otaci, Ocnita, Riscani, Singerei, Vulcanesti, Anenii-Noi, Rezina and Soldanesti.

187. The Strategy and Action Plan of the National Referral System for the protection and assistance of victims and potential victims of human trafficking were adopted with a view to strengthening the legal framework.¹⁹ The main objective of the Strategy is to ensure a consistent approach in the protection and assistance of victims. The strategy represents the framework of cooperation between the government institutions with competences in the field and the national and international organizations performing activities of preventing and combating human trafficking. The specific objectives in the implementation of NRS in Moldova are:

- (a) Prevent human trafficking through providing social assistance to potential victims;
- (b) Develop transnational cooperation in the area (which is a very important and complex issue for Moldova).

188. Therefore, children who are victims of human trafficking and of other serious forms of child exploitation through labor, benefit now from assistance within the National Referral System for the protection and social assistance of victims and potential victims of human trafficking.

189. Actually NRS represents the government's response to the phenomenon of human (including child) trafficking. The core of the system could be defined through the word "cooperation" – cooperation between the governmental and nongovernmental agencies acting in the prevention and combating of human trafficking and of serious forms of child exploitation through labor, which carry out their activity based on common standards recognized at an international level.

190. The Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking was established under the Ministry of Labor, Social Protection and Family (MLSPF), with a view to strengthening the institutional framework in the field.²⁰

¹⁹ Adopted by Parliament Decision No. 257 of December 1, 2008 on the Approval of the Strategy of the National Referral System for the protection and social assistance of victims and potential victims of human trafficking and the Action Plan on the implementation of the Strategy of the National Referral System for the protection and social assistance of victims and potential victims of human trafficking for 2009–2011.

²⁰ Established by Government Decision No. 847 of July 11, 2008 on Establishment of the Centre for

According to point 4 of the Decision on establishment of the Centre, MLSPF has concluded the Joint Activity Agreement with the IOM Mission to Moldova with a view to delimiting the tasks of joint management and funding of the Centre. The Centre is basically the first contact point in Moldova for the repatriated persons. It provides temporary shelter and a series of healthcare, psychological, social, legal, educational and recreational services to adults (including to mothers and their children). The Centre also provides services to potential victims of human trafficking.

191. With a view to strengthening the legal framework in the area of repatriation, the Regulation on the Procedure of Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Trafficking of Migrants and Unaccompanied Children was approved.²¹ A series of meetings with the participation of stakeholders responsible for carrying out this procedure were organized with regard to the enforcement of the regulation. Participants were informed about and guided in the enforcement of this procedure of the Ministry of Foreign Affairs and European Integration.

192. According to the data of the International Organization for Migration, in 2009 only 102 victims of human trafficking were identified and assisted, as compared to 2008 (158) and to 2007 (273).

193. Analyses carried out show a decrease in terms of the identified victims of human trafficking crimes as compared to the previous years (in 2009 – 182 identified victims, in 2008 – 271, and in 2007 – 298). Out of the 182 identified victims of human trafficking, this year were trafficked 34%, in 2008 – 27% and during 2002–2006 – 39%.

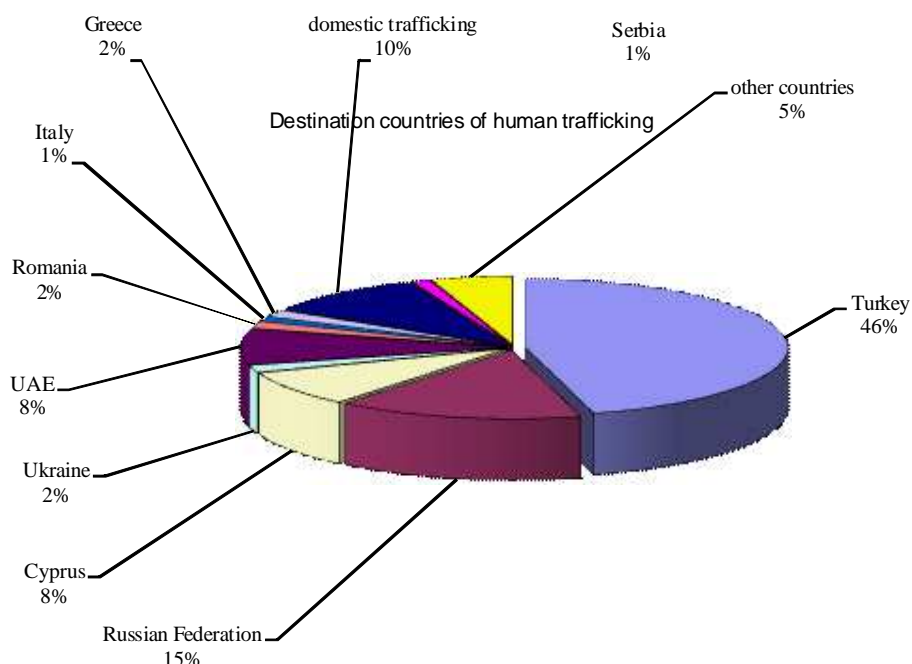
194. Despite all efforts, trafficking in human beings and illegal migration continue to be a problem for Moldova. This issue needs to be regulated based on consensual policies of the responsible government institutions and the national and international nongovernmental bodies competent in the field.

195. Moldova continues to be a country of origin, the victims being trafficked mostly to Turkey, Russian Federation, Cyprus, United Arab Emirates, and Middle East countries. Women are most trafficked to these countries for sexual exploitation. Men are usually trafficked to work in constructions, agriculture and other fields, most often to Russian Federation.

196. At the same time, the main countries of destination for illegal migration of the Moldovan citizens continue to be Italy – approximately 74%, France – 6%, Portugal – 3%, Greece – 3% and other countries – 14%.

Assistance and Protection of Victims and Potential Victims of Human Trafficking.

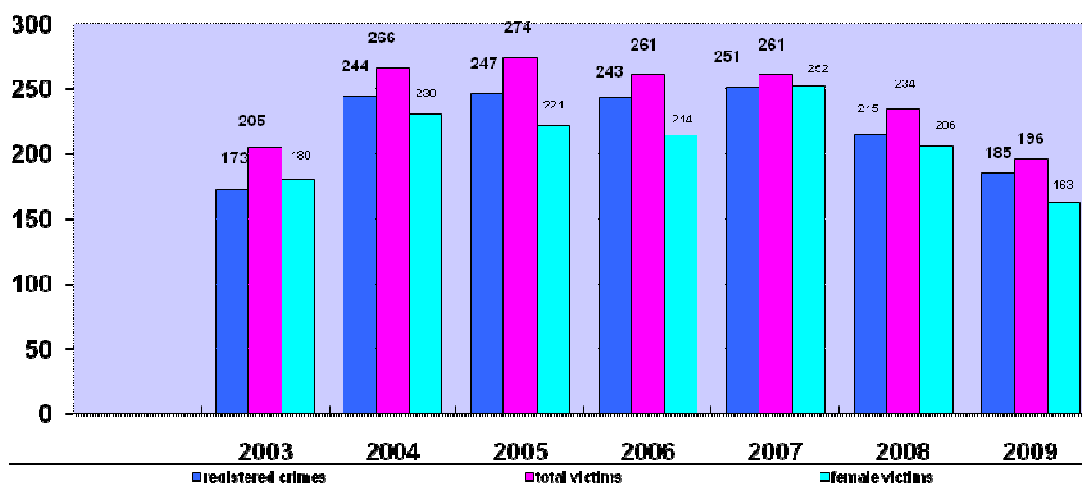
²¹ Approved by Government Decision No. 948 of August 7, 2008 on Approval of the Regulation on the Procedure of Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Trafficking of Migrants and Unaccompanied Children.



197. The social basis in Moldova for human trafficking is the pauperized population in rural regions, most often young girls without any profession and unemployed.

198. According to many experts in combating human trafficking, a stabilization of the situation in this area could be noted in the last two years, due to various actions undertaken. Although factors such as the poverty and unemployment, which generate “the supply of human merchandise” continue to have a negative impact on the situation, the counteracting measures undertaken by the government in 2001–2008 and supported by the civil society and the international community, allowed to stop the continuous expansion of human trafficking in the country and prevented a possible worsening of the situation.

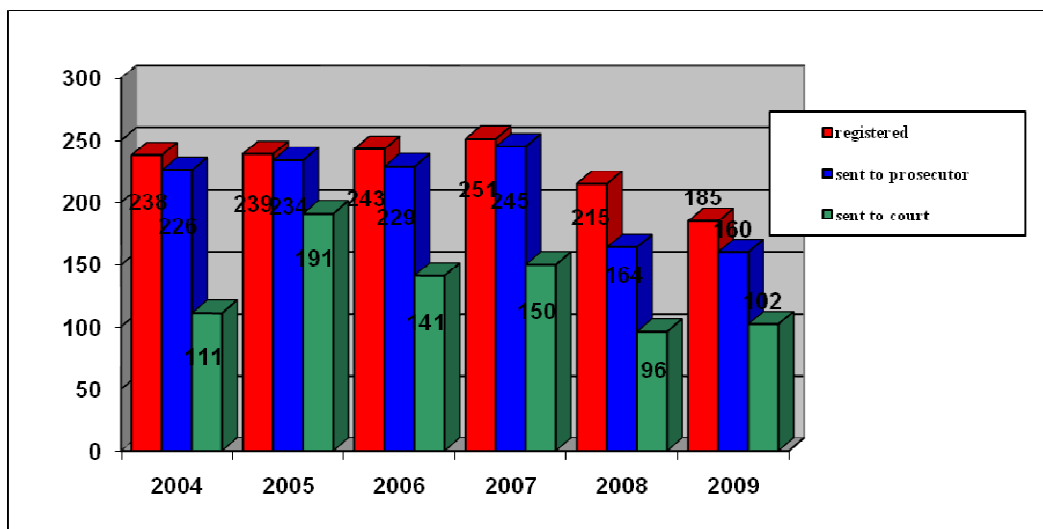
Dynamics of registration of human trafficking cases (article 165 of the Criminal Code) by the law-enforcement bodies in 2003–2009



199. Statistics of human trafficking registered by the police bodies show that this phenomenon still exists in Moldova. Such cases are discovered by the police officers or reported by the victims of trafficking. Thus, in 2003, 173 crimes provided for by Art. 165 of

the Criminal Code were registered, while in 2007 – 253, which shows an increase in the number of this type of cases in the corresponding period. Most of the victims are women, who are trafficked for purposes of sexual exploitation. In 2003, the share of women in the number of trafficked persons was 87%, in 2006 – 81.9%, in 2007 – 96.5%, in 2008 – 83%, and in 2009 – 83.1%.

Dynamics of human trafficking crimes in 2004–2009



200. Within 2003–2006 there was an increase in the number of child trafficking cases from 9 to 57, due to the vulnerability of the rural population. In most cases the victims were girls who were used for purposes of sexual exploitation.

201. As a result of actions undertaken by the Ministry of Interior on May 16 and June 20, 2008, three criminal cases were started against a national of Great Britain – Deacon David Brian, born 1960, on grounds of trafficking in children for purposes of sexual exploitation and perverted acts of a sexual nature.

202. During the criminal investigation it was established that during February–May 2008, in Chisinau, David Deacon recruited and exploited sexually 4 minors through deceit.

203. The criminal investigation ended in late June 2008 and the criminal cases were sent to the prosecutor with a proposal to send them to district court for examination. The court found Deacon David Brian guilty of the committed acts and sentenced him to 7 years of imprisonment.

V. Criminal procedure

A. Legislation (articles 3 and 4 of the Protocol)

204. The criminal investigation of the crimes provided for in the Protocol is conducted in accordance with the criminal procedure law and the international treaties that regulate legal assistance in criminal matters.

205. The national legal framework that regulates issues related to extradition includes Art. 18 para. 2 and Art. 19 para. 2 of the Moldovan Constitution of 29 July 1994; Art. 13 of the Moldovan Criminal Code; and Arts 541–550 of the Moldovan Criminal Procedure Code; Chapter IV of the Law No. 371-XVI of 1 Dec 2006 On International Legal Assistance in Criminal Matters.

206. Among the basic conditions provided for by the criminal procedure law, Art. 544 para. (3) of the Criminal Procedure Code stipulates such a condition according to which extradition for the purpose of criminal investigation shall be granted only if the act is punishable under the legislation of the Republic of Moldova or if the act would be subject to such a punishment under the Moldovan legislation. According to Art. 544, para. (4), extradition for the purpose of executing a sentence shall be granted only if extradition under para. (3) is admissible and if a punishment depriving liberty is to be executed. The detention terms to be executed in this case are of at least six months.

207. According to Art. 13 of the Criminal Code “Citizens of the Republic of Moldova and persons who have been granted political asylum in the Republic of Moldova who commit a crime abroad may not be extradited and shall be subject to criminal liability hereunder.” At the same time, the national law provides that “foreign citizens and stateless persons who commit crimes outside the territory of the Republic of Moldova but who are in the territory of the country may be extradited based only on an international treaty to which the Republic of Moldova is a party or in conditions of reciprocity based on a court decision.”

208. Criminal investigations of crimes involving minors as authors, accomplices or coauthors are conducted according to a special procedure that is regulated in Arts. 474–487 of the Criminal Procedure Code, based on the best interest of the child.

209. If it is necessary to conduct a bodily examination of the accused or of the injured party to establish the existence of traces of the crime on their bodies, the criminal investigation body shall request that this be done by the forensic body who is competent to carry out such actions in accordance with the law.

210. The Moldovan criminal procedure law provides for the cases when the conduction of expertise is mandatory.²²

211. Expertise shall be sought and required in order to ascertain:

(a) The age of the suspect/accused/defendant or injured party if this circumstance is important for the criminal case and if documents confirming the age are missing or suspicious;

(b) The mental or physical condition of an injured party or of a witness if doubts exist regarding their capacity to justly perceive the circumstances important for the criminal case or to testify, provided that such testimony shall subsequently substantiate, exclusively or principally, the judgment on this case.

212. The Criminal Procedure Code regulates in Chapter IX the international legal assistance on criminal matters, reflecting the procedural aspects related to establishing rogatory commissions, extradition, transfer of convicts and acknowledging criminal judgments of foreign courts.

213. Moldova is party to the European Convention on Extradition, adopted in Paris on 13 December 1957, in effect for Moldova since 31 December 1997.

214. Chapter VII of the Moldovan Criminal Code provides for the crime against the family and minors, among which Art. 206 – “Trafficking in Children”, Art. 207 – “Illegally Taking Children Out of the Country”, Art. 208¹ – “Child Pornography” etc., which allows requesting and receiving requests for extradition for such crimes.

²² Moldovan Criminal Procedure Code (Art. 143).

215. As to Art. 34 of the Convention on the Rights of the Child, Law No. 235-XVI of 8 Nov 2007 on Amending and Completing Certain Legal Acts incriminated child pornography in Art. 208¹ of the Moldovan Criminal Code and the mitigating circumstance for trafficking in children, Art. 206 of the Criminal Code, accompanied by sexual violence and abuse.

216. According to the Moldovan criminal procedure law, internal legal assistance is provided through the General Prosecutor's Office, and such assistance is provided through the Ministry of Justice at the trial and enforcement of punishment stages.

