



Organization for Security and  
Co-operation in Europe  
**OSCE Mission to Moldova**

**SUMMARY OF THE TECHNICAL CO-ORDINATION MEETING (TCM)  
14 April 2010**

**Site:** OSCE Mission to Moldova  
**Date:** 14 April 2010  
**Chair:** Eugenia Benigni, Anti-Trafficking and Gender Officer, OSCE Mission to Moldova

**Executive Summary**

The OSCE informed about the ongoing meeting on gender and migration in Helsinki and the new date for the Supplementary Human Dimension Meeting on women's participation to political and public life was announced (6-7 May 2010). Announcements about regional TCMs and the social round table in Transnistria were made.

The Ministry of Labour, Social Protection and Family (MLSPF) was not represented at the TCM, thus no updates on the activities of the ministry were offered and the focal issue presentation on achievements and plans for the implementation of the National Referral System had to be postponed.

The General Prosecutor's Office (GPO) reported on the latest statistics indicating a decrease in the number of registered cases of human trafficking and the tendency of milder sanctions applied by judges in trafficking cases. The GPO also informed about two recent events: the meeting of the Co-ordination Council of law enforcement bodies with attributions in combating human trafficking and about the training in human trafficking for prosecutors and judges.

International Centre "La Strada" presented the results of the rapid assessment of the current practices of hearing child victims-witnesses. The presentation was followed by an active discussion focused on gaps existing in Moldovan legislation and problems related to the attitudes of professionals and to their capacity to ensure a protective environment for child victims-witnesses.

**MAIN DISCUSSION ITEMS**

The summary minutes of the 10 March 2010 TCM were adopted.

***1. OSCE and other announcements/interventions***

The OSCE Mission (Eugenia Benigni and Veaceslav Balan) announced the following:

- a meeting on gender and migration issues is being held by the OSCE in Helsinki;
- the Supplementary Human Dimension Meeting on the participation of women in politics and public life will take place in Vienna on 6-7 March. The OSCE supports a small number of NGOs to send their representatives to the meeting. Other interested organizations are encouraged to register for participation, however they will have to find other sources of funding;

- March regional TCM was held in Leova. The next regional TCM is to take place in April in Cantemir. Regional TCMs are organized by the OSCE Mission in collaboration with Causeni Law Centre, the Mission to Moldova of the International Organization for Migration (OIM), the Ministry of Labour, Social Protection and Family, and the Secretariat of the National Committee to Prevent and Combat Trafficking in Human Beings.
- The next social round table in Transnistria will be organized in Tiraspol (in the premises of the NGO “Interaction”), on 15 April, 11 a.m.

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

The representatives of the MLSPF did not attend the TCM as they were in a meeting at the Parliament. Thus no updates on the activities of the Ministry were presented.

The GPO (Viorel Ciobanu) reported that according to the latest statistical data, the number of human trafficking cases identified and registered in the first quarter of 2010 decreased by 50% compared to the same period in 2009, the number of cases of child trafficking decreased by 75%. Judges tend to apply milder punishments and send fewer traffickers to prison. Ciobanu stated that this can be explained by the fact that now most traffickers are victims’ relatives or friends, or persons who were trafficking victims themselves prior to becoming traffickers.

Ciobanu informed about the meeting of the Co-ordination Council of law enforcement bodies with attributions in combating human trafficking held in February. During the meeting existing problems were discussed and a decision was adopted regarding the measures to improve collaboration between law enforcement bodies in preventing and combating human trafficking. The Council has been created in accordance with the provisions of the anti-trafficking law. It is chaired by the General Prosecutor and consists of representatives (heads / deputy heads) of the following agencies: Ministry of Justice, Ministry of Interior, Customs Department, Border Guard Department, Centre to Combat Economic Crimes and Corruption, and Centre to Combat Trafficking in Persons.

In March a training for prosecutors and judges was organized by the NIJ with the support of the OSCE Mission. Ciobanu stated that such training activities proved to have an important impact on the attitude of judges and prosecutors and on the way they understand and address cases of human trafficking.

## **3. Focal Issue Presentation on achievements and plans for the implementation of the National Referral System**

The presentation had to be postponed due to the absence of the representative of the MLSPF.

