

**SUMMARY OF THE TECHNICAL CO-ORDINATION MEETING (TCM)  
13 January 2010**

**Site:** OSCE Mission to Moldova  
**Date:** 13 January 2010  
**Chairs:** Eugenia Benigni, Anti-Trafficking and Gender Officer, OSCE Mission to Moldova  
Ecaterina Berejan, Senior Consultant, Department for Gender Equality and Violence  
Prevention Policies, Ministry of Labour, Social Protection and Family

### **Executive Summary**

The Ministry of Labour, Social Protection and Family informed about the finalization by Moldova of a bilateral co-operation agreement with Russia on the identification and repatriation of unaccompanied children and trafficking victims, which now awaits Russia's approval. Moldova also approved the 2010-2015 Programme to Ensure Gender Equality and the creation of a Secretariat of the National Committee on anti-trafficking. The Ministry reported on the repatriations conducted in 2009 and announced that in 2010 Moldova will prepare an evaluation report on the implementation of the 2006-2009 Action Plan to Ensure Equal Opportunities and the 2009 monitoring report on the implementation and functioning of the National Referral System.

The OSCE Mission announced the appointment of the new OSCE Special Representative on anti-trafficking, a series of new OSCE publications and a ground-breaking decision of the European Court of Human Rights on an anti-trafficking case.

Two presentations were made on: 1. the "Better Opportunities for Women and Youth" project by UNDP, and 2. the Final Trial Monitoring Report by the OSCE Mission

During the discussion, participants debated the findings of the Trial Monitoring Programme, suggested to improve satellite statistics on anti-trafficking and domestic violence and inquired about the activity of the Secretariat of the National Anti-Trafficking Committee. The publications announced at the meeting were distributed; the presentations were further circulated to the distribution list.

### **MAIN DISCUSSION ITEMS**

The minutes of the 9 December 2009 TCM were adopted. The OSCE Mission (Benigni) explained that starting from January 2010, the TCM Minutes will become shorter, focusing on presentations, discussions, ideas and recommendations. Stakeholders' activities will be included in a separate matrix.

## ***1. Activity of the Ministry of Labour, Social Protection and Family and other state institutions***

The Ministry (Ecaterina Berejan) reported that the Draft Co-operation Agreement between the Moldovan and Russian Governments regarding the identification and repatriation of unaccompanied children and trafficking victims was approved by Moldova on 31 December 2009 (Government Decision #926) and is now being negotiated with Russia.

The Governmental Decision (#933) on the approval of the 2010-2015 Programme to Ensure Gender Equality was approved on 31 December 2009 and is to be published in the "Monitorul Oficial" ("Official Gazette"). The Programme is in line with the National Development Strategy, it will ensure the implementation of the Law on Equal Opportunities for Women and Men and of the final recommendations of the UN Committee on the Elimination of Discrimination against Women to the report presented by Moldova in 2006. The Programme will also contribute to the achievement of the Millennium Development Goals (MDG #3: Gender Equality).

In 2009, 42 children were repatriated in 20 missions organized by the MLSPF, three of which in December, when 10 children were returned (6 from Russia, 1 from Ukraine, 3 from Romania).

The Secretariat of the National Committee on anti-trafficking was created. It is now working on the 2009 Report on human trafficking in Moldova and the 2010-2011 Anti-Trafficking National Plan of Action. The 2009 Report on human trafficking will be presented to the US Government by the Moldovan Prime-Minister during his visit to the USA in January 2010.

In the first quarter of 2010, the Equal Opportunities and Violence Prevention Department of the MLSPF will draft two important reports:

- the Evaluation Report on the implementation of the 2006-2009 Action Plan to Ensure Equal Opportunities for Men and Women;
- the 2009 Monitoring Report on the implementation and functioning of the National Referral System.

## ***2. OSCE and other announcements/interventions***

The OSCE Mission (Eugenia Benigni) announced that:

- The OSCE Report "Compensation for Trafficked and Exploited Persons in the OSCE Region" is available online in English and Russian ([http://www.osce.org/odihr/item\\_11\\_31284.html](http://www.osce.org/odihr/item_11_31284.html));
- The 2009 Annual Report of the OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings – "An Agenda for Change: Implementing the Platform of Action Against Human Trafficking" – was published in English ([http://www.osce.org/cthb/item\\_11\\_41953.html](http://www.osce.org/cthb/item_11_41953.html));
- Ms. Maria Grazia Giammarinaro (former judge in Italy with broad experience on anti-trafficking) was appointed as the new OSCE Special Representative on anti-trafficking;
- In December 2009, the OSCE Ministerial Council adopted Decision #7/09 on Women's Participation in Political and Public Life ([http://www.osce.org/documents/cio/2009/12/41865\\_en.pdf](http://www.osce.org/documents/cio/2009/12/41865_en.pdf));
- The European Court of Human Rights passed its first judgement on anti-trafficking – in a case of a Russian trafficking victim who died in Cyprus (Case of Rantsev v. Cyprus and Russia) which is of great interest for Moldova (The text of the judgment is available at:

### **3. Presentation on the project “Better Opportunities for Youth and Women” (UNDP)**

UNDP (Viorel Albu, manager of the project) announced that following the liquidation of the Ministry of Local Public Administration, the MLSPF is the new National Co-ordinator of the “Better Opportunities” project. Donors: USAID, Romania, Soros Foundation. Cumulative 5-year project budget – US\$ 5.2 mln. An important part of the budget (over US\$ 2 mln) was used for the rehabilitation of spaces and creation of the infrastructure for the Social Reintegration Centres (SRCs). There are 3 types of SRCs created under the project: 1) Youth Centres; 2) Maternal Centres; and 3) Protection & Reintegration Centres for trafficking victims. In most cases, existing spaces were used (contribution of local authorities). The target group was gender balanced (nearly 50-50%); the age of the assisted beneficiaries varies from 16 to 30 years.

The project aims at facilitating the social and economic reintegration of vulnerable groups (including boarding schools/professional schools graduates, vulnerable women and their children, victims and potential victims of domestic violence and human trafficking) through a network of Social Reintegration Centres (SRC)/ Services.

UNDP launched the project in 2004 as a response to the social and economic situation in Moldova and against the background of 2004 official data: poverty rate 34%; 70,000 people emigrated (25% of active population); 35,000 children without parental care; about 21% with at least one parent abroad; over 12,000 in residential institution; 400 children annually abandoned; 7,000 people annually trafficked (unofficial statistics); youth unemployment – 15%.

The SRCs created through the project are situated outside Chisinau, operated by local NGOs in partnership with local public authorities, and supported to become self-sustainable. The project supports services in Edinet, Soroaca, Drochia, Telenesti, Calarasi, Ungheni, Carpineni, Causeni, Balti, Comrat, and Hancesti, and an information service in Chisinau.

The SRCs provide a range of services contributing to the social and economic reintegration of the beneficiaries: psycho-social counselling, life skills development, accommodation (up to 12 months), vocational orientation and training / scholarships, employment assistance, wage supplements (up to 40% of the salary), etc. Economic integration component includes assistance for employment and income-generating activities: existing vacancies, creation of new jobs in collaboration with private actors and through social enterprises, self-employment. One of the challenges related to professional integration is that many young people in Moldova are employed illegally, without a contract. However this is better than unemployment, illegal migration or trafficking.

During the five years of the project implementation, a total of 6,257 beneficiaries were assisted, including 5,474 young people, 350 mothers at risk, 381 children, and 52 pregnant women. Of all assisted beneficiaries, 93 were trafficking victims. Child abandonment was prevented in about 40% of cases. About 1,700 beneficiaries received vocational training and over 950 received scholarships. Over 1,300 assisted young people were employed. Sustainability of their employment remains to be a problem: 70% beneficiaries keep their jobs, while the others abandon or change their jobs 4-5 times. The project supported the creation of nine social enterprises (such as: a micro-factory for toilet paper production, a laboratory for ultrasound investigations, etc.), which offered 95 jobs.

The financial sustainability of the SRCs is a concern, as UNDP has been gradually decreasing funding (from 90% in 2004 to less than 40% in 2009), to be only partly replaced by the contributions from the local authorities and other sources (social entrepreneurship, other donors, private actors).

Main challenges: lack of mechanisms to increase state financial support; negative effects of the economic crisis; increased unemployment and difficulties in providing beneficiaries with decent jobs.

#### ***4. Presentation on the Final Report of the Trial Monitoring Programme in Moldova (OSCE)***

The presentation was made jointly by Rita Tamm, Rule of Law Adviser of the OSCE Mission to Moldova, and Nadejda Hriptievschi, Legal Consultant of the Public Defenders' Office of Moldova.

The Trial Monitoring Programme was developed by the OSCE Mission to Moldova and the Office for Democratic Institutions and Human Rights in Warsaw (ODIHR), in co-operation with national authorities, the Superior Council of Magistrates and the General Prosecutor's Office, and with civil society organisations, the Institute for Penal Reforms and the Causeni Law Centre. The programme aimed to observe the compliance of Moldova's court system with fair trial standards.