217. In view of observing the principle of double jeopardy, Moldova transmits to any interested country information about the judgments and further actions referring the citizens of that country and which made the subject matter of indications in the criminal records.²³

218. If the individual is citizen of several countries, the information is communicated to each interested state in part. The information is transmitted through the Ministry of Justice.

219. The same kind of information transmitted by foreign authorities within the exchange of information is received by the Ministry of Justice, which transmits it to the Ministry of Interior for registration.

220. As to para. (5) Art. 5 of the Protocol under discussion, the unanimously recognized principle by the national framework is the non-extradition of Moldovan citizens and of individuals to whom political asylum has been granted. The procedure of taking over criminal proceedings and especially of criminal investigations is regulated in para. (1) Art. 13 of the Criminal Code, which provides that "individuals who cannot be extradited are subject to criminal liability hereunder".

221. The national legal framework, through the provisions of Arts. 558–559 of the Criminal Procedure Code, Chapter VI of the Law No. 371-XVI of 1 Dec 2006 on International Legal Assistance in Criminal Matters, offers the possibility to take over the enforcement of a punishment established through the criminal sentence of a foreign country in regard to the individual who cannot be extradited from Moldova for enforcing the punishment thereon. The mandatory character of taking over from the country that issued the conviction sentence and the enforcement of punishment on the citizen who evades executing the punishment by taking refuge to the country whose citizen he/she is, is also provided by Art. 2 of the Additional Protocol to the Convention on the Transfer of Sentenced Persons, Strasbourg, 18 December 1997.

222. The experience acquired so far at this chapter is reduced to the requests received from abroad to take over criminal investigations against Moldovan citizens, most of them coming from the Romanian authorities and which are transmitted by the Ministry of Justice by competence to the General Prosecutor's Office because, according to the Criminal Procedure Code, the latter is the only national institution that provides international legal assistance at the trial or enforcement of punishment stages. Therefore, broad information about the subject under discussion can be provided only by this institution that is authorized to hold it.

223. The Ministry of Justice did not receive any requests for taking over the criminal investigations at the trial stage in court.

224. General provisions on child labor are contained in the Moldovan Constitution, Labor Code, and the Law on the Rights of the Child.

²³ Law No. 371-XVI of 1 Dec 2006 on International Legal Assistance in Criminal Matters (Art. 12).

225. According to para. (4) Art. 50 of the Moldovan Constitution “Exploitation of minors, using them in activities that would damage their health, morality or would endanger their life or normal development are forbidden.”

226. According to Art. 6 of the Law No. 338-XIII of 15 December 1994 on the Rights of the Child, “the state protects the inviolability of the person of the child protecting him/her from any form of exploitation, discrimination, physical and mental violence, not allowing cruel, rude or scornful behavior thereto, insults and maltreatments of children or their involvement in criminal actions, attracting them to consumption of alcohol, illicit use of stupefying and psychotropic substances, gambling, begging, inciting or coercing them to practice illegal sexual activities, exploitation for prostitution or other illegal sexual practices, for pornography or pornographic materials, including by their parents or legal substitutes, or relatives”.

227. According to para. (3) of Art. 11 of the said Law, the state protects the child from economic exploitation and from executing any work that poses danger for his/her health or serves as obstacle in his/her training, or causes damages to his/her physical, intellectual or spiritual development, and according to para. (5), the any type of forced employment of a child attracts legal liability.²⁴

228. The list of works in hard, damaging and/or dangerous conditions in which it is forbidden to use individuals ages less than 18 and the standards for maximal lifting and transportation of weights by minors is approved by the Government after consulting with employer associations and trade unions.

229. On 29 May 1993, Moldova adhered to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

230. In Moldova, the function of central tutorship authority is carried out by the Ministry of Social Protection, Family and Child, which is stipulated in Art. 5 of the Government Decision No. 283 of 14 March 2007 On Approving the Structure, Staff Limit and Regulations on Organizing and Functioning of the Ministry of Social Protection, Family and Child.

231. According to para. (4) of Art. 6 of the said Decision, the Ministry of Social Protection, Family and Child had the following tasks concerning adoption:

- (a) Coordinate and monitor adoption-related activities;
- (b) Review the documents necessary for adoption, as established by law;
- (c) Ensure access to information about children tracked for adoption to organizations providing such service;
- (d) Collect, analyze and protect information about national and international adoptions;
- (e) Monitor the situation of children during the adoption procedure and during the national and international post-adoption period;

²⁴ Similar but more detailed provisions on certain distinct forms of child labor are contained in Art. 255 of the Labor Code, which stipulates: “It is forbidden to use individuals aged less than 18 in work in hard, damaging and/or dangerous conditions, in undergrounds works, as well as in works that may cause damages to their health or moral integrity (gambling, work in night locales, production, transport and sale of alcoholic beverages, tobacco items, narcotic or toxic substances). It is not allowed to have minors lift or transport by hand weights exceeding the maximal standards established for them.”

(f) Support and ensure development of the database on adoption;

(g) Issue reports on observance of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

232. The national and international adoption procedure is stipulated in Chapter 18 of the Family Code, adopted by Law No. 1316-XIV of 26 October 2000 (Official Gazette of Moldova, 2001, No. 47-48, Art. 210).

233. According to the new reforms and Government restructuring, the Ministry of Labor, Social Protection and Family was created under Law No. 21-XVIII of 18 September 2009 on amending Law No. 64-XII of 31 May 1990 on Government (Official Gazette No. 149 of 22 September 2009).

234. According to the Regulations on Organizing and Functioning of the Ministry of Labor, Social Protection and Family, (approved by Government Decision No. 691 of 17 November 2009), it has the mission to ensure the state's policies on work relations, work remuneration, work safety and security, human resources management and employment, including work orientation and professional training of the population, labor force migration, demography, social partnership, social insurance, social assistance, social protection of disabled persons, family and child rights protection, ensuring equal opportunities for men and women, preventing domestic and gender-based violence, preventing human trafficking, receipt and distribution of humanitarian aids granted to Moldova, having as final objectives to ensure decent living standards for the population, and social peace and security.

235. Art. 291 (Review of Application) of the Civil Procedure Code,²⁵ provides that the application for adoption shall be reviewed in closed meeting with the mandatory participation of the adopters, and of the representative of the tutorship and guardianship body if the child has attained the age of 10. Other individuals interested in the adoption may be attracted into the process, as necessary.

236. Art. 13 (Acquiring Citizenship through Adoption) of the Moldovan Law on Citizenship No. 1024 of 2 June 2000 provides for acquiring citizenship by adoption and so, a stateless child automatically acquires the Moldovan citizenship through adoption if the adopter(s) are Moldovan citizens.

237. The adopter spouses, one of whom is Moldovan citizen and the other one is a foreign citizen are the ones to agree on the citizenship of the stateless child adopted. If the adopters cannot agree on the citizenship of the child, this shall be decided by the court, taking the child's interests into consideration. If the child has attained the age of 14, his/her notarized agreement shall be necessary.

238. The child-foreign citizen who is adopted by spouses when both of them are Moldovan citizens, or when one is Moldovan citizen and the other is foreign citizen or stateless person, shall become Moldovan citizen if he/she has renounced the foreign citizenship, except for the cases stipulated by the international agreements to which Moldova is party.

239. The national criminal law provides sanctions for disclosures of adoption against the adopter's will or committed by a person obliged to keep the fact of adoption as a professional or official secret, Art. 204 of the Criminal Code "Disclosure of Adoption".

²⁵ Approved by Law No. 225-XV of 30 May 2003 (Official Gazette of Moldova, 2003, No. 111-115, Art. 451).

During 2007–2009, the law-enforcement bodies did not start any cases under Art. 204 of the Criminal Code.

240. Article 205 of the Criminal Code “Abuses by Parents and Other Persons Adopting Children”²⁶ was completed with 3 paragraphs that incriminate intermediation, facilitation or encouragement of adoption of a child for profit, material or other interests, exerting any form of compulsion on the parent or custodian (trustee) of the child in order to obtain a consent for adoption or submitting false data for permission for adoption, custody (trusteeship), or a child’s placement in a residential institution or a family or family-type orphanage, and their mitigating circumstances.

241. Receipt by a parent, custodian (trustee) or other legal representative of a child or by some other person of compensation in any form for the consent for adoption or for other purposes related to adoption shall be punished in accordance with Art. 205 (Abuses by Parents and Other Persons Adopting Children) of the Criminal Code.

242. According to the 2007–2008 statistics, the law-enforcement bodies did not start any criminal cases under Art. 205 of the Moldovan Criminal Code.

243. In February 2009, the Prosecutor’s Office of Centru sector of Chişinău started a criminal case based on the constitutive signs of the crime stipulated in para. (4) of Art. 205 of the Criminal Code (Abuses by Parents and Other Persons Adopting Children), which shows that the staff of the Institute for Scientific Researches in the area of Mother and Child Protection had repeatedly presented erroneous data about the placement of a number of children in a residential institution.

244. A draft law on the legal status of adoption was approved by Government Decision No. 484 of 29 March 2008 and submitted to the Parliament for consideration. The draft law regulates the legal relations on the protection of the rights of the child through adoption and namely, those referring to establishing the legal status of adoption, international cooperation in the area of child protection by adoption. According to the draft law, a child’s rights are protected by adoption according to the principle of observing the child’s fundamental rights and freedoms, respecting his/her best interests, informing the child and respecting his/her opinion as related to his/her age and level of maturity, priority of family to institutional placement, priority of permanent to temporary placement, priority of national to international adoption, continuity in child’s growth and upbringing taking into account his/her ethnical, cultural and linguistic origin, celerity in conducting any acts on the adoption procedure, observing the confidentiality of the information obtained in the adoption process.

245. The territorial and material competence regarding the crimes mentioned in the Protocol are regulated in the Moldovan Criminal Code and Criminal Procedure Code, which stipulate as follows:

Article 11 of the Criminal Code (Application of Criminal Law in Space) stipulates that all persons who committed crimes in the territory of the Republic of Moldova shall be held criminally liable under the Code. Moldovan citizens and stateless persons with permanent domiciles in the territory of the Republic of Moldova who commit crimes outside the territory of the country shall be liable for criminal responsibility under the code.

246. If not convicted in a foreign state, foreign citizens and stateless persons without permanent domiciles in the territory of the Republic of Moldova who commit crimes outside the territory of the Republic of Moldova shall be criminally liable under this Code

²⁶ By Law No. 235-XVI of 8 Nov 2007 on Amending and Completing Certain Legal Acts.

and shall be subject to criminal liability in the territory of Moldova provided that the crimes committed are adverse to the interests of Moldova or to the peace and security of humanity, or constitute war crimes including crimes set forth in the international treaties to which Moldova is a party.

247. Criminal law shall not apply to crimes committed by the diplomatic representatives of foreign states or by other persons who under international treaties are not subject to the criminal jurisdiction of Moldova.

248. Crimes committed in the territorial waters or the air space of Moldova are considered to be committed in the territory of the Republic of Moldova. The person who committed a crime on a sea craft or aircraft registered in a harbor or airport of Moldova and located outside the water or air space of Moldova, may be subject to criminal liability under this Code provided that the international treaties to which the Republic of Moldova is a party do not provide otherwise.

249. Persons who commit crimes on board a military sea craft or aircraft belonging to Moldova, irrespective of its location, shall be held criminally liable under the Code.

250. Criminal punishments and criminal records for crimes committed outside the territory of Moldova shall be taken into consideration according to the Criminal Code n individualizing the punishment for a new crime committed by the same person on the territory Moldova as well as in settling issues related to amnesty in conditions of reciprocity based on a court decision.

251. Art. 12 (Place of Commission of the Act) of the Criminal Code establishes that “The place an act was committed shall be considered the place where the prejudicial action (inaction) was undertaken, irrespective of the time when the consequences occurred.”

252. The place of commission is considered a transnational crime if:

(a) The crime was committed in the territory of Moldova and in the territory of at least one more state;

(b) The crime was committed in the territory of Moldova but a substantial part of the organization and control thereof took place in another state and vice-versa;

(c) The crime was committed in the territory of Moldova, with the involvement of an organized criminal group or a criminal organization (association) that is involved in criminal activity in more than one state and vice-versa;

(d) The crime was committed in the territory of Moldova but had serious consequences in another state and vice-versa.

253. At the same time, Art. 13 (Extradition) of the Criminal Code (new edition) expressly provides for the extradition procedure and stipulates that Moldovan citizens and persons who have been granted political asylum Moldova who commit a crime abroad may not be extradited and shall be subject to criminal liability in accordance with the Criminal Code.

254. Foreign citizens and stateless persons who commit crimes outside the territory of Moldova but who are in the territory of the country may be extradited based only on an international treaty to which Moldova is a party or in conditions of reciprocity based on a court decision.

255. No crimes have been committed in Moldova on board a sea craft or aircraft under the flag of a foreign country.

B. Extradition (articles 5 and 6 of the Protocol)

256. Extradition is an act through which a state in the territory of which a criminal has taken refuge hands him/her over at the request of another state.

257. Extradition is a bilateral act that interferes between two countries and is granted based on an international convention, based on reciprocity or, in their absence, under the law.

258. The extradition procedure is regulated by the national law and by the internal law.

259. Thus, as was mentioned above, Article 13 of the Moldovan Criminal Code provides that Moldovan citizens and persons who have been granted political asylum in Moldova who commit a crime abroad may not be extradited and shall be subject to criminal under the Criminal Code.

260. At the same time, the expressly provides that foreign citizens and stateless persons who commit crimes outside the territory of Moldova but who are in the territory of the country may be extradited based only on an international treaty to which Moldova is a party or in conditions of reciprocity based on a court decision.

261. During 2007–2009, the General Prosecutor's Office did not register any requests by/from foreign countries for extradition of minors to be subject to criminal liability for having committed the crimes specified, nor were there any requests by foreign countries for extradition of adults to be subject to criminal liability for having committed such crimes.

262. However, during the said period, the General Prosecutor's Office of Moldova requested, on these categories of crimes, extradition of 5 adults from other countries, as follows:

1. Arnaut N., born 1979, native of and domiciled in Vulcănești. On 31 May 2007, the Russian General Prosecutor's Office requested her extradition in order to subject her to criminal liability for committing the crime stipulated in Art. 207 of the Criminal Code — Illegally Taking Children Out of the Country — on the grounds that on 27 Nov 2006, she illegally took out of the country her minor daughter A. A., born 24 August 2001, by deceit and abuse of trust and without the agreement of the child's father.

In its letter of 21 June 2007, the Russian General Prosecutor's Office informed us that it refused extradition of the said person to be held criminally liable for committing the crime of taking children out of the country because such an act is not considered a crime in the territory of Russia.

2. S. I. I., born 1975, native of and domiciled in Vulcănești, Nisporeni. On 12 March 2008, the Russian General Prosecutor's Office was asked to extradite the said person to be subject to criminal liability for committing the crime stipulated in Art. 165 para. (2) letter d) – Trafficking in Human Beings, and Art. 113/1 of Criminal Code (Criminal Code of 1961) – Trafficking in Children, on the grounds that in 2002, together with Gabura I., she recruited Balcan A. and her minor children R.V., born 1993 and R.V., born 1997, by deceit, in view of exploiting by force their work in conditions similar to slavery, and organized their transportation to Poland where Balcan A. and her daughter R.V. were forced to beg, while R. Victor was transported to another city of Poland where, in conditions similar to slavery, he was forced to beg for 3 years.