## **4. Side presentation on current practices of hearing child victims-witnesses – rapid assessment report offered by La Strada**

Alina Budeci, manager of the Contact Centre for trafficking victims of the International Centre “La Strada”, informed that the objective of the rapid assessment was to find out whether current practices of hearing child victims-witnesses are in line with international child rights standards and to what extent the child’s best interest and the interests of justice are balanced. The researchers looked at the knowledge and skills of the specialists involved in hearing child victims-witnesses, and at whether they use multidisciplinary approach and special techniques in their work with children.

Information was collected from the data base of “La Strada” (files of child victims of human trafficking for sexual exploitation), psychological evaluation forms of child victims-witnesses, and interviews with specialists working with abused children (police officers, prosecutors, psychologists,

and social assistants) and with child victims-witnesses of child trafficking, sexual abuse and commercial sexual exploitation of children. The interviews were confidential and due protection of the personal data of those interviewed was ensured.

#### Main findings and conclusions of the rapid assessment:

- The specialists understand the traumatic impact of abuse on children's health and development, however they tend to interpret the child victims' behaviour in a negative way: lying, forgetting, changes in the mood, etc. are attributed to child's character and not to the impact of the distress.
- The specialists have limited knowledge about peculiarities of child development. They claim to have limited access to training and information materials in the field. In working with abused children they often rely on their intuition and life experience.
- The hearings of child victims-witnesses are not duly planned. Sometimes there can be up to 10-15 hearings. They usually take place in the offices of law enforcement officers, which are not adapted for children's needs.
- The psychologists / pedagogues are sporadically involved in the hearings. Their mediation role is perceived as rather formal.
- Common actions of different specialists to protect the rights of the child victims-witnesses are rarely planned. Multidisciplinary teams are created ad-hoc. The roles within the team are not clearly defined which leads to confusions.
- During the investigations the specialists working with a child victim-witness can change, and talking to a new person increases the child's frustration.
- The questions for the child victims-witnesses are formulated so that they confirm the presumptions made by the interviewer.
- Although children are informed about their rights, they often do not understand their meaning.

#### Recommendations:

- Professionals working with child victims-witnesses should be continuously trained and specialized methodological materials / guidelines for them should be developed.
- In order to prevent re-victimisation, audio-video recordings of the child victims-witnesses' hearings should be used as proof in the court. If the defendant part and the judge need to ask supplementary questions, additional hearings should be organized in a child-friendly environment.
- The methods to assess the needs of the child victims-witnesses and to prepare the children for the hearings need to be continuously improved.
- The number of hearings and the number of specialists involved should be reduced to minimum.
- Mechanisms to supervise the specialists are needed in order to prevent burn-out syndrome among the specialists involved in working with child victims-witnesses and in order to insure the quality of hearings and assistance provided to children.
- Good practices in the field (national and international) should be identified and replicated.
- An international conference should be organized in order to review the notions related to "investigative interview" and to formulate recommendations and principles regarding the organization of hearings (that could later become standard principles in the field).

The entire report on the rapid assessment will be soon placed on the web-page of the International Centre "La Strada" ([www.lastrada.md](http://www.lastrada.md)). For additional information: Alina Budeci, tel. – 23 49 06, mob. – 0684 42 022, e-mail – [assistance@lastrada.md](mailto:assistance@lastrada.md) .

Eugenia Benigni informed that the rapid assessment conducted by “La Strada” was financially supported by the OSCE Mission and financial support for a follow up in 2010 will be provided.

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

Ion Oboroceanu, Causeni Law Centre, asked how many cases were identified when a child victim-witness had to go through 10-15 hearings, whether the responsible specialists (psychologists, social assistants, legal assistants, etc.) intervened to stop such practices, and whether anyone was sanctioned. He also asked in how many cases audio-video recordings were used in the courts in order to prevent revictimisation of the child.

Alina Budeci explained that the researchers did not look specifically at the number of cases when there were more than five hearings. However, most of the interviewed specialists mentioned cases of multiple hearings when children are interviewed by different people. No specialist reported that they would protest against a big number of hearings. Often, the legal assistant was not present during the hearings. Also, the number of cases when audio-video recordings were used is not known, but one of the recommendations made by the interviewed specialists was that this technique should be used.