Three reports were published: the first in 2006 focused on the institutional conditions, professional performance of the participants in the judicial process, and the treatment of witnesses and victims; the second in 2007 on fair trial standards and the rights of the parties during court proceedings; the third and final report (December 2009) summed up all the programme's findings.

A total of 7,402 hearings (7,037 in Chisinau and 365 in the South of Moldova) in 1,755 criminal cases were monitored (cases of human trafficking, pimping, domestic violence, corruption, etc.). The main problems identified were:

- *The right to a public hearing* – many judges, prosecutors and defence lawyers seem to be reluctant to respect this right and relevant legal provisions are unclear; the hearings are often held in judges' offices, as opposed to courtrooms; the decisions to hold close hearings (in order „to protect the privacy”) are taken without consulting the victims.
- *The right to be tried by an independent and impartial tribunal* – often judges make inappropriate comments, are biased and treat victims with disrespect (especially in cases of trafficking and pimping).
- *The right to a fair hearing* – problems with the presence of the witnesses and victims at the hearings; the judges engage in *ex-parte* communications with one party, give certain privileges to prosecutors over defence lawyers; judges do not always listen carefully during the hearing and in some instances they seem to make decisions before the hearings.
- *The right to trial within a reasonable time* – delays and postponements seem to be usual practice; hearings are often scheduled without consulting the victims and witnesses and, as a result, participants in the proceedings are often late or do not come to the hearings.
- *The right to be presumed innocent* – in some cases judges take an accusatory role and treat the defendants as if they were already proven guilty and convicted;
- *The right to legal assistance and the right to adequate time and facilities to prepare the defence* – the first is generally respected and the defendants provided with free legal aid if they cannot afford a lawyer; however in some cases *ex-officio* defence lawyers are unprepared and passive. The victims are usually legally assisted / represented by NGOs. The right to adequate time/facilities to prepare the defence appears more problematic.

- *The right to an interpreter* – lack of translators and poor quality of translations.
- *The right to physical security of victims and witnesses* – lack of separate spaces for victims and witnesses before the hearing; in some cases, judges and prosecutors did not adequately react to the defendants' threats toward the victims or the witnesses during the hearings.

Main conclusions of the Programme:

- No significant progress regarding the *de facto* respect for the rights of defendants, victims and witnesses was found, except for some improvement in the access to information (information boards installed in all monitored courts) and an increased rate of hearings starting on time. Participants to the trial, especially judges, became more tolerant towards the presence of monitors / public during the hearings.
- The situation in the South-Eastern regions is slightly better than in Chisinau: hearings schedules are made public more often, *ex-officio* defence lawyers are usually appointed on time, the hearings are more often held in courtrooms rather than in judges' offices.

### **5. Final discussions, conclusions, recommendations**

Commenting on the findings of the Trial Monitoring Programme, Viorel Ciobanu of the General Prosecutor's Office confirmed that there were gaps in the work of judges and prosecutors, but that they were not as widespread as the programme's Final Report seems to conclude. Hriptievschi (Public Defenders' Office) and Tamm (OSCE Mission) explained that the methodology used and the data collected were fact-based and developed by experts, the monitors specially trained, and that the objective of the programme was to identify gaps and outline recommendations for improvement. Hriptievschi noted that the Superior Council of Magistrates had issued special decisions based on the programme's reports and the National Institute of Justice had developed a special course on ethics which was included in the training curricula for judges. Ion Oboroceanu of the Causeni Law Centre stressed that gaps must be addressed, that judges, prosecutors and lawyers should be informed about the findings, and defendants, victims and witnesses about their rights.

Oboroceanu emphasized the need to improve the data collection of official statistics on human trafficking and domestic violence, as at the moment there is a big discrepancy between the official data and the figures provided by NGOs and international organizations. The MLSPF explained that they are developing a database on human trafficking and domestic violence which will include registered cases. It is virtually impossible to collect accurate information on their actual number.

Oboroceanu asked about the activity of the Secretariat of the National Anti-Trafficking Committee and how different organizations can participate / contribute to its work. He inquired about the implementation of the anti-trafficking and gender equality national action plans. The MLSPF explained that they are collecting the information from different actors at the local, regional and national level. The reports on the implementation of these action plans will be finalized by the end of the first quarter of 2010 and published in the "Monitorul Oficial", on the web-site of the MLSPF and other relevant web-pages.

*Approved by TCM:*

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*Date*

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*Eugenia Benigni, Chair*