In its letter of 20 May 2008, the Russian General Prosecutor's Office informed Moldova that it admitted extradition of the said person to be held criminally liable for committing trafficking in children, but refused his extradition to

be held criminally liable for trafficking in human beings because in Russia, the liability for such an act became effective only through a federal law of 8 December 2003.

3. N. T. C., born 1974, native of and domiciled in Cimișlia. On 25 June 2008, the General Prosecutor's Office of Ukraine was asked to extradite the said person to be subject to criminal liability for committing the crime stipulated in Art. 206 para. (3) letter c) of the Criminal Code — Trafficking in Children — on the grounds that on 12 September 2003, N. T. together with Covali A., recruited the minors Z. O., born 23 May 1987 and L. E. born 17 October 1987 in the city of Cahul for sexual slavery purposes, transported them to Chișinău, accommodated them in an apartment located at 25 Drumul Taberei str., from where they were transmitted further for practicing prostitution.

In its letter of 17 July 2008, the General Prosecutor's Office of Ukraine informed the Moldovan side that it admitted extradition of the said person to be held criminally liable, being suspected of trafficking in children.

4. P.A.T., born 1964, native of Prodănești, Florești, domiciled in Căprești. On 6 May 2009, the Russian General Prosecutor's Office was asked to extradite the said person to be subject to criminal liability for committing the crime stipulated in Art. 206 para. (1) letters b) and c) of the Criminal Code (Trafficking in Children), on the grounds that in May 2004, A. Pagu, recruited by deceit the minor O.M., born 1992 in view of her exploitation, and transported her to Russia where he took her documents away and detained her in conditions similar to slavery.

In its letter of 7 July 2009, the Russian General Prosecutor's Office informed the Moldovan authorities about admitting the extradition of the said person to be held criminally liable for committing trafficking in children.

5. B.S.M., born 1961, domiciled in Răciula, Călărași. On 5 August 2009, the General Prosecutor's Office of Ukraine was asked to extradite the said person for committing the crimes stipulated in Art. 165 para. (2) letter d) – Trafficking in Human Beings, and Art. 206 para. (2) letter a) of the Criminal Code – Trafficking in Children, on the grounds that in May–September 2004, S.B., together with V. Ciobanu, recruited by deceit I.C. and the minor G.B., born 1998 in view of exploiting their work, and transported them to Russia where they were forced to work in conditions similar to slavery.

In its letter of 23 September 2009, the General Prosecutor's Office of Ukraine informed us that it admitted extradition of the said person to be held criminally liable for committing the crimes of trafficking in human beings and trafficking in children. The transmission of the said person was postponed until he has executed his punishment for the crimes committed in the territory of Ukraine.

The Moldovan authorized bodies requested Russia and Ukraine to extradite the respective individuals in view of holding them criminally liable under the Treaty between Moldova and Russia on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters, and under the Treaty between Moldova and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Matters.

263. The criminal procedures related to international legal assistance with the involvement of minors did not undergo changes but the use of the procedures was based on general principles and especially the part related to observing the procedural rights of the minor victim/witness as well as of the minor accused or defendant. Since a number of general provisions on the procedures and specific character of criminal proceedings involving a minor was introduced in the general part of the Criminal Procedure Code, and

namely, provisions stating basic generally applicable principles for the entire procedure, they are implicitly used for international proceedings.

264. There are no special provisions stipulated that would regulate the international aspect of criminal proceedings involving a minor.

265. The national legal framework that regulates extradition is stipulated in para. (2), Art. 18 and para. (2), Art. 19 of the Moldovan Constitution, Art. 13 of the Moldovan Criminal Code (in effect since 12 June 2003) and Arts. 541–550 of the Moldovan Criminal Procedure Code (the new edition), and Chapter IV of the Law No. 371-XVI of 1 December 2006 on International Legal Assistance in Criminal Matters.

266. The basic conditions stipulated by the criminal procedure law are set forth in para. (3) Art. 544 of the Criminal Procedure Code that mentions that extradition for the purpose of criminal investigation shall be granted only if the act is punishable under the Moldovan legislation or if the act would be subject to such a punishment under the Moldovan legislation. According to Art. 544, para. (4), extradition for the purpose of executing a sentence shall be granted only if extradition under para. (3) is admissible and if a punishment depriving liberty is to be executed. The detention terms to be executed in this case are of at least six months.

267. Also, Chapter III of the Law No. 371-XVI of 1 December 2006 on International Legal Assistance in Criminal Matters, provides for the transfer of criminal proceedings, i.e. taking over by the Moldovan central authorities of criminal investigations and criminal cases at their trial stage.

268. The obligation to start or take over criminal investigations with regard to own citizens in case of their non-extradition is stipulated by a number of international treaties to which Moldova is a party, and namely:

(a) Art. 6 para. (2) of the European Convention on Extradition, Paris, 13 December 1957;

(b) Additional Protocol to the Convention on the Transfer of Sentenced Persons, Strasbourg, 18 December 1997;

(c) European Convention on the International Validity of Criminal Judgments, The Hague 1970;

(d) Art. 72 of the CIS Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters;

(e) Art. 59 of the Treaty between Moldova and Russia on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters;

(f) Art. 53 of the Treaty between Moldova and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Law Matters;

(g) Art. 81 of the Treaty between Moldova and Romania on Legal Assistance in Civil and Criminal Law Matters;

(h) Art. 58 of the Treaty between Moldova and Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters;

(i) Art. 58 of the Treaty between Moldova and Latvia on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters;

(j) Art. 59 of the Treaty between Moldova and Azerbaijan on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters;

(k) Art. 56 of the Treaty between the Union of Soviet Socialist Republics and the Popular Republic of Hungary on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters, enforced by succession in the relations between Moldova and Hungary;

(l) Art. 83 of the Treaty between the Union of Soviet Socialist Republics and the Socialist Czechoslovak Republic on Legal Assistance and Legal Relations in Civil, Family and Criminal Law Matters, enforced by succession in the relations between Moldova and the Czech Republic.

C. Seizure and confiscation of goods and proceeds and closing premises (article 7 of the Protocol)

269. Under the reserve of its internal rights, the Moldovan criminal law allows, if necessary, the seizure and confiscation of goods, materials, assets or other instrumentalities used to commit or facilitate the crimes under the Optional Protocol.

270. As to the regime of seizure and confiscation of goods and means that served as grounds for committing trafficking in children, child prostitution and child pornography, it does not have specific connotations and does not differ from the generally applicable regime to all the crimes for which such measures are applicable. Generally, we can indicate that both the acts directly forbidden by the Protocol and those predicated are not excepted from such measures and are subject to seizure and confiscation procedures.

271. Article 106 of the Moldovan Criminal Code refers to special seizure that is the forced and free transfer to the state of property or goods used in the commission of a crime or that resulted from crimes.

272. The following goods are subject to special seizure: used or intended for use in the commission of a crime, if they belong to the criminal; provided to determine the commission of a crime or to pay the criminal; obtained through the commission of a crime, if they are not to be returned to the injured person or not intended for his/her compensation; possessed contrary to legal provisions. Special seizure may be applied even in cases when a criminal punishment is not set for the criminal.

VI. Protection of the rights of a child victim

Article 8 of the Protocol

273. The Criminal Code of the Republic of Moldova provides a wider regulation of a juvenile as an active subject of an offence, thus setting the age for criminal liability. In this context, Art. 21 of the Criminal Code (new edition) provides that, are held criminally liable individuals which, at the moment of the committing of the offence, reached the age of 16 and the individuals of an age between 14 and 16 y.o. are criminally liable only for the committing of the offences provided by certain articles in this area.²⁷

²⁷ Art. 145, 147, 151, 152 para. (2), art. 164, 166 para. (2) and (3), art. 171, 172, 175, 186–188, 189 para. (2), (3) and (4), art. 190 para. (2) and (3), art. 192 para. (2), art. 195, 196 para. (4), art. 197 para. (2), art. 212 para. (3), art. 217 para. (4) letter. b), art. 217¹ para. (3) and para. (4) letter. b) and d), art. 217³ para. (3) letter. a) and b), art. 217⁴, art. 217⁶ para. (2), art. 260, 268, 270, 271, 273 para. (2) and (3), art. 275, 280, 281, 283–286, 287 para. (2) and (3), art. 288 para. (2), art. 290 para. (2), art. 292 para. (2), art. 305, 317 para. (2), art. 342, 350.

274. In the same time, Article 22 (responsibility) of the Criminal Code provides that, responsibility is the psychological state of the person which has the capacity to understand the detrimental character of the deed, as well as the capacity to manifest the will and manage own actions.

275. Thus, the representatives of the legal bodies (especially the officers of the Centre for the Fight Against Human Trafficking), when identifying individuals (adults or children) victims of trafficking, collaborate with the International Centre for the Protection and Promotion of the Women Rights “La Strada”, on the provision of the psychological assistance, identification of the case, evaluation of the child’s needs.

276. During 2007–2009, the specialists of the International Centre for the Protection and Promotion of the Women Rights “La Strada”, did identify and provide assistance to 53 juveniles trafficked for various purposes (at the moment of recruiting they were under the age of 18) as well as sexually abused children, or unaccompanied children.

277. The assistance will include:

- (a) Identification of the case and status of the child, in collaboration with the legal bodies (CCTP/MIA, police stations);
- (b) The mediation of the communication between the juvenile and legal bodies employees during the investigation procedure, as well as the representation of the juvenile’s interests in court (the testimony of the psychologist regarding the state of the child and the interview procedure of the children-witnesses);
- (c) The evaluation of the needs of the child and of the risks associated to the present situation of the child;
- (d) The organisation of the rehabilitation/reintegration services by direct reference to the specialised services.

278. Such an assistance was provided for the following mentioned files: the D. Deacon file (identification of an abuse situation, mediation of the contacts between the child and the legal bodies, the identification of the child’s needs, testimonies in court), M.A. Bianchi (identification of a situation of children abuse, the mediation of the contacts between the child and the legal bodies, identification of the child’s needs, the escorting of the children in the United States of America during the trial process), the Covali file (identification of the situation of a children abuse, the mediation of the contacts between the child and the legal bodies, the identification of the needs of the children as well as the risks associated with their testimonies, reference to the further assistance), etc.

279. During the work with the trafficked children, by the International Centre “La Strada” were identified the following problems:

- (a) Physical/emotional/sexual abuse within the biological family of the child, preventing the successful reintegration of the child;
- (b) The lack of a psycho-social assistance system for the child at a regional level;
- (c) The lack of the trained staff in the state structures in the area of work with children, especially with the abused ones.

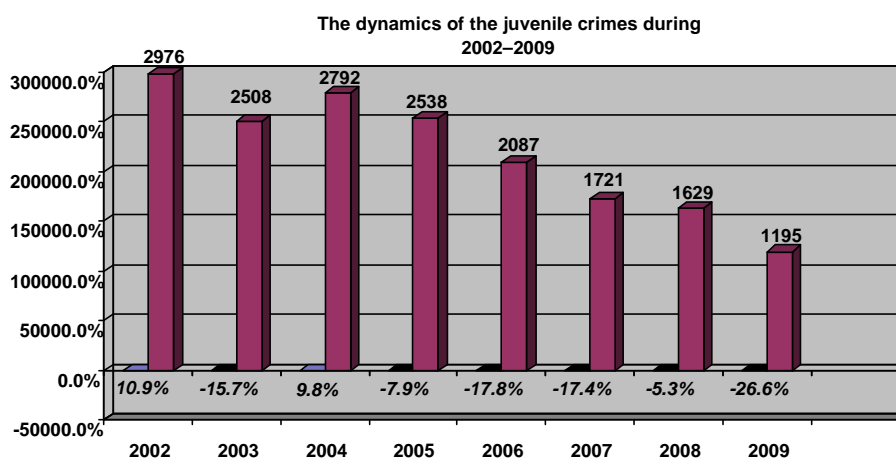
280. Also, 109 cases of women, victims of trafficking of their own children, as well as the trafficked children and members of their families did benefit of material assistance programs (stationery, food products, heating during the cold season, clothing) with the financial support of the Chrislicheostmission and of the OCSE mission in the Republic of Moldova.

281. An important role in protecting children – victims from trafficking, sexual exploitation, in returning children to their country of origin, in the development and provision of services (social assistance, psychology) is given to the International Organisation of Migration in Moldova, which has a good and stable collaboration with the Government of the Republic of Moldova. This collaboration is realised through the Ministry of Labour, Social Protection and Family And the Ministry of Interior Affairs.

282. It is to mention the fact that, the criminal procedure law, in analogy with the criminal law, doesn't treat in a special way the child-victim, but resumes to the definition of the general principles for procedures that apply to the juvenile as subject of accusation, as well as victim.

283. In principle, the criminal procedures with the involvement of a child are expressly provided by Art. Art. 475–487 of the Title III Chapter I of the Criminal Procedure Code, entitled: the procedure in cases regarding juveniles and resumes to circumstances that have to be established in matters with juveniles involved, the dissociation of the matter with the juveniles, the arrest of the juvenile and the application of the preventive measure to the juvenile, the modality to call the juvenile suspect, charged, culprit, the hearing of the juvenile suspect, charged, culprit, the participation of the legal representative of the juvenile suspect, charged, culprit, to the criminal matter, the hearing of the juvenile witness, the cease of the criminal investigation regarding the juvenile, the cease of the criminal process with the release of the juvenile from criminal liability, the removal of the juvenile culprit from the court room, matters that shall be solved by the court at the adoption of a decision in a trial with a juvenile involved, release of the juvenile of criminal liability by the court with the application of educational measures, the release by the court of the juvenile from punishment with his placement in a special educational and re-educational institution or into a curative and re-educational institution.

284. Following the undertaken preventive measures by the relevant bodies, during the last years can be noted a decrease of the offences committed by juveniles and with their participation.



285. In the same time, we can mention that was registered a decrease in the number of juveniles which took part to committing offences and were held criminally liable.

	2007	2008	2009
Number of offences committed by juveniles and with their involvement	1 721	1 629	1 195

	2007	2008	2009
Number of juveniles which took part to offending	1 815	1 952	1 505
Number of juveniles which were criminally prosecuted	1 782	1 512	1 115

286. The procedures regarding juveniles in a criminal matter do not divide when the juvenile is the victim of an offence or is accused of committing the offence, and is focused on a strict regulation of procedures for the criminal prosecution of the juveniles. Children victims benefit of virtually the same guarantees and rights as an adult, except that all the procedures with a direct and implicit involvement of a juvenile will be considered valid from a procedural and proofs point of view only in the presence of an adult, one of the parents, pedagogue or a legal representative of the juvenile (the guardianship or curatorship authority).

287. The hearing of the suspect, charged, culprit juvenile takes place in conformity with the conditions of Article 104 and can't exceed two continuous hours, but no more than four hours a day in total, provided by Art. 479 of the Criminal Procedure Code.