Daniela Samboteanu, National Centre for Child Abuse Prevention (NCCAP), informed that in 2007 the organization assessed Moldovan legislation regulating legal hearings of children in order to analyze whether it is in line with international child protection standards (the report is available on [www.cnpac.org.md](http://www.cnpac.org.md)). The assessment showed that, although Moldovan legislation is generally aligned to international standards, there are some gaps, including the lack of clear provisions on the maximum number of hearings (according to Moldovan legislation, the number of hearings is practically unlimited). In a number of countries only one hearing of a child victim-witness is allowed; it is being recorded and the audio-video recording is being used as often as needed.

The role of the social assistant in the legal hearings of child victims-witnesses is not defined. According to Moldovan legislation, the hearing of a child during the investigation process is to be conducted by the prosecutor or by the investigating police officer, and in the court – by the judge, the child being assisted by a psychologist or a pedagogue. There are no legal provisions on how the specialists should prepare the child victims-witnesses for the hearings.

Ana Revenco, “La Strada”, stated that even existing legal provisions are often misinterpreted and not properly applied in practice. Audio-video recordings, although allowed by Moldovan legislation, are not used, mainly because law enforcement agencies lack necessary equipment and specialized staff able to work with it. Repeated hearings are often organized as simple meetings or interviews, without being properly documented. Thus, even if the legislation would limit the number of hearings, such provisions might be ineffective. First of all, it is necessary to change the attitude of the specialists working in the field.

Valentina Bodrug-Lungu, NGO “Gender Centre”, commented that examples of good practices existing in Moldova should have been included in the report, such as the hearings organized with the support of the NCCAP in a specially equipped child-friendly room. She also mentioned that some recommendations from the report are not relevant (e.g., organizing an international conference to review the notions related to “investigative interview”).

Ana Revenco explained that identification of good practices was not amongst the objectives of the rapid assessment. She also clarified that the conclusions and the recommendations included in the report were given by interviewed specialists; “La Strada” only collected and systematized them.

Eugenia Benigni added that the list of recommendations is not exhaustive and needs further work. Discussions should be continued and involve governmental and non-governmental stakeholders and international organizations.

Galina Gavrilita, Ministry of Education, stated that recommendations need to be very clear and specific; otherwise they will not be implemented. She expressed the doubt that the ministries have resources to implement all recommended actions (e.g., continuous training for the specialists), thus many of these recommendations might have to be implemented by NGOs. Ion Oboroceanu argued that implementing these recommendations cannot be the responsibility of NGOs and international organizations. A system to insure continuous training of specialists should be created.

Eugen Moraru, Centre to Combat Trafficking in Persons, commented that repeated hearings of child victims-witnesses take place because the law enforcement agencies have the obligation to ensure the protection of defendants’ rights. He suggested that, in order to improve the quality of hearings and investigations, specialized prosecutors should be appointed to deal exclusively with cases involving children.

Ana Revenco informed about a two-year joint project of “La Strada” and the NIJ, which includes: training programme for professionals in law enforcement and justice systems, study visits, regional events with participation of law enforcement professionals from Moldova, Belarus, Ukraine and Great Britain. Also a special room for hearing child victims-witnesses will be equipped. Within this project, in February 2010 a group of judges, and representatives of the GPO and of the Ministry of Interior had a study visit was to Lithuania. In March a training for trainers was organized (on topics related to child rights, specialized techniques in hearing child victims-witnesses, multidisciplinary approach, etc.). Although the training programme cannot cover all existing specialists, it is expected that the training module will be institutionalized by the NIJ.

Daniela Samboteanu informed about the communication campaign implemented by the NCCAP, targeting judges, prosecutors and investigation officers. The campaign aims at raising the awareness of these professionals about the protection of the rights of the child victims-witnesses of abuse. The first phase of the campaign – “Mr. Judge, I am scared!” – was organized in 2007-2008. The second phase – “Mr. Judge, I have the right not to be scared!” – is to be launched during the summer of 2010.

Valentina Bodrug-Lungu announced that the National Bureau of Statistics launched the publication “Crime in the Republic of Moldova” (“Infractionalitatea in RM”). Those interested in getting a copy (free of charge) should contact Ms. Liuba Stoianov, tel. 73 15 68.

*Approved by TCM:*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Eugenia Benigni, Chair*