288. At the hearing of the suspect, charged, culprit juvenile, the participation of the defender and pedagogue or psychologist is mandatory. Thus, in order to ensure the mentioned provisions, was arranged that in the staff of the services for the juveniles of the police stations to include starting with 2009, additionally, a position of psychologist, civil employee (42 positions in total).²⁸ At the moment, the pedagogue or psychologist at the hearing of a juvenile is called from a pre-university educational institution.

289. The pedagogue or the psychologist is entitled, with the consent of the body carrying on the criminal investigation, to ask the juvenile questions, and at the end of the hearing to get acquainted with the protocol or, if appropriate, with the written declarations regarding the fullness and correctness of their registration. These rights are explained to the pedagogue or psychologist before the hearing of the juvenile, fact mentioned in the respective protocol.

290. According to the provisions stipulated in p.11 of the Art. 13 (The rights of the police) of the Law no. 416-XII of the 18th of December 1990 regarding police, the police bodies may retain a juvenile suspected or charged with committing an offence – for up to 24 hours, while according to the provisions of Art. 166 of the Criminal Procedure Code, individuals who reached the age of 18 – up to 72 hours.

291. When solving a matter of application of a preventive measure to a juvenile, in each case there's a mandatory examination of the possibility to refer him to supervision according to the provisions of Art. 184 (the referral to supervision of a juvenile) of the Criminal Investigation Code.

292. The preventive arrest as well as the retain of the juvenile on foot of the grounds provided by Articles 166, 176, 185, 186 may be applied only in exceptional cases when were committed severe, extremely severe or exceptionally severe offences.

293. 233. About the retain or the preventive arrest of the juvenile are immediately informed the parents or other legal representatives of the juvenile, fact registered in the retain protocol.

294. The criminal procedure provides that, within the criminal investigation and the trial of the criminal matter with juveniles involved, as well as the enforcement of the court decisions on these are carried on according to the usual procedure, with the annexes and derogations of the present chapter (Chapter I, Title III).

²⁸ By pt. 32 of the Government Decision No. 191 of 26th of February 2008.

295. The Provisions of Chapter I (Procedure in matters related to juveniles) is applied in matters related to individuals which at the moment of the offending did not reach the age of 18.

296. The court sentence in a matter regarding a juvenile, usually, is public.

297. The criminal procedure guarantees of the child differ depending on his quality, as delinquent or victim, witness, etc. Certainly the criminal procedure provides certain norms through which are ensured criminal procedure guarantees to the juvenile/child as an active subject of the offence, especially that the person which is criminally investigated, charged and tried. Implicitly, some of the guarantees for the protection of the rights of the child during criminal procedures are provided in the procedural norms for the juvenile witnesses or victims.

298. Thus, among the main process guarantees for the child (juvenile in the meaning of the process) which appears as an active subject of the offence and is criminally investigated may be noted the following:

(a) The preferential or priority character of the procedures with juveniles involved, relevant is the norm of the Para. (3) Art. 20 of the Criminal Procedure Code – “The criminal investigation and the trial of the matters when there are juvenile suspects, charged, in a preventive arrest as well as culprits, is carried on in an urgent and preferential manner”;

(b) The establishment of the mandatory representation principle for the juvenile delinquent under criminal and under civil liability aspects in the procedure, Para. (6) Art. 64, Para. (7) Art. 65 of the Criminal Procedure Code;

(c) The mandatory participation with a state guaranteed defender and the provision of an efficient defence through the state guaranteed legal aid system of a juvenile criminally investigated;

(d) The reduction of the duration of the juvenile retain up to 24 hours (Art. 166 Para. (6) of then Criminal Procedure Code) and the mandatory noticing of his legal representatives (Art. 167 Para. (3), Art. 173 Para. (5) of the Criminal Procedure Code);

(e) The special regime of the preventive arrest applicable to the juvenile only for a reduced period (24 hours) comparing to the general one, for certain types of offences, and the existence of a special alternative preventive measure for juveniles (the referral to supervision of the juvenile, Art. 184 of the Criminal Procedure Code);

(f) The establishment of an exclusive competence of the public prosecutor for the criminal investigation of the cases with juveniles involved. The national law considers as a supplementary guarantee of fairness the exclusive competency of the public prosecutor;

(g) The specific treatment of the juvenile culprit, convict, through special procedures for this category of individuals.

299. The criminal procedure doesn't distinguish, under the process treatment aspect, between the juvenile witness or victim, giving and providing them virtually equal guarantees, in order to protect his rights and interests.

300. The law through its legislation provides the security of the participants to the criminal matter whose life, bodily integrity, freedom or property are threatened as result of the fact that they hold information they agreed to provide to the judiciary bodies and which represent conclusive evidence of some severe offences, especially severe or exceptionally

severe ones.²⁹ It is understood that the protected person – the person with whom was signed a protection agreement according to the conditions of the Law no. 105 of 16.05.2008 and of the process status of: witness in a criminal matter in the criminal investigation stage; injured party in the criminal matter in a criminal investigation or trial stage; victim in the criminal matter in a criminal investigation or trial stage, which agrees to co-operate before the start of the criminal investigation, etc.

301. Referring to the criminal procedure guarantees for the witness, victim, we can mention the following:

(a) The different treatment of the child to the witness/victim during the whole criminal procedure imposed as a general obligation for all the subjects and participants to the process, Art. 10 Para. (6) Criminal Procedure Code: “in the case of a juvenile victim or witness before the court, the actions will be carried out with the protection of his interests”;

(b) The establishment of an exception for the public character of the process in the case when a juvenile witness/victim is involved – Art. 18 Para. (21) of the Criminal Procedure Code “In process where a juvenile is a victim or witness, the court will hear his statements in a closed session”;

(c) The establishment of the mandatory representation principle for the juvenile witness/victim under a criminal as well as civil aspect of the procedure, Art. 58 Para. (10), Art. 60 Para. (4), Art. 62 Para. (5) of the Criminal Procedure Code;

(d) The mandatory character and the recognition of the quality of victim/injured party of the juvenile, Art. 59 of the Criminal Procedure Code;

(e) The special, exceptional hearing of the juvenile witness, following the provisions of Art. 91 of the Criminal Procedure Code, with the mandatory participation of a representative having certain procedural rights and obligations during the hearing;

(f) The restrictions for the participation of the juveniles to the criminal investigation procedures or activities, or criminal investigation activities which are capable of limiting his rights and to negatively influence the psychic of the juvenile (relevant provisions of Art. 113 Para. (6) of the Criminal Procedure Code);

(g) The restriction to apply constrains measures to juveniles (specifically the forced bringing, provided by Art. 199 Para. (5) of the Criminal Procedure Code – juveniles up to the age of 14).

302. At the moment, the state has some limitations regarding the hearing of a juvenile suspect, charged, victim or witness of an offence and their bringing to the international standards. The criminal bodies do not have special rooms (with audio-video equipment) for the hearing of juveniles. The motive being the lack of finances.

303. According to pt. 32 of the Government Decision no. 191 of the 25th of February 2008 “Regarding the approval of the Action Plan for the implementation of the National Development Strategy for 2008–2011”, was provided the inclusion of a psychologist position (civil employee, 42 positions) into the staff of the police stations in order to organize the activity of the inspectors for juveniles. The expected result of the inclusion of a psychologist position in the police sub-divisions, was to protect the child’s rights during his hearing, to provide psychological assistance, and not the least, to prevent criminality among juveniles.

²⁹ Law No. 105-XVI of the 16th of May 2008 regarding the protection of witnesses and other participants to the trial.

304. In order to implement this activity in 2009, were assigned 1,100.00 thousand lei. But, this activity wasn't implemented because of the economical crisis.

305. Should be mentioned the fact that, the International Centre "La Strada", during 2008–2009 did evaluate the situation regarding the national practice applied to the hearing of children victims/witnesses to the human trafficking and sexual abuse.

306. This evaluation performed by the specialists of the Centre did reveal some lacks in the process of hearing of children, by the legal bodies representatives:

- (a) The specialists do not benefit of specialised training for hearings;
- (b) The specialists prefer the individual approach of the cases;
- (c) The specialists are overcharged in their work place, and because of the lack of time do not manage always to create a complete picture of an abuse situation or are overlooking some associated risks;
- (d) The specialists do not always believe the witnessing of the child/victim and think that they must have at least one adult witness, which would confirm the things said by the child;
- (e) Some specialists do not know the principles of hearing of a child/victim-witness and its stages.

307. We have to mention that, the International Centre "La Strada", at the moment aims to train the specialists from the legal bodies (policemen, public prosecutors, judges) on the hearing of children/victims-witnesses of trafficking and sexual abuse, as well as the creation of a hearing room according to the provisions stipulated in the Criminal Procedure Code of the Republic of Moldova.

308. In the same time, the state assumed the responsibility to protect the victims of the violence in family, adults, as well as juveniles. This way, the Law no. 45-XVI regarding the prevention and the fight of violence in families³⁰ provides in Para. (5) Art. 15, that the supervision of the enforcement of the protective measures for the victims, including children, established by the court is in the competence of the interior affairs bodies, social assistance bodies and other relevant bodies. The court may with draw the protective measures on foot of a grounded request from the victim. In the case of children-victims, or disabled people, the review of the case by the court is mandatory. During 009, the court did issue 3 protective orders, according to the provisions of the above-mentioned law.

309. In order to protect the victims of violence in families, including children, was developed a draft law on the modification and completion of some legal acts among which is the Criminal Procedure Code, where was proposed to be completed with Art. 215/1 (protective measures applied to victims of violence in families), provided in Art. 15 of the Law on the prevention and fight of the violence in family, according to which at the request of the victim's of the violence in family request during a criminal matter, submitted to the criminal investigation body, the public prosecutor or the court regarding threats of death, application of violence, deterioration or destruction of goods, the court will be obliged to undertake measures to ensure the protection of the victim from the suspect, charged, culprit – member of the family, by issuing a protective order which could provide assistance to the victim by applying the following measures to the aggressor:

- (a) Obligation to temporarily leave the common dwelling or to keep far from the dwelling of the victim, without deciding the property issue over the goods;

³⁰ Law No. 45-XVI of the 01st of March 2007 (in force since the 18th of September 2008).

- (b) Obligation to keep far from the place where the victim is located;
- (c) Obligation not to contact the victim, his/her children, other dependant people;
- (d) Interdiction to visit the working and dwelling place of the victim;
- (e) Obligation, until the solution of the case, to contribute to the support of the children which are common with the victim's ones;
- (f) Obligation to pay expenses and damages caused by his violent actions, including the medical expenses and those for the replacement or repair of the goods destroyed or deteriorated;
- (g) Limitation of the unilateral disposition of the common goods;
- (h) Obligation to participate to a special treatment or counselling program if such an action is deemed necessary by the court in order to reduce violence or to make it disappear;
- (i) Establishment of a temporary regime for the visiting of own juvenile children;
- (j) Interdiction to keep and carry a gun.

310. In the same time, should be mentioned the fact that, according to Art. 15 of the Law no. 45-XVI of the 01st of March 2007, the application of the protective measures does not prevent from the loss of the parental rights, the removal of the child without the loss of the parental right. According to the provisions of Art. 11 of the mentioned Law the cases of violence in family may be mediated, at the request of the parties. The mediation is performed by attested mediators, and, in their absence, by the committees for social problems. If appropriate, by the social assistant.

311. Regarding the guarantees provided to juveniles during a contravention process, we can mention that Art. 395 of the Contravention Code (in force from the 31st of May 2009), provides that the court tries all the contravention matters regarding juveniles.

312. According to Art. 384 Para. (1) of the above-mentioned Code, during a contravention matter, the rights of the juvenile are protected also by his legal representative. During a contravention process are applied the provisions of the Criminal Procedure Code regarding the rights and obligations of the legal representative of the juvenile. Thus, in correspondence with the provisions of Art. 387 Para. (2), if the victim is a juvenile or a person in a state of irresponsibility, his/her rights are protected by his/her legal representatives according to the procedures provided by the Contraventions Code.

313. In order to optimise the documentation process of the citizens of the Republic of Moldova and bringing the national passport to the international demands for ID's, was developed a draft law for the modification of Article 2 p.10 of the Law no. 273-XIII from the 09th of November 1994 regarding the identity acts of the National Passport System. According t these modifications children p to 16 y.o. won't be registered in their parents' passports and will be entitled to leave/enter from/the Republic of Moldova with their own passport, accompanied by a representative.

314. The proposed modification in the above-mentioned law will allow every citizen no matter of his age to receive a passport and will improve considerably the registration and documentation with passports system for children, as well as their registration at crossing the state border, what will contribute to the automatic registration of the entrance/exit to/from the Republic of Moldova of juveniles, the identification of those left abroad without supervision of an adult person, and not least will tackle the illegal human trafficking, especially children.

315. In the same time, the adoption of the above-mentioned draft law will ensure the registration of children, citizens of the Republic of Moldova, born abroad – a quite frequent event at present. In its turn, the registration of the birth of children on the territory of other states without the due procedure of introduction of the data into the State Registry Of population of the Republic of Moldova may lead to some actions related to child-trafficking.

316. In order to protect the major interests of the individual, the Parliament did adopt the Law of Citizenship of the Republic of Moldova.³¹ This way, the mentioned Law provides the following general principles of the citizenship, such as:

- (a) The right of every individual to a citizenship;
- (b) The non-discrimination of citizens, no matter of the grounds for the acquiring of the citizenship;
- (c) The non-admissibility of an arbitrary deprivation of an individual of his citizenship and of the right to change citizenship;
- (d) To avoid stateless;
- (e) The non-production of effects at the change of the citizenship of one spouse over the citizenship of the other spouse or over the citizenship of the child if there aren't any written requests in this regard from the parents.

317. In the same time, the Law expressly provides that, the citizens of the Republic of Moldova benefit of the state's protection in the country, as well as abroad and can't be extradited or expelled of the country.

318. The citizenship of the Republic of Moldova is acquired by: birth; recognition; adoption; recovery. In the same time, the citizenship of the Republic of Moldova may be acquired on foot of international treaties, to which the Republic of Moldova is part of.

319. Referring to the acquiring of the citizenship of the Republic of Moldova through birth, we can mention, that citizen of the Republic of Moldova is the child:

- (a) Born of the parents, one or both of which, at the moment of the child's birth, is a citizen of the Republic of Moldova;
- (b) Born on the territory of the Republic of Moldova by stateless parents;
- (c) Born on the territory of the Republic of Moldova of the parents having the citizenship of another state or one of which is stateless, and the other is a foreign citizen.

320. A child found on the territory of the Republic of Moldova is considered its citizen until the contrary is proved, till the age of 18.

321. The stateless child acquires automatically the citizenship of the Republic of Moldova through adoption, if his adopters are citizens of the Republic of Moldova.

322. The decision on the citizenship of a stateless child adopted by spouses one of which holds the citizenship of the Republic of Moldova, while the other is a foreign citizen, is taken by adopters' common agreement. When the adopters can't reach a common agreement, the matter on the belonging of the child to the Republic of Moldova will be decided by the court, taking into consideration his interests. In the case of a child who reached the age of 14, his consent, authenticated by a notary, is required.

³¹ Law No. 1024-XIV from the 02nd of June 2000 regarding the right to a citizenship.

323. The child, foreign citizen, adopted by the spouses both of them being a citizen of the Republic of Moldova or one of them being a citizen of the Republic of Moldova, and the other a foreign citizen or stateless, may become a citizen of the Republic of Moldova if he gives up his foreign citizenship, except cases provided by the international agreements to which the Republic of Moldova is part of.

324. In Art. 15 of the Law on citizenship of the Republic of Moldova is expressly provided that, a stateless child under the tutorship of the citizens of the Republic of Moldova becomes automatically a citizen of the Republic of Moldova.

325. The stateless child under the tutorship of the spouses one of which is a citizen of the Republic of Moldova, and the other being stateless becomes automatically a citizen of the Republic of Moldova.

326. The child foreign citizen under the tutorship of the spouses both or one of them being a citizen of the Republic of Moldova or one being a citizen of the Republic of Moldova, and the other being a foreign citizen or stateless may become a citizen of the Republic of Moldova, if he gives up his foreign citizenship. Such cases of acquiring the citizenship of the Republic of Moldova weren't registered by the Ministry of Informational Technologies in the last two years.

327. In 2008, according to the data of the Ministry of Labour, Social Protection and Family there are 6437 children under tutorship and guardianship, of which in 2008 for 919 children was established the tutorship and for 244 guardianship.

328. In the context of protecting the rights of children-victims, knowing their vulnerability, the state collaborates with the non-government organisations. This way, The National Centre for the Prevention of the Child Abuse (NCPCA)³² pleaded for the adopting of more simplified hearing procedures for child victim or witness, including by taking into consideration that the cases with juveniles involved, need a priority review, non-allowing the repeated harm that may be caused to the child. NCPCA insists and succeeds with the use, during the review of the respective matter, of means of evidence (statements of the child victim or witness) obtained during a single hearing, realized in a legal interview manner, fact owed to the opening in the AMICUL³³ Centre of a room designated for the legal interviews with the children victims of abuse or witnesses in criminal matters. The hearing room is the first of its kind in the Republic of Moldova, it is equipped differently of the court rooms and represents a child-friendly and safe space for the child. This room is equipped with special equipment, which helps the participants to the hearing (lawyers, legal representatives, registrars, etc.), have the chance to follow the interview in the neighbouring room through a closed TV circuit. The technical system allows the video recording of the interview, which can be annexed to the judiciary file. Here, the criminal investigation officer, the public prosecutor or the judge, being accompanied by a psychologist of the AMICUL Centre, are establishing a trustworthy relationship with the child, while during the hearing adopts a specific communication strategy for him.

329. This way, is gathered evidence to punish the offender, while the child isn't victimised.

³² NCPCA – The National Centre for the Prevention of the Child Abuse, a non-government organisation in the area of protection of children rights, working since 1997 (www.cnpac.org.md).

³³ The Centre for psycho-social assistance for the child AMICUL (AMICUL Centre) – is a service designated for children victims of violence, as well as their families. The AMICUL centre is open by the NCPCA and the Municipal Directorate for the Protection of the Rights of the Child in the mun. of Chisinau.

330. During 2006–2009 the AMICUL centre did assist 38 such matters, for the future planning such an efficient collaboration with the legal bodies, out of which 5 are in 2009.

331. The criminal matters reviewed in such a way, were ended with success. The abusers were criminally punished in a corresponding manner, by the pronouncement of the court decision.

332. A specific success in this regard, was the agreement of involvement of the judges, by accepting the hearing of juveniles in these circumstances, even within the AMICUL Centre, a special contribution to this being brought by the institution of the representation of the child by a legal counsellor and the constrain of the institution for the provision of the free legal aid offered by a specialist from the AMICUL Centre.

333. Regarding the demand to provide the corresponding training, NCPCA did reply by organising trainings for the initiation of the staff taking part to the audition of the children victims or witnesses in criminal matters (police officers, public prosecutors, judges).

334. The national legislation, related to the social protection, allows all the citizens of the Republic of Moldova to benefit in an equal measure of social assistance, no matter of race, ethnic origin, religion, belonging to an ethnic minority. In the Republic of Moldova there are certain laws and regulatory acts regulating the provision of various forms of social protection.³⁴

335. In the same time, in order to provide social support to the disadvantaged families was approved the Law on social assistance.³⁵ The mentioned law covers the families whose members are citizens of the Republic of Moldova, citizens of other states or refugees, which have the domicile in the Republic of Moldova, according to the current legislation.

336. In order to improve the quality of life of the people in need, the Government of the Republic of Moldova did approve on the 31st of December 2008, Decision no. 1512 Regarding the approval of the National Program for the Creation of the Integrated System for Social Services for 2008–2012. The mentioned program s focused on the principle of equal opportunities, the provision of rights to social services for all the people in need, no matter of their age, gender, religion, culture, language, ethnic origins.

VII. The prevention of the sale of children, prostitution and infant pornography

Article 9 of the Protocol

337. According to the Law of education,³⁶ the state provides the right of the child to education in the Republic of Moldova. This way, according to the provisions stipulated by Article 6 of the Law of Education, the right to education is guaranteed, no matter of nationality, gender, age, social origin and status, of the political or religious views, of the criminal records. The state ensures equal chances of access to the state educational

³⁴ Law of the Republican Fund and of the local funds for social support of the population (No. 827 from the 18th of February 2000); the Law regarding the state social allowances for some categories of citizens (No. 499 from the 14th of July 1999); the Law regarding the special social protection for some categories of population (No. 933 from the 14th of April 2000); the Government Decision “Regarding the allowances addressed to families with children” (No. 1478 from the 15th of November 2002).

³⁵ Law No. 133-XVI from the 13th of June 2008 regarding social assistance.

³⁶ Law on education No. 547-XIII from the 21st of July 1995.

institutions, as lyceums, vocational schools, high schools and universities, depending on the skills and capacities.

338. According to Art 5 of the mentioned Law, the major educational objective of the school consists of the free and harmonious development of the person and the formation of the creative personality, which can adapt to the changing life conditions.

339. The educational system of the Republic of Moldova follows:

(a) The development of the child's personality, of his capacities and skills, spiritual and physic, at a potential or maximum level;

(b) The cultivation of the respect towards the human rights and freedoms, no matter of the ethnic belonging, social origin and attitude towards religion – principle recorded in the United Nations Chart;

(c) The preparing of the child to assume life responsibilities in a free society, in a spirit of understanding, peace, tolerance, gender equality, friendship between all the nations and ethnic groups, national and religious, etc.

340. In the Republic of Moldova the right of the citizens to education and training in their native language is ensured by creating the necessary number of educational institutions, classes, groups, as well as of the conditions for their functioning, provided by Article 8 of the mentioned Law. At the moment the network of pre-university educational institutions of the republic includes 1534 educational institutions (primary schools, gymnasiums, high schools, lyceums), of which 280 institutions with teaching in Russian language and 82 bilingual.

341. In the same time, the Law on education provides, in Art. 57, the rights of pupil and students. This way, in the educational institutions of any level are protected the rights and freedoms of the pupil and students. Are prohibited bodily punishments, the use of psychic or physical violence of any kind. The pupil and the students have, as main, the following rights:

(a) To express freely their opinions, beliefs, ideas;

(b) To choose the type of the educational institution, study program, approved by the Ministry of Education, to optional and additional subjects;

(c) To be provided as established with a scholarship, hostel, boarding school, manuals, medical assistance, feeding, transportation services, etc.

In order to realise the right to education of the pupil and students which need social assistance, the state supports, partially or in full, the schooling expenses.

342. In the same time, the state supports, partially or in full, support expenses for students which need social protection and help, including those of the sanatorium type institutions or family type residential homes, according to the current legislation.

343. In order to prepare the child for the appreciation and promotion of the general-human and national values, the formation of the competence to respect the democratic fundamental values, the democratic practices and the human rights through the Frame Plan for the primary education, gymnasium, general high and lyceum for the years 2008–2009 were proposed the courses of "Civic education",³⁷ the subject "We and the law"³⁸ and the "Moral-civic education"³⁹ which reveals aspects of the fighting of the human trafficking.

³⁷ Optional for the V–VIII grades and mandatory in the IX-th grade.

³⁸ XI–XII grades, optional, X-th grade – mandatory.

³⁹ Grades X–XII, optional.

Starting with 2009–2010 the subject “Civic education” is mandatory for the I–XII grades, and the subject “The moral-spiritual education” is mandatory in the I–IV grades and optional in the X–XII grades.

344. Also during the class hours, mandatory for the I–XII grades, are presented several elements of the human trafficking phenomena, are discussed specific cases of children and women trafficking.

345. The Ministry of education, in collaboration with the International Centre “La Strada” did develop a guide to assist the teacher “Prevention of women trafficking”, which was recommended as support material for the mentioned courses. Based on this guide was realised an educational campaign through seminars, lessons for teachers, especially for the deputy-directors for education and class masters.

346. During 2007–2009 the peer-to-peer educators team of the International Centre “La Strada” (NGON in the Republic of Moldova) did hold 1046 seminars with the participation of over 23563 pupil and students. The seminars for the prevention of the human trafficking were held in pre-university educational institutions (schools, lyceums, colleges, vocational schools) mostly in rural areas, where there is a lower access to information level.

<i>Year</i>	<i>Number of informational seminars</i>	<i>Number of de participants (pupil/students)</i>
2007	364	9 175
2008	252	5 408
2009	430	8 980
	1 046	23 563

347. For the reported period, starting with 2007, the International Centre “La Strada” held a national awareness with the title “Human trafficking – new trends”. The objectives of this campaign aimed at the information of the broad public about new forms of exploitation by trafficking, such as labour exploitation, exploitation of children through begging, new modalities for the recruitment of new victims, new forms of control and manipulation of the trafficked people, including children.

348. During this campaign were developed and spread 4 TV ads, one of them reflecting the exploitation of children through begging, ads published on national TV channels. Also during the campaign were held 16 briefings with professional groups which were attended by over 412 representatives of the LPA, social assistants, pedagogues of the raions of Edinet, Briceni, Falesti, Ungeni, Leova, Comrat and TAU Gagauz-YERI.

349. Following this campaign over 100 000 people were informed about the new modalities of the human trafficking through 4 video spots, were distributed 72652 informational materials and held 364 seminars.

350. The opinion polls realised before and after the campaign showed that over 70% of the respondents recognise at least 2 elements associated with the human trafficking. 79% of the respondents recognise the Hot Line 0 800 77777 not only as a preventive tool to fight the human trafficking but also as a tool to facilitate the access of the trafficked people to assistance and protection, to provide information regarding the safe migration and the prevention of the human trafficking.

351. As result of the campaign was registered a 30% increase in the number of SOS phone calls from the alleged victims of trafficking and/or their relatives. The most calls were made on behalf of persons exploited through work (123 SOS calls).

352. During 2007–2009 the Hot Line (0 800 77777, 08008 8008) of the International Centre “La Strada” continued to provide information to the wide public. Through this tool, people received information about the legal procedure for the travel abroad, no matter of the

aim of travel, as well as the facilitation of the access for the trafficked persons o the corresponding assistance, including cases of child trafficking.

The statistics of calls to the Hot Line “La Strada”

<i>Year</i>	<i>Preventive calls (information regarding secured migration and the prevention of the migration associated risks)</i>	<i>SOS calls (facilitation of the access of the trafficked persons to adequate assistance)</i>	<i>Total calls</i>
2007	2 901	680	3 581
2008	2 428	346	2 774
2009	2 627	140	2 767

353. Other measures contributing to the prevention on the human trafficking phenomena, represent the schooling of pupil and the prevention of the juvenile delinquency. In this context, the Ministry of education together with the local public administrations, holds a strict evidence of the pupil schooling for the age between 7–16 y.o.. Thus, by the 1st of January 2007 were left 74 unschooled pupil (compared to 2005 when there were 141 unschooled pupil), in 2008 – 37 children, and in 2009 – 99 people were left unschooled.

354. Today, after the care of both parents were left over 35000 pupil, whose parents left for working abroad, in 2007 there were over 31000 children, and in 2008 over 33000 children, which may get into the risk groups.

355. In order to prevent skipping school, in the national schools, were held meditation classes for the junior grades with the assistance of qualified teachers. Hey were introduced for the first time in the frame educational curriculum for 2007–2008.

356. In the same time, were supplementary fed 142445 children of the junior grades and 45898 students of the V–IX grades (from socially vulnerable families). In 2008–2009 – 142438 children of the junior grades and respectively 47139 pupil of the V–IX grades did benefit of obligatory free feeding. In 2009–2010 – 99.5% of children from junior grades and respectively 16.7% pupil of the V–IX grades are benefiting of the obligatory free feeding.

357. In order to consolidate the normative frame in the area, was modified and completed the Government Decision no. 870 of the 28th of July 2004 About the approval of the temporary norms for the money expenses for orphan pupil (students) and those under the tutorship/guardianship of the vocational schools, high and university educational institutions, boarding schools and classes,⁴⁰ which provides for the increase of some norms, as well as the supplement with new norms in order to support the respective categories of beneficiaries, as follows:

- (a) Material support for clothing, shoes and soft inventory at the beginning of the school year – increased from 1000 lei/year to 3000 lei/year;
- (b) Allowance for didactic materials, household inventory, personal hygiene objects and medications, monthly – increased from 200 lei/year to 250 lei/month;
- (c) Sole material assistance at the end of the school year – increased from 500 lei to 1000 lei per year;
- (d) Daily nutrition – increased from 19 lei to 35 lei per day (for the whole calendar year);
- (e) Sole allowance at the graduation of the institution, for:

⁴⁰ By the Government Decision No. 1182 from the 20th of October 2008 (the Official Monitor of the Republic of Moldova No. 190–192 from the 24th of October 2008, Art. 1188).

- (i) Orphan pupil and students and those under the guardianship of the vocational schools, of the high and higher professional institutions – increased from 500 to 10000 lei;
- (ii) Orphan pupil and those under the guardianship of the boarding schools and of the orphanages – increased from 500 lei to 5000 lei;
- (f) Allowance for those which aren't receiving scholarships – increased from 140 lei/month to 300 lei/month (except for the summer holiday);
- (g) Rent allowance – increased from 300 lei /month to 500 lei/month;
- (h) Sole allowance amounting to 500 lei necessary for research and preparation of the final/license thesis in the last year of study;
- (i) Sole allowance of 130 lei for the national ID official tax;
- (j) Sole allowance amounting to 250 for the passport tax for the students delegated to study abroad by the Ministry of Education.

358. According to the above-mentioned information, for 2009, the quantum of the provisional expenses norms in money for orphan pupil (students) and those under the tutorship/guardianship increased by three times compared to 2008.

359. In the same time were operated changes in the Government Decision no. 198 of the 16th of April 1993 regarding the protection of the socially vulnerable children and families,⁴¹ related to the increase, starting with the 1st of March 2008, by approximately 2,5 times, of the quantum of allowances for adopted children and those under tutorship/guardianship.⁴²

360. As result of the re-organisation, performed at a territorial level, the position of the specialist of the child protection within the raion/municipality directorates of education, youth and sports was transferred to the Department/Directorate for the social assistance and family protection.

361. The Ministry of Education through the raion/municipal directorates of education, provide the access of all the children, returned into the country, departed for various reasons abroad. These rights of the pupil/adults to education and to the professional formation are reflected in the working regulations of various institutions.

362. According to the provisions of certain legal acts relevant in this regard it is stipulated that foreign citizens, stateless, asylum seekers and people who obtained a form of protection in the Republic of Moldova, benefit in the same way with the citizens of the Republic of Moldova of the right to work, dwelling, health and education.⁴³ As result, the legislation of the Republic of Moldova provides the right of the children asylum seekers, beneficiaries of protection and refugees, to access to the obligatory school education in the same conditions with the citizens of the Republic of Moldova. According to the official data, all the children of the refugee families, asylum seekers or with a humanitarian status have a free access to the primary and secondary education.

⁴¹ By Government Decision No. 229 from the 29th of February 2009 (the Official Monitor of the Republic of Moldova No. 45–46 from the 04.03.2008, art. No. 284).

⁴² From 200 lei to 500 lei.

⁴³ Law No. 1518-XV from the 06th of December 2002 regarding migration, Law No. 275-XIII from the 10th of November 1994 regarding the Legal status of the foreign citizens and stateless people in the Republica Moldova and Law No. 1286-XV from the 25th of July 2002 regarding the status of the refugees.

363. Together with the Centre for Information and Documentation Regarding the Rights of the Child of Moldova were organised trainings on the prevention of the unemployment and human trafficking for pupil, graduates, management and didactic staff of the residential institutions:

- (a) In 2007 – in 67 residential institutions with 11954 children;
- (b) In 2008 – in 64 residential institutions with 10000 children;
- (c) In 2009 – in 64 residential institutions with 8569 children.

364. The project “Support for the development of activities with children in difficulty of the residential institutions and their peers from the community” was extended in the localities Cahul, Carpineni of the Hincesti raion, Cazanesti of the Telenesti raion, Bender, Varnita of the Anenii Noi raion; Vascauti and Napadova of the Floresti raion and Ceadir-Lunga (UTA Gagauz-Yieri).

365. Within the project “The development of social integrated services for vulnerable families and children at risk”, implemented in partnership with the Ministry for Social Protection, Family and Child (Ministry of Labour, Social Protection and family) and the Ministry of Education and Youth (Ministry of Education), in order to provide the protection of the orphan children and children in difficulty was started the reform process for the child residential care system, having among its main objectives the development of the social services alternative to the residential placement.

366. In the same time, during the mentioned period, were held activities which contributed to the prevention of the human trafficking:

(a) The support of children in difficulty by making arrangements for the leisure time, recovering health, rehabilitation and creative training (during 2007 over 64% of children between 7–16 y.o. benefited of summer holidays, during the vacation period in 2008, 72% of children have spent their holidays in school camps, while during the 2009 summer holiday – 82% of children). During the holiday period of 2008 and 2009 over 300000 and respectively over 100000 children benefited of holidays;

(b) The organization of community activities, which aim at the socialisation and social integration of children from vulnerable families;

(c) The organisation of activities of a psycho-diagnostic, psycho-correctional and counselling in conformity with the Regulations on the psychological counselling in the general educational institutions, the main task being considered the facilitation of the adaptation process, socializing, correction and recovery of children in difficulty;

(d) The creation of efficient conditions for education and adaptation of children in difficulty at the school level;

(e) The development of the project for the Inclusive Education Concept;

(f) The organisation of the educational process for the juveniles detained in the 4 penitentiaries of the republic: Chisinau, Cahul, Rezina and Balti.

367. In order to create the necessary conditions for the training of the juveniles in the criminal investigation preventive detention facilities, the Department for the Penitentiary Institutions of the Ministry of Justice, in collaboration with the Ministry of Education and the UNICEF office in Moldova, launched in 2008 the project “Reform in the juvenile justice system”, which aims at the development of the processes of education, training and further social inclusion of the detained juveniles. This way, was performed the renovation and opening of new classrooms for the juveniles of the penitentiary no. 5 of Cahul, no. 11 of Balti, no. 13 of Chisinau and no. 17 of Rezina. The classrooms were equipped with books and stationery.

368. These common activities were organised and carried on, following the common Action Plan for the protection of the child's rights and the measures for the prevention and fight of the juvenile delinquency for 2008–2010, approved by a the Decision of the Colleges of the Ministry of Interior Affairs, Ministry for Local Public Administration, Ministry of Education, Ministry of Labour, Social Protection and Family, Ministry of Health and Ministry of Justice under no. 8/3/3/6/1/5/6 from 16.07.2008 "Regarding the role of the MIA, MLPA, MEY, MLSPF, MS, MJ in the consolidation of efforts for the prevention and fight of the juvenile delinquency and the protection of the children rights". The common sitting of the Colleges was held following the initiative of the Ministry of Interior Affairs.

369. A special role in the prevention of the children trafficking phenomena is played by the Ministry of Education through the regulation of the movement of various groups of children to school contests, cultural and artistic contests, etc., outside the Republic of Moldova, carried on based on the Government Decision no. 1470 of the 27th of December 2001 regarding the introduction of the tourists contract, tourist voucher and the statistic registration file for the tourist travel at the border of the Republic of Moldova.⁴⁴ According to the same act the Ministry of Education authorises only groups of pupil-students which are presenting tourists vouchers, for the domestic tourism, as well as the international one, except for the groups of pupil going abroad (according to some official invitations to participate to festivals, contests, competitions, etc.) in the case when the organisers are undertaking the costs of stay.

370. An important part of the preventive measures for the phenomena stipulated in the Additional Protocol is the implementation in 2008 of the Project "Social inclusion of children left with no parental care because of the migration", implemented by the Ministry of Education and the Centre for Information and Documentation on the Child's Rights from Moldova, financed by the OSCE Mission in the Republic of Moldova. The aim of the mentioned program is to contribute to the reduction of vulnerability towards various social risks of the migrants' children by raising public awareness and capacity building of the children, parents and professionals to react accordingly to the migration consequences.

371. During 2008 within the project were realised:

- (a) Activities for the formation of the didactic staff;⁴⁵
- (b) Activities organised by class-masters in communities (620 children took part to several activities organised by de class-masters from Anenii Noi, 40% of these have parents abroad; 932 children took part to activities organised by class-masters from Telenesti raion, where 30% of the pupil have their parents abroad;
- (c) Development of the first package of resources for the protection of children with parents abroad. This package includes the manual for the professionals, the guide for the parents which wants to leave abroad and information flyer for their children;
- (d) Distribution of the workbook "Guide for the professionals working with migrants' children "Home alone" to professionals working with children whose parents are abroad" which include practical tools, intervention models and samples of good practice. The manual reflects the experience of over 3 years in direct services for this category of children;

⁴⁴ Monitorul Oficial al Republicii Moldova No. 161 din 31 December 2001, art. No. 1484.

⁴⁵ Trainingul cu genericul "Comunicarea asertivă" pentru 40 diriginți din 20 de școli din raionul Anenii Noi; Trainingul inițial "Activități de susținere a copiilor rămaand fără îngrijire părintească" pentru 44 de diriginți din 14 școli din raionul Telenesti.

(e) Distribution of the guide “My child is home alone” for parents willing to leave abroad for work, which aims to raise their awareness regarding the situation of the child left at home. The preparation of the child for his parent’s leave, the adaptation of the child after this leave, the consequences of the missing parents on children and the identification of the resource-institutions are important issues which any parent should know before taking a decision to leave abroad for work, and also to ensure the protection of the child during his absence;

(f) Distribution of informational materials “Pocket book for girls and boys with parents abroad”;

(g) Extension of activities in the raions of Anenii Noi, Calarasi, Cimislia and Telenesti;

(h) Broadcasting of radio shows for children and parents – the radio version of the books for parents and children developed within the project (7 series for children and 7 for the parents).

372. The benefits of 2008 are estimated to:

(a) 50 class masters took part to 3 training seminars (150 in total);

(b) 5,000 parents and care-takers informed about the consequences of the migration on children;

(c) 5,000 children taking part to the activities of the class-masters;

(d) 3,000 books for parents were distributed;

(e) 3,000 books for children were distributed.

373. An important role in the prevention of the human trafficking phenomena, especially of the children trafficking, infant pornography, is played by the collaboration between decision makers with competences in the area, at a local level.

374. This way, by the territorial police sub-divisions, in 2008 were organised and undertaken in total 5836 raids, including: 680 with representatives of the Ministry of Labour, Social Protection and Family (social assistants), 657 with employees of the departments for education, youth and sports and 134 with specialists subordinated to the Ministry of Health (family doctors). A separate role for the solution of the existing problems among children is given to the educational institutions.

375. During 2009 the employees of the police bodies did perform 6572 raids: 811 with representatives of the Ministry of Labour, Social Protection and Family (community social assistants), 642 with employees of the departments for education, youth and sports and 222 with family doctors.

376. For the performance of the obligations for support, education and training for children, of the parents, the latter are administratively investigated. This way, in 2007 the police bodies did conclude 8471 protocols related to parents, while in 2008 were documented 6666 parents. Only in 2009, according to the provisions of Art. 63 of the Contravention Code of RM⁴⁶ were held contraveniently liable, by a court decision, 4349 parents.

377. In the institutions of higher and high education, by the staff of the vice and juvenile services in 2007 were carried on 10293 lectures and discussions, in 2008 – 9416, while in 2009 – 8361 classes and discussions, through which was reflected the criminal situation

⁴⁶ “neîndeplinirea obligațiilor de întreținere, de educare and de instruire a copilului”.

among juveniles, the human trafficking phenomena. To this issue also contributed the didactic staff of the Academy “Stefan cel Mare” of the MIA, which during 2008 did perform several measures in pre-university institutions in order to raise awareness on the relevant legislation, by holding public lectures with the topic “We and the law”, “The human rights, theory and practice of their implementation”, “Juvenile criminality – definitions, causes and effects” and the “Traffic security”.

378. In order to raise the public awareness on the problems of children in difficulty, as well as of the juvenile delinquency, by the staff of the juvenile and vice services of the territorial sub-division of police were undertaken:

(a) During 2007 – 545 events/materials, of which – 164 TV shows, 149 radio interviews and 239 press releases;

(b) During 2008 – 532 events/materials, including 145 TV shows, 105 radio interviews and 282 press releases;

(c) During 2009 – 519 events/materials, of which: 138 TV shows, 116 on the radio and 249 press releases.

379. The activities and measures undertaken for the prevention and fight of the juvenile delinquency, performed by the General Directorate of Police for the Public Order of the Ministry of Interior Affairs, were reflected in 16 materials on the TV channels: “Moldova I”, “NIT”, “EUTV”, “TV 7”, “PRO TV”, in the newspapers “Kishiniovskie novosti”, “Argumenti i facti” and radio “Europa Libera”, “Antena C”.

380. The Law no. 1227-XIII of the 27th of June 1997 regarding advertising stipulates the main principles of the advertising activity, one of them being – the use of forms, models and means which do not carry with them prejudices of a spiritual, moral or psychic nature to the consumers of the advertising.

381. In the same time is prohibited the immoral advertising, being also considered immoral the publicity which: breaks the generally accepted norms of humanity and morals by offences, comparisons and defamatory images related to race, nationality, profession, social category, age, gender, language, religious beliefs, philosophy, political and other views of the individuals.

382. According to the provisions of the mentioned law is prohibited direct advertising (with the presentation of the consumption process of the alcoholic drinks and tobacco) addressed directly or indirectly to the juveniles or to be used images or testimonies of people having certain authority among them. It is not admitted and is prohibited the involvement of the juveniles into the advertising of the alcoholic drinks and tobacco and this to be broadcast in institutions for children, educational and medical ones. In the same time, Article 21 of the Law regarding advertising, shows that, the advertising designated for juveniles or capable to influence them shouldn’t contain statements or visual images which can cause moral or psychic trauma.

383. In order to protect juveniles against credibility abuses and lack of experience, when producing, placing and broadcasting advertising is prohibited:

(a) The discrediting of the authority of parents and educators, the undermining of the juveniles’ trust in them;

(b) The propagation of brutal physical force, of the libertarianism, violence and sadism.

The participation of the juveniles to the text and audiovisual advertising is allowed only with the consent of the parents or tutors.

384. The effects of the violence against children phenomena have a long lasting social impact, carrying efforts at an organisational, administrative and economic level. The care, recovery and rehabilitation of the child exposed to abuse or exploitation of any kind, implies complex efforts for long term. In order to prevent and remove the cases of violence against children in various social environments (families, educational and medical institutions, residential and community institutions), was approved the Government Decision no. 1344 of the 01st of December 2008 regarding the approval of the National Action Plan for the prevention and fight of the violence against children during 2009–2011. Following the planned activities, was created a working group consisting of specialists from the ministries with attributions in the area of the protection of the children's rights, which aims to submit changes to the national legislation, to develop guides for the relevant specialists, etc.

385. According to Art. (5) of the Law no. 45-XVI of the 01st of March 2007 regarding the prevention and fight of the violence in family, one of the main principles of the prevention and fight of the violence in family is the protection and security of the victim. Thus, Art. 7 of the mentioned law sets as authorities and institutions empowered with functions to prevent and fight violence in family: the authorities of the specialized central public administration (Ministry of Labour, Social Protection and Family; Ministry of Education; Ministry of Health; Ministry of Interior Affairs, Ministry of Justice), the local public administration authorities (of the I and II level) and the specialised ones (sections/directorates for the social assistance and family protection; general education directorates; health protection bodies; interior affairs bodies); councils for social problems along the local public administration authorities; rehabilitation centres/services for the victims of aggressors.

386. In the same time, according to Para. (2) of Article 7 of the Law no. 45-XVI from 01.03.2007, the Ministry of Labour, Social Protection and Family, organises and coordinates the implementation of polices in the area of social protection, social assistance, family and children rights protection, including the area of adoption (national and international), equality of chances between women and men, prevention and fight of violence in family and human trafficking.

387. An important role in the prevention of the child abuse and the provision of the psychological and social assistance is played by the non-government organisations, which are continuously collaborating with the central public administration bodies.

388. This way, the prevention of violence and other forms of child abuse is an extended effort of the central public administration bodies in the area of child protection, together with the National Centre for the Prevention of the Child Abuse, for the extension of the social inclusion in the fight against child abuse, in this regard, are organised periodical communication campaigns in the area, are promoted positive solutions for the prevention, protection and intervention in cases of child abuse, are encouraged authorities to get actively involved into these activities.

389. The National Centre for the Prevention of the Child Abuse was realised during the 2006–2009 national campaign against the abuse and neglect, such as – “Childhood without violence” (2006–2007), “Observe me, Hear me, Help me” (2008–2009) and a campaign designated to the professionals in the legal area “Mr. Judge, I’m scared!” (2007).

390. The campaigns aim to improve the quality of the social assistance as well as to develop de skills and attitudes of the parents to have an efficient communication with their children. The target groups of these actions are the representatives of institutions and structures providing services to the abused children, public authorities’ representatives, parents and children.

391. In order to continue the efforts undertaken in order to ensure the protection, safety and good development of the child, in the context of the national policies for the prevention

and fight of any forms of abuse against children, NCPCA did initiate several Workshops, information campaigns and trainings. The training activities are oriented towards the specific professional and continuous formation of the specialists working in the child protection area: pedagogues, psychologists, social assistants, medical workers, cops, lawyers.

287. This way, in collaboration with the National Institute of Justice, the National Centre for the Prevention of the Child Abuse did undertake a supervision workshop, moderated by an international expert in the prevention of the child abuse, sharing the experience and supervision of the activity of some specialists which are part of the multidisciplinary teams for assistance to abused children involved into legal procedures, as victims or witnesses.

392. To the workshop took part 21 specialists of the Ministry of Interior Affairs (Police stations of the municipality of Chisinau and of other regions of the country) and public prosecutors. In the same time, were involved psychologists and social assistants from the Municipal directorate for the protection of the rights of the child as well as from the Centre for Psycho-Social Assistance for the Family and Child.

393. Also, in partnership with the National Institute of Justice and UNICEF Moldova, the National Centre for the Prevention of the Child Abuse did carry on the training “The child in the criminal justice system”. Of the courses did benefit 25 public prosecutors and 49 judges from the Republic of Moldova. The courses take part from the training and awareness campaign for the specialists in the area of assistance for the abused children. The aim of the training consists of the promotion of the idea of an adequate approach for the child in the criminal justice system, when the latter is a witness or victim of violence.

394. In 2009 NCPCA did realise together with the American Bar Association/Rule of Law Initiative (ABA/ROLI), through the financing provided by the United Nations Agency for International development (USAID) 2 trainings for 37 specialists (criminal investigation officers of the Ministry of Interior Affairs, public prosecutors, judges and pedagogues), which take part to the legal hearing of children. As result of the trainings, were build the capacities of the specialists to perform hearings of children exposed to violence, in conformity with the legal provisions and the recommendations of specialists with experience in assisting the abused children.

395. In 2008 NCPCA did develop in partnership with the DMPDC trainings for the capacity building of the Local Councils for the child protection of the regions of Chisinau and of its suburbia, for a multidisciplinary approach to cases of child abuse. The training was attended by 32 members of the Local Councils for the children rights protection of the regions of Chisinau and 28 members Local Councils for the children rights protection of Chisinau suburbia. During the training was shared information and recommendations by the specialised lawyers regarding the role of the juveniles statements during a criminal matter, as well as by psychologists regarding the most efficient method to communicate with the child victim or witness, or to interview a victim of the violence, in the same time was discussed the modality for the organization of the hearing of the abused children.

396. Also, were organised initiation workshops with the participation of the employers and trade unions representatives of the construction and construction materials industry for the prevention and fight of the severe forms of children labour; the Workshop “The Prevention and the Fight of the Child Work”, which aimed at the understanding of the role and responsibilities of the educational councillors in this regard, the improvement of the knowledge and skills for the provision of quality services for children of the risk groups and victims of severe forms of child labour, as well as their parents.

397. The activities initiated by the NCPCA, have on one side — an impact over people with decision-making positions and people from media, influencing this way the public

policies, and on the other hand — the awareness activities are influencing the human attitude and behaviour.

398. The awareness activities are carried on in several spheres:

- (a) The prevention of the child abuse in the justice system;
- (b) The prevention of child exclusion and child labour;
- (c) The prevention of the child violence.

399. Thus, were initiated several campaigns: the “Child – witness with special needs” campaign was launched in partnership with the Supreme Court of Justice, the campaign aims to raise awareness among the professional groups over the special needs of children during legal proceedings. In the same time, the Campaign contributes to the improvement of the abilities and competencies for interviewing children and to create some child-friendly interview places.

400. The message of this Campaign – “Mr. Judge, I’m scared”, is addressed to lawyers — judges, public prosecutors, cops — but also to psychologists, working as experts in courts and taking part to legal interventions or providing assistance to children for the duration of the trial.

401. Also in this regard, was edited the fill-in book for children taking part to legal proceedings, meant to help children to prepare for the experience to make statements in court. Using a simple and short description the book introduces the child into the notions of the institute of justice, the role and obligations of the witness children, who are the persons in front of which they will testify and what situations might appear during trial.

402. The realised media campaigns aim to: change the attitude of the adults by providing information regarding the non-violent educational alternatives, to increase the public awareness, and to encourage the participation of the community to the identification and reporting of cases of child violence, to increase the involvement of all the players from the society into awareness and education programs in this regards, these containing several activities, such as: the production and broadcasting of the city-lights panels and posters with images of the campaign, distribution of flyers, radio broadcasting of the blitz-interviews with national stars, press conferences.

403. The Campaign against beating “Observe me, Hear me, Help me”, held in partnership with the Ministry of Labour, Social Protection and Family, aims to encourage the citizens and specialists responsible for the child protection — teachers, educators, doctors, cops, psychologists — which are in contact with the abused children or relatives, neighbours, their friends, to report the identified cases of physical abuse of children committed in the family.

404. We have to mention that, the informational campaigns, initiated by NGOs, are carried on in collaboration and in parallel with several European countries, such as: Poland, Bulgaria, Latvia, Lithuania, Macedonia, Ukraine, the Republic of Moldova, within the regional project “Childhood without violence – for a better system for the child protection in the Eastern Europe”, the program being coordinated by the “Nobody’s Children” foundation from Poland, with the support of OAK Foundation.

405. Within the AMICUL Centre, developed in partnership with the municipal Directorate for the protection of the child’s rights (Chisinau), the children-victims benefit of social, psychological and legal assistance.

406. The psychologists are working on the rehabilitation of the abused children and, if necessary, for the rehabilitation of their family members, are making the psycho-behaviouristic profile of the abused child, are carrying on counselling and psycho-

therapeutic sessions, provide the parents with recommendations for a non-abusive discipline, are drawing reports of the psychological evaluation of the child at the request of the legal bodies and child protection organisations, are preparing children for participation to legal hearings, are accompanying the child-victim during legal proceedings and take part to the legal hearing of children they are assisting.

407. A significant importance is given to the provision of the possibility to the child to express his point of view, ensuring him about the privacy protection during all the stages of the criminal matter – activity supported by involvement activities of the pedagogue and psychologist, including the stage of the child’s rehabilitation, involving, when needed in this regard, his family, while the proper legal assistance is provided through specialist’s interventions, allowing the full guarantee of access to procedures for the recovery of the damages caused to the child’s interests.

408. During 2006–2009 within the AMICUL Centre were provided direct assistance 437 children victims of abuse, of which cases of: physical abuse – 126, psychological abuse – 107, neglect – 66, sexual abuse – 114, trafficking – 2, combined abuse (physical and psychological, physical and neglect) – 22.

409. In 2009 started the process of development of the Educational Code which highlights as one of the main functions of the education – the capacity building for socialising and professional realisation of the pupil/student, focusing on the principle of involvement and community and parents responsibility.

410. In the same time, the draft Code proposes the following educational results:

- (a) The formation of skills for the integration into the labour market and the realisation of the professional carrier;
- (b) The education of the feeling of personal dignity and respect towards others’ dignity;
- (c) The cultivation and application of a healthy life-style;
- (d) The cultivation of respect towards the equality in rights and responsibilities of women and men;
- (e) The building of entrepreneurial skills, activism, self-realisation, self-formation, etc.

411. The Legislation of the Republic of Moldova for the practising of prostitution provides administrative sanctions according to the provisions of Art. 171/1 of the Administrative Contraventions Code of RM.

412. Thus, to people practising prostitution, are applied fines by the court, amounting from 50 to 75 contravention units or administrative arrest for up to twenty days.

413. The same actions, committed for the second time during one year after the application of the administrative sanction are administratively sanctioned with the application of a fine from 75 to 100 contravention units or administrative arrest for up to 30 days.

414. In the same time, the legislation of the Republic of Moldova provides administrative sanctions for the propagation of the prostitution.

415. According to the provisions of Art. 171/2 of the al Administrative Contraventions Code, the propagation of the prostitution through periodical publications, audiovisual means or through any other method, are administratively sanctioned with the application of a fine from 100 to 150 contravention units with the confiscation of the propagation means.

416. Should be mentioned the fact that, starting with the 31st of May 2009, in the Republic of Moldova, came into force the new Contraventions Code⁴⁷ which expressly provides the contravention sanction in a form of fine from 10 to 20 contravention units, for the practising of the prostitution (Art. 89 CC RM). The person involved into prostitution against his will is released from contravention liability.

417. We should mention the fact that, the legislation of the Republic of Moldova doesn't provide and doesn't allow practicing prostitution.

418. Analysing the situation at the chapter of practicing and propagating prostitution in the last few years, we can notice a decrease of the phenomena.

	<i>Art. 171/1 CCA</i>	<i>Art. 171/2 CCA</i>	<i>Art. 89 Contraventions Code</i>	<i>Were detected prostitutes</i>	<i>Of them, juveniles</i>
2007	433	9		372	66
2008	387	6		370	52
2009	-	-	663	663	48

419. The Administrative Contraventions Code of the Republic of Moldova provides the administrative sanction with the application of a fine amounting to up to four conventional units, Art. 46 of the ACC, for the deliberate hiding of the contamination with a sexual disease source.

420. The legislation of the Republic of Moldova provides administrative sanctions, Art. 45 of the Administrative Contraventions Code, for persons hiding persons seek of a sexual disease from the medical examination and preventive treatment (see data from the table). The current Contraventions Code doesn't provide any sanctions for the transmitting of the sexual diseases.

	<i>2007</i>	<i>2008</i>	<i>5 months 2009</i>
Art. 46 ACC	15	0	0
Art. 45 ACC	230	192	73

421. We should mention that, the criminal legislation of the Republic of Moldova provides criminal liability for the transmitting of a sexual disease, provided supra in Art. 211 (the transmitting of a sexual disease) of the Criminal Code.

422. The mentioned article provides a criminal sentence in the case when: "The person with, knowing of suffering of a sexual disease, is passing it to another person", is punished with a fine of 150 to 500 conventional units or community work from 120 to 200 hours, or with imprisonment for up to 1 year.

423. The same action committed (a) over two or several persons, (b) with a good knowledge over a minor, is punished with a fine amounting from 200 to 700 conventional units or community work from 180 to 240 hours, or imprisonment for 2 years.

424. Should be mentioned the fact that according to the provisions of Art. 212 (Contamination with AIDS) of the Criminal Code, is considered an offence and provides criminal liability for the intentional endangering of another person to the contamination with AIDS.

425. If the person is found guilty of the respective offence, the latter is punished with imprisonment for up to 1 year.

⁴⁷ Aprobat prin Law No. 218-XVI din 24 October 2008 (în vigoare de la 31 mai 2009).

426. In case of contamination with AIDS by a person knowing of suffering of this disease, it is punished with imprisonment from 1 to 5 years.

427. The actions mentioned above, committed over two or more persons, or with a good knowledge, to a minor, are punished with imprisonment from 3 to 8 years.

428. Same criminal liability is on the medical workers, with imprisonment for up to 5 years with (or without) the privation of the right to take some positions or to perform a certain activity for a 3 year term, for the contamination with AIDS following the non-performance or non-corresponding performance of their duties on their behalf, provided by Para. (4), Art. 212 CP.

429. The legislation of the Republic of Moldova provided administrative sanctions for the “Manufacturing or sale of the pornographic objects”, provided by Art. 171/4 of the Administrative Contraventions Code, “Manufacturing, import, broadcasting and advertising pornographic works, prints, paintings or other objects with pornographic characteristics, as well as the sale or their storing with an intent to sell or broadcast”. For such actions citizens risked a fine from ten to twenty conventional units and people in decision-making positions – up to fifty conventional units with the confiscation of the pornographic objects.

430. In the Republic of Moldova is working the State Agency for Morality, along the Ministry of Culture, which has the right to expertise materials with pornographic content. The agency is working based on specific Rules of procedure.

431. Today, according to the provisions of Art. 90 (production, sale, broadcasting or storing pornographic products) of the Contraventions Code,⁴⁸ individuals are held contraveniently liable and are sanctioned with a fine from 40 to 50 conventional units applied to individuals, fine from 100 to 150 conventional units applied to companies.

432. Following the actions performed by the police, in order to prevent the production, sale, broadcasting or storage of pornographic products, during 2009 were documented and investigated 6 offenders.

433. To the support the health of children and young people comes The National Policy for Health for 2007–2021, which represents a set of priorities, coming with systematic activities gathering the inter-sector efforts for the improving of the quality of life and health of the population during the whole life, which includes such specific objectives as: Life without violence and trauma, The insurance of a healthy life-style, The maintenance of the health of the young generation.

434. In parallel with the National Health Policy was developed the Strategy for the development of the health sector for 2008–2017, which designs, in fact, the basement for the future consolidation activities for a modern health system and bringing it to European standards. The strategy has marked and selected priority activities in the local healthcare, meant for the common goal – the continuous improvement of the health of the population.

435. In order to prevent and fight the human trafficking, including among children, the state through its structures responsible for the health of the population, has channelled its activities towards:

- (a) Information, education, communication among young people in matters related to health education, healthy life-style, the prevention of the sexual diseases HIV/AIDS, psychological and legal counselling;

⁴⁸ Aprobat prin Law No. 218-XVI din 24 October 2008 (în vigoare din 31 mai 2009).

(b) Healthcare consultation and treatment services through offices for a healthy reproduction of the Family Doctors Centres, Centres for Women's Health, Youngsters-Friendly Centres, offices for counselling and voluntary testing for HIV/AIDS and viral hepatitis, and other medical sub-divisions.

436. Today, in the country are working 45 offices for a healthy reproduction, 12 Youngsters-Friendly Centres, 3 Centres for Women's Health.

437. Through the offices for a healthy reproduction are consulted: the young people before marriage, the teenagers and the young people of the pre-university institutions and universities, trafficked women. The offices have informational-educational materials, contraceptives, which are freely provided to young people, women belonging to the risk groups.

438. Through the Centres for Women's Health, women exposed to any form of violence or trafficking, may receive psychological counselling, followed by a medical examination and diversion to a Rehabilitation Centre if necessary.

439. The Youngsters-Friendly Health Centres provide positions of psychologists, and the daily activities include consultations and educational discussions, medical services, medical tests, supervision and rehabilitation, medical as well as psychological for the trafficked persons.

440. At a secondary level there are 10 Perinatal Centres of the II-nd level. They have consulting departments, which provide medical assistance and counselling, while the staffs of the centres includes psychologists, while at a tertiary level the medical assistance is provided by the republican medical institutions.

441. During 2007–2008 was restored the activity of the “Healthy Child” Office and of the offices for the pre-birth education of the pregnant women and their families in maternities and Family Doctors Centres from all the raions of the Republic, and the AMTs from Chisinau, equipped with audiovisual and training equipment (with the support of UNICEF representative in Moldova and the Bureau for Cooperation from Switzerland in Chisinau).

442. In order to reduce the social vulnerability of the potential victims of the human trafficking within the Centre for Placement and Rehabilitation for children of a young age of Chisinau and the Centre for Temporary Placement and Rehabilitation for children of Balti are created Maternal Departments.

VIII. International assistance and cooperation; prevention

Article 10 of the Protocol

443. Regarding the protection of the child-victim we can mention that, the Criminal Code doesn't provide an express definition for the child being a passive subject of an offence, or in another procedural aspect as victim/injured party in a criminal matter. On the 1st of March 2007 the Parliament did adopt the Law no. 45-XVI regarding the prevention and fight of the violence in family. According to its Art. 2 a victim is considered and adult or a child, subject to acts of violence in family, in concubinage. One of the main principles of the prevention and fight of the violence in family is the protection of the victim's security.

444. The notion used by the criminal legislation makes an express reference only to actions that could be imputed to the juvenile and doesn't define the notion of child, minor or juvenile in the meaning of protection under a criminal aspect as victim of the offences.

445. In the same time we have to mention that, the Criminal Code uses the notion of child and, in equal measure the notion of juvenile, what creates the impression about the equivalent character of these notions.

446. The practice of the criminal investigation bodies, especially the Offices of the Public Prosecutors as well as of the courts is focused on the idea of usage of the under-age (minor) notion taking into consideration the provisions of Art.21 Para. (1), eventually Para. (2) of the same Article, and the extension of the notion of under-age or child as victim of an offence based on the criteria stipulated in the criminal norm. Although Art.21 of the Criminal Code refers exclusively and expressly to a child, or under-age only as an active subject of the offence and, thus, can't be extended over a child, juvenile as victim of the criminal attempt.

447. Although is broadly used the notion of child, the Criminal Code doesn't provide it with an express definition, being necessary the use of the notion of other special laws, for example the Law regarding the rights of the child no. 338-XIII of the 15th of December 1994, especially Art. 1 Para. (2), which defines the child as a person starting with birth and up to the age of 18. The special laws often use the notion of child, but are defining it either for the applicability of the area they are regulating either aren't defining it at all, thus the Law on the rights of the child becomes implicitly the main rule defining this notion.

448. So, in the meaning of the criminal law, the notion of child as a passive subject of the offence, is overtaken from the special law and will include people with an age starting from birth and up to 18 years. In the same time, we'd like to mention that the Civil Code of the Republic of Moldova uses the notion of juvenile (minor; under-age) for people under 18 y.o.. Thus, according to this, the general rule is that the full capacity of exercise starts on the date when the individual becomes of full age, meaning reaches the age of 18.

449. The use of a notion which isn't expressly defined in the Criminal Code if overtaken from another special law (in our case – the law on the protection of the rights of the child) which can create confusions and an uneven practice for the application of the criminal law, due to the specifics of the criminal law as a sole norm regulating the criminal area. The argument will be based on certain provisions of Art. 1 of the Criminal Code which defines the criminal law as the sole law in the area, immediately after the Constitution and the international treaties.

450. Due to the undertaken measures, were reached some progresses in preventing and fighting the human trafficking and illegal migration, results appreciated by the official delegation of the US Congress, which, on the 18th of February 2009 paid an evaluation visit to the Centre for the fight against human trafficking (CCTP).

451. Later on, in the Report of the US State Department on the human trafficking, published on the 16th of June 2009, the Republic of Moldova was reconfirmed in the II-nd classification category, as a state that should stay actively involved in the efficient fight against this phenomena.

452. The stable II-nd position shows that, the Republic of Moldova meets the minimal requirements at the chapter of elimination of the human trafficking and did improve the measures oriented to the prevention and fight of this scourge.

453. Another result at the national level is the decrease in 2009 of the phenomena of human trafficking by 14% compared to 2008, fact confirmed by the representatives of the local and international NGOs, working in the area.

454. During the conference of the European Ministers of Justice, which took place in Spain, Lanzarotte, the representative of the Government of the Republic of Moldova, on the 25th of October 2007, did sign the Council of Europe Convention on the Protection of

Children against Sexual Exploitation and Sexual Abuse, adopted by the Council of Ministers on the 12th of July 2007.

455. The exploitation and the sexual abuses of children are widening their area, representing a serious threat for the physical and psychic integrity of children needing and efficient solution in the shortest time possible.

456. The current national legislation which regulates the rights, interests and problems of juveniles is represented by the Constitution of the Republic of Moldova, the Law on the rights of the child, the Family Code, the Criminal Code, the Law no. 241-XVI of the 20th of November 2005 on the prevention and fight of the human trafficking, Government Decision no. 727 of the 16th of June 2003 On the approval of the National Strategy for the protection of the child and family, the Government Decision no. 233 of the 28th of March 2001 On the fight of vagrancy, begging and “child of the street” phenomena, the Government Decision no. 784 of the 09th of July 2007 For the approval of the National Strategy and of the Action Plan regarding the reform of the residential care system for children for 2007–2012”, the Government Decision no. 954 of the 20th of August 2007 “Regarding the approval of the National Strategy for community activities to support children in need for 2007–2009, the Government Decision no. 995 of the 03rd of September 2007 Regarding the approval of the National Plan of community actions for the support of children in need for 2007–2009; the Government Decision no. 1344 of the 01st of December 2008 Regarding the approval of the National Plan of Actions in preventing and fighting the violence against children for 2009–2011; the Government Decision no. 1512 of the 31st of December 2008 Regarding the approval of the National Plan regarding the creation of the system of integrated social services for 2008–2012; the Parliament Decision no. 257 of the 01st of December 2008 Regarding the adoption of the Strategy and Action Plan for the National system of reference for the protection and assistance to victims and potential victims of the human trafficking.

457. At a national level, the range of the legal tools regulating the legal rights and interests of the juveniles is much wider, aiming at an increased protection of the juveniles’ interests, citing in this regard the CoE Convention on Action against Trafficking in Human Beings, signed in Warsaw on the 16th of May 2005, ratified by the Law no. 67-XVI of the 30th of March 2006, the UN Convention on the Rights of the Child, adopted on the 20th of November 1989 by the UN General Assembly, the Convention on the Civil Aspects of International Child Abduction of the 25th of October 1980, the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the 17th of June 1999, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in force for the Republic of Moldova from the 16th of October 2005.

458. In conformity with provisions of the Convention, they need the adjustment of the criminal and criminal procedure legislation in the matter related to the incrimination of new facts such as “the involvement or the organisation of the participation of a juvenile to pornographic shows”, “maintenance of sexual acts, other than the ones provided by Art. 174 of the Criminal Code with a person which didn’t reach the age of 16”, the introduction of some new aggravating circumstances to some components of offences (with aims to produce pornographic materials, etc.).

459. Taking into consideration that, the adjustment of the provisions of the mentioned treaty needs a multilateral, multi-institutional and complex approach, the coming into force of the Convention shall be conditioned by the harmonisation of the national legislation. At the moment the Republic of Moldova adjusts the legislation to the requirements of the mentioned Convention, as an information notice, the mentioned Convention didn’t come into force yet for any of the signers.

460. The provisions of the treaty do not involve the adoption of some new legal acts, but only the modification and the completion of the existing ones.

IX. The Center for the Human Rights in Moldova

461. The importance and need for the identification of the victims of the human trafficking is revealed by several acts of the international law on human trafficking. For example, one of the documents of the UN sets the recommended principles and guiding regulations regarding human rights and the human trafficking and specifies that “The incapacity to correctly identify the person, which became subject of human trafficking, rather determinates him to the further yield of his rights. That is why the states are obliged to make this identification possible and to realise it”.

462. Confirming the adherence to the Universal declaration of the Human Rights and to other international legal documents on human rights, taking into consideration that, according to the UN Status, the state is obliged to stimulate the protection of the human rights and freedoms, taking into consideration the need to guarantee to all the citizens of the Republic of Moldova the right for their personal rights and freedoms to be protected, on the 17th of October 1997 the Parliament of the Republic of Moldova adopted the Law no. 1349-XIII regarding the ombudsmen (parliamentary advocates).

463. According to this law, the Parliament did appoint 3 parliamentary advocates which, together with the staff on duty, constituted an independent legal institution – the Centre for the Human Rights, which may have branches in various regions of the country.

464. The activity of the parliamentary advocates is oriented towards the insurance of the guarantee of protection for the constitutional rights and freedoms by the central and local public administration bodies, institutions, organisations and companies with various forms of proprietorship, as well as the non-government organisation.

465. The parliamentary advocates contribute to the restoration in rights of the citizens, to the improvement of the legislation in the area of the human rights protection and the education of the legal culture of the population.

466. The Law expressly provides that the activity of the parliamentary advocate is meant to provide the guarantee for the protection of the human constitutional rights and freedoms by the local and central public authorities, institutions, organisations and companies, no matter of the type of the proprietorship, public associations and people in decision-making positions of all levels. We have to mention that, according to the provisions of the Law, the parliamentary advocates do contribute to the protection of the human rights, to the legal training of the population through the application of the proceedings stipulated by the Law.

467. It is important to mention that, in 2008 the Parliament did complete Art. 4 of the Law no. 1349-XIII from the 17th of October 1997 regarding the parliamentary advocates (Art.4 in the edition LP56-XVI from the 20th of March 2008, MO80/22 April 2008 Art.263), thus providing the inclusion of a parliamentary advocate position for the rights of the child.

468. Thus, we shall note the fact that, according to the legislation governing the activity of the parliamentary lawyer for the protection of the rights of the child, they do exercise their powers to guarantee the protection of the constitutional rights and freedoms of the child and the realisation, at a national level, by the central and local public authorities, by the individuals in decision-making positions, of the provisions of the UN Convention on the Rights of the Child.

469. The Law no. 1349-XIII regarding the parliamentary advocates expressly provides that during their mandate, the parliamentary advocates are guided by the Constitution, by the present Law, by other laws of the Republic of Moldova, as well as of the Universal Declaration of Human Rights, of the UN Convention on the Rights of the Child, of agreements and treaties to which the Republic of Moldova is a part of.

470. During their mandate, the parliamentary advocates are independent to the members of Parliament, the President of the Republic of Moldova, central and local public authorities and people in decision-making positions of all levels.

471. In their activity, the parliamentary advocates are following the principles of legality, transparency, social equity, democracy, humanism, accessibility, as their conscience tells them.

472. The distribution of the areas of activity of the parliamentary advocates takes places through their decision taken by common agreement, and is approved by the order of the Director of the Centre for the Human Rights.

473. Together with the specialists of the Centre, the parliamentary advocates constitute an independent institution, called Centre for the Human Rights.

474. According to the provisions of Art. 34 of the mentioned Law, every year, until the 15th of March, the Centre for the Human Rights submits to the Parliament a report on the protection of the human rights in the Republic of Moldova during the last year. In the same time, the report contains a chapter dedicated to the situation regarding the protection of the rights of the child in Moldova.

X. The legislative and normative acts in the area of protection of the rights of the child and family

475. The legal frame is comprised of the international legislation to which the Republic of Moldova is a part of and the national legislation.

(a) The Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Statute of the International Criminal Court which provides criminal liability for gender and sexual violence offences;

(b) Convention on the Rights of the Child;

(c) Constitution of the Republic of Moldova, adopted 29 July 1994;

(d) Family Code, Law no. 1316-XIV of the 26th of October 2000;

(e) Criminal Code, Law no. 985-XV of the 18th of April 2002;

(f) Criminal Procedure Code, Law no. 122-XV of the 14th of March 2003;

(g) Labour Code, Law no. 154-XV of the 28th of March 2003;

(h) Contraventions Code, Law no. 218-XVI of the 24th of October 2008;

(i) Law no. 416-XII of the 18th of December 1990 regarding police;

(j) Law no. 275-XIII of the 10th of November 1994 regarding the Legal status of the foreign citizens and stateless in the Republic of Moldova;

(k) Law no. 338-XIII of the 15th of December 1994 regarding the rights of the child;

(l) Law no. 1227-XIII of the 27th of June 1997 regarding advertising;

- (m) Law no. 1349- XIII of the 17th of October 1997 regarding parliamentary advocates;
- (n) Law of education no. 547-XIII of the 21st of July 1995;
- (o) Law no. 499-XIV of the 14th of July 1999 regarding the state budget allowances for some categories of citizens;
- (p) Law no. 933-XIV of the 14th of April 2000 regarding the special social protection for some categories of persons;
- (q) Law of citizenship of the Republic of Moldova no. 1024-XIV of the 2nd of June 2000;
- (r) Law no. 827-XIV of the 18th of February 2000 regarding the Republican and local funds for the social support of the population;
- (s) Law no. 1286-XV of the 25th of July 2002 regarding the status of the refugees;
- (t) Law no. 1518-XV of the 6th of December 2002 regarding migration;
- (u) Law of the social assistance no. 547-XV of the 25th of December 2003;
- (v) Law no. 241-XVI of the 20th of February 2005 regarding the prevention and fight of the human trafficking;
- (w) Law no. 371-XVI of the 1st of December 2006 regarding the international legal assistance in criminal matters;
- (x) Law no. 29-XVI of the 22nd of February 2007 for the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, prostitution and infant pornography;
- (y) Law no. 45-XVI of the 1st of March 2007 regarding the prevention and fight of the violence in family;
- (z) Law no. 105-XVI of the 16th of May 2008 regarding the protection of witnesses and of the participants to the criminal matter;
- (aa) Law no. 133-XVI of the 13th of June 2008 regarding the social assistance;
- (bb) Parliament Decision no. 257 of the 05th of December 2008 regarding the approval of the Strategy of the National Reference System for the protection and support provided to victims and potential victims of the human trafficking and the Action Plan for the implementation of the Strategy of the National Reference System for the protection and assistance provided to victims and potential victims of the human trafficking for 2009–2011;
- (cc) Government Decision no. 198 of the 16th of April 1993 regarding the protection of socially vulnerable children and families;
- (dd) Government Decision no. 1478 of the 15th of November 2002 regarding the allowances addressed to families with children;
- (ee) Government Decision no. 870 of the 28th of July 2004 About the approval of the provisional norms for money expenditures for orphan pupil (students) and those under tutorship/guardianship of the professional and vocational schools, educational institutions of high and higher level, boarding schools and orphanages;
- (ff) Government Decision no. 1362 of the 29th of November 2006 The Frame-regulations for the organisation and functioning of the centres for assistance and protection of the victims of human trafficking;

(gg) Government Decision no. 472 of the 26th of March 2008 regarding the approval of the nominal list of the National Committee for the Fight of the Human Trafficking, the Rules of Procedure for the National Committee and the National Plan for the Prevention and Fight of the human Trafficking for 2008–2009;

(hh) Government Decision no. 847 of the 11th of July 2008 regarding the creation of the Centre for the assistance and protection of the victims and potential victims of the human trafficking;

(ii) Government Decision no. 948 of the 07th of August 2008 the Regulations of the repatriation procedure for children and adults – victims of the human trafficking, illegal migrants trafficking, as well as unaccompanied children;

(jj) Government Decision no. 1344 of the 01st of December 2008 regarding the approval of the National action plan for the prevention and fight of the violence against children for 2009–2011;

(kk) Government Decision no. 1512 of the 31st of December 2008 regarding the approval of the National plan for the creation of the integrated system of social services for 2008–2012;

(ll) Government Decision no. 691 of the 17th of December 2009 for the approval of the regulations for the organisation and functioning of the Ministry of Labour, Social Protection and Family, its structure and number of staff of its central office.

References

In the present report were used documents and statistical data of the Government structures – Ministry of Interior Affairs, Ministry of Education, Ministry of Health, Ministry of Finance, Ministry of Labour, Social Protection and Family, National Bureau of Statistics, Ministry of Justice. Also were consulted sources from the Centre for the Human Rights from Moldova, general Public Prosecutor’s Office, as well as NGOs (the National Centre for the Prevention of the Child Abuse, the International Centre “La Strada”